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LOCAL GOVERNMENT ACT 1995

SHIRE OF MUNDARING

LOCAL LAW: SIGNS

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In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it the Council of the abovementioned municipality hereby records having resolved on the 26th day of August 1996 to make the following Local Law—

1. Repeal

The By-laws Relating to Signs, Hoardings and Bill Posting published in the *Government Gazette* on 10 January 1966 and amended in the *Government Gazette* on 3 July 1981, 21 August 1981, 17 November 1989 and 8 February 1991 are hereby repealed.

2. Citation

These Local Laws are hereby cited as the Shire of Mundaring Local Laws relating to Signs.

3. Interpretation

In this Local Law, unless the context otherwise requires—

“**Act**” means the Local Government Act 1995;

“**advertisement**” has the same meaning as “sign”;

“**advertising device**” means any object or structure on which any word, letter, number, symbol, figure, drawing, image or other representation or message whatsoever is written, placed, affixed, attached, painted, projected or otherwise displayed or on which provision is made for the same, for the purpose of giving any message or direction or promoting or publicising any business, project, function, enterprise, or undertaking, or any function or event, or any person, body or group, or any product or article, or other thing whatsoever, and includes an airborne device anchored to any land, building or other thing whatsoever, and also includes any vehicle or trailer or other similar object placed or located so as to serve the advertising purpose hereinbefore referred to;

“**amenity**” means the quality and the conditions and characteristics of a locality or a lot or building (as the context requires) which contribute to their pleasantness and harmony and better enjoyment;

“**animation**” means the incorporation of movement on, in or associated with a sign or advertising device including but not limited to illumination, rotation, flapping and any mechanical or electrical device;

“**bill**” means any written, printed or illustrated message or matter on paper, plastic or similar material;

“**bill posting**” means the attaching, sticking, painting, or stencilling of any bill, poster, placard or advertisement on any building, structure, fence, wall, hoarding, sign post, pole, blind or awning or on any tree, rock whether erected upon private property or upon a public place and to “post a bill” has a corresponding meaning;

“**business**” includes the conduct of a profession, trade or occupation;

“**community association**” means an institution, association, club, society or body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled to or permitted to receive any pecuniary profit from the transactions;

“**Council**” means the council of the Shire of Mundaring;

“**development sign**” means a sign erected on an area of land which has been approved for subdivision into smaller lots, advertising the subdivided lots for sale.

“**district**” means the municipal district of the Shire of Mundaring;

“**domestic quantity**” means those quantities of goods, articles or things as would be utilized or kept in a single dwelling and excludes amounts of articles or things that would be sold by retail or wholesale distribution in the course of trade or commerce;

“**domestic usage**” means the use of goods or items for activities associated with individual residential or rural dwellings and excludes goods, items or things purchased or used for manufacturing, business, trade or commerce;

“**dwelling**” means a building containing at least one living room and includes rooms, outbuildings and other structures attached to or separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

(a) a single person;

(b) a family;

(c) no more than six persons who do not comprise a single family, but share the accommodation.

- “**exempt sign**” is a sign which is classified as exempt pursuant to Part 3 of this Local Law, or which is exempt pursuant to the provisions of a town planning scheme;
- “**fascia**” means the cladding or panel erected to enclose or finish the edge of the roof of a building and which may be incorporated as an architectural feature;
- “**fascia sign**” means a sign erected or displayed on the fascia of a building;
- “**freestanding sign**” means a sign not attached to a structure or fixed to the ground or pavement and can be carried by one person but does not include sign on vehicles or trailers;
- “**frontage**” means that part of one elevation of a building that faces a street from which access and egress to the building is obtained;
- “**hoarding**” means a detached or detachable structure including a wall panel or an illuminated panel other than a pylon sign that is erected for the sole purpose of displaying one or more signs or advertising devices but excludes hoardings referred to in Section 377 of the Local Government (Miscellaneous Provisions) Act 1995;
- “**home occupation**” means an occupation or profession which is carried on in a dwelling or within the curtilage of a dwelling by a person resident therein;
- “**household goods**” means items that are associated with dwellings as distinct from items associated with a business, institutional, commercial or industrial enterprise;
- “**identification sign**” means a sign displayed for the purpose of identifying a business, profession, trade or occupation and includes a home occupation;
- “**illumination**” means a method by which a sign is so arranged as to be capable of being lighted from within or without the sign by artificial light provided or mainly provided for that purpose;
- “**Objectives**” means the Objectives in clause 5.7 of the Shire of Mundaring Town Planning Scheme No 3 as contained in Schedule 1 to this Local Law;
- “**planning approval**” means approval by Council of both an Application for Planning Approval and an Application for Advertisement Approval made for the erection or display of a sign within the district;
- “**public thoroughfare**” includes a street, way, footpath, carriageway and all other parts of a road reserve;
- “**pylon sign**” means a sign supported by one or more columns and not attached to a building and includes a detached sign framework supported on one or more columns to which infills may be added;
- “**residential building**” has the meaning given to it in the Shire of Mundaring Town Planning Scheme No 3;
- “**reserve**” includes land under the care, control and management of the Shire, land vested in the Shire, land reserved under the Land Act 1933 and land the subject of a reservation under a town planning scheme;
- “**Shire**” means the Shire of Mundaring;
- “**sign**” means an advertising device which includes any object or structure on which any word, number, figure, image, drawing, representation or message whatsoever is written, placed, affixed, attached, painted, projected, or otherwise displayed, or on which provision is made for the same, for the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever, and includes any airborne device anchored to any land or building or any vehicle or trailer or other similar object placed, or located so as to serve the purpose of advertising any business, function, operation, development, event, undertaking, person or any product or thing whatsoever;
- “**site specific advertising**” means any advertising of a message or thing which only identifies the name and/or principal business and/or a thing or service, produced, stored, displayed, sold or supplied in the principal business of an occupier of the land or building on which the advertising appears or is proposed to appear;
- “**temporary community service sign**” means a sign relating to or giving directions to a charitable, cultural, educational, recreational or other public or community function, exhibition, meeting, display, event or activity conducted by a community association and other than for commercial gain;
- “**town planning scheme**” means any town planning scheme in force in the district of the Shire published in the *Government Gazette* pursuant to the Town Planning and Development Act 1928 as amended from time to time, or any zoning scheme replacing it for the time being in force within the district;
- “**wall sign**” means a sign fixed or painted on the wall of a building and may include a panel on which a sign is painted or affixed;
- “**window sign**” means a sign fixed to or painted on the glazed area of a window of a building;
- “**zone**” means land classified in a town planning scheme operating within the Shire of Mundaring pursuant to the Town Planning and Development Act 1928.

Where applicable, any word or expression in this Local Law and not defined in Section 3 has the same meaning as is given to it in the Act.

PART 1: STANDARDS: SIGNS GENERALLY

4. Standards for all signs

A sign erected or displayed within the district shall—

- (a) be securely fixed to and not affect the stability of any structure which supports it;

- (b) be structurally sound and capable of withstanding any forces to which it would be reasonably subjected without collapsing, deforming or moving from the position in which it was erected or displayed;
- (c) not contain glass in its construction unless the glass is part of an illuminating globe or tube;
- (d) be constructed and erected in such a manner that will not cause injury or damage to property or persons;
- (e) not be erected or displayed so as to obstruct the free passage of vehicles or pedestrians;
- (f) not be placed in a position such that in the opinion of Council it affects the amenity of any building or lot;
- (g) not be erected or displayed in such a position that in the opinion of Council it constitutes a hazard to vehicular or pedestrian traffic or a nuisance to the public or may be confused with traffic signs; and
- (h) not be erected in any position where in the opinion of Council it obstructs or impedes all or part of the view which may be enjoyed from a street, way, footpath, public place or private property of a river, the sea or any other place or feature of natural beauty.

5. Maintenance of signs

Every sign or advertising device (whether exempt or the subject of a planning approval) shall be kept clean and free from unsightly matter and all graphics, inscriptions and writings thereon shall be maintained in good order and condition.

6. Signs to be site specific

All exempt signs, with the exception of Temporary Community Service Signs shall be site specific.

PART 2: PROHIBITED SIGNS

7. Prohibited signs

No sign shall be erected or displayed unless it—

- (a) is the subject of a current planning approval; and
- (b) complies with this Local Law; or
- (c) is an exempt sign pursuant to this Local Law.

8. Advertising of unlawful land use prohibited

No sign shall advertise or promote a use of land which is contrary to the provisions of any town planning scheme in force within the district.

9. Hoardings prohibited

No person shall erect or display a hoarding within the district.

10. Bill posting prohibited

No person shall post a bill within the district.

PART 3: EXEMPT SIGNS: GENERAL

11. Exempt signs

No person shall erect or display a sign which is not an exempt sign unless prior written planning approval has been obtained from the Shire.

12. Restrictions on exempt signs

An exempt sign shall not—

- (a) be illuminated;
- (b) incorporate animation or movement in its design or structure;
- (c) contain reflective, retro-reflective or fluorescent materials in any part of its design or structure.

13. No exempt signs on reserve

No sign, except a Temporary Community Service Sign, shall be erected on a reserve within the district.

14. Inscriptions permitted on exempt signs

An exempt sign may only include—

- (a) the name of the occupier;
- (b) a description of the type of business carried on in the premises;
- (c) the telephone number of the occupier;
- (d) a description of the goods and/or services provided or offered for sale on the premises on which the sign is erected or displayed; and
- (e) the trademark or logo of the business or products offered for sale on the premises.

15. Identification of owner

In addition to the inscriptions permitted pursuant to the preceding clause an exempt sign shall contain on it clearly displayed in legible lettering and numbers not less than 5 mm in height:

- (a) the name of the owner of the sign; and

- (b) the name, address and telephone number (if any) of the person who displayed or erected the sign.

16. Position and support of exempt signs

- (a) An exempt sign may only contain site specific advertising.
- (b) An exempt sign shall not be placed on, or fixed to a building if it requires a structure, cladding or other material or device to be incorporated in or added to the building solely for the purpose of placing or affixing the sign.
- (c) An exempt sign shall not be placed on any object or structure which is not a building, unless the object or structure is specifically designed for the support or display of the exempt sign, and complies with Section 4 of this Local Law.
- (d) An exempt sign in a commercial or industrial zone may only be erected or displayed on the frontage of a building.

ALL AREAS

17. Identification signs

- (a) An identification sign shall—
- (i) contain only the name, occupation, profession, trade or business of the occupier of the premises on which the sign is erected or displayed; and
 - (ii) not exceed 0.2 m² in area.
- (b) There shall be only one identification sign for each occupation, profession, trade or business in a building.

18. Temporary community service signs

18.1 Temporary Community Service Signs may be erected in a private or public place subject to the following—

- (a) no sign shall exceed 0.5 m² in area. Notwithstanding this provision not more than two such signs may be erected on or adjacent to the locality of premises where the function is to be held, provided neither sign exceeds 6.0 m² in area.
- (b) if a Temporary Community Service Sign is free standing it shall not:
 - (i) exceed 900 mm in height;
 - (ii) have more than two faces;
 - (iii) exceed 1.0 m in width.
- (c) there shall be no more than 10 such signs relating to the same event or function displayed within the district.
- (d) the sign or signs shall be removed within seven (7) days of the function being held.
- (e) no two Temporary Community Service Signs advertising the same event or activity shall be closer together than 100 m unless exempted by the provision of clause (a) of this clause;
- (f) no more than two Temporary Community Service Signs each advertising different events or activities shall be erected or displayed closer together than 2 m.

18.2 A person who erects a Temporary Community Service Sign that does not comply with the Objectives commits a breach of this Local Law and Council may, subject to compliance with the impounding provisions contained in Division 3, Subdivision 4 of the Act, in addition to instituting a prosecution for the breach remove any such Temporary Community Service Sign from any public place or thoroughfare.

COMMERCIAL AND INDUSTRIAL ZONES

19. Window signs

19.1 A window sign shall—

- (a) only be fixed to or painted on a ground floor window of a building;
- (b) shall not exceed in area 25% of the area of all windows on the ground floor on the frontage of a building; and
- (c) shall not exceed 50% of the area of the window on which it is painted or fixed.

19.2 Notwithstanding subclause 19.1(b), a window sign for a temporary sale of goods by retail may be painted or fixed over 50% of the area described in that subclause provided that—

- (a) the sign shall not be displayed for a period exceeding six weeks; and
- (b) the sign does not in the opinion of Council, affect the amenity of the building on which it is fixed or painted.

20. Wall signs: Fascia signs

One wall and/or one fascia sign may be fixed to or painted on the frontage of a building for each occupation profession trade or business carried on in that building provided that—

- (i) the total area of the individual signs does not exceed—
 - (A) if both a wall sign and fascia sign are displayed

wall sign:	—	2.0 m ²
fascia sign:	—	4.0 m ²

(B) if only a fascia sign is displayed

fascia sign: — 8.0 m²

a wall sign shall not exceed 2.0 m² in area.

- (ii) the signs are not placed within 500 mm of the boundary of premises occupied by an profession, trade or business;
- (iii) the signs do not extend vertically or horizontally to cover more than 75% of the height or length of the wall or fascia;
- (iv) for the purposes of measurement of a sign, the measurements shall be the horizontal and vertical extremities of any text or inscription, or any coloured or textured background, that is part of the sign; and
- (v) a wall sign or fascia sign shall not project more than 200 mm from the face of the wall to which it is attached.

21. Pylon signs

21.1 Only one pylon sign shall be permitted on a lot.

21.2 A pylon sign shall—

- (a) be supported on no more than two metal or timber columns of sufficient size and strength and erected in such a manner that will comply with Part 1 of this Local Law;
- (b) not project over a reserve;
- (c) be located a minimum of 1800 mm from the side boundaries of the lot;
- (d) not have any part thereof more than 3.0 m above the level of the ground immediately below it;
- (e) not exceed 2.0 m across the horizontal face of the sign;
- (f) where the sign relates to a number of businesses on a lot, be limited to a maximum area of 4 m²;
- (g) have all sign panels on the pylon matching one another in width and alignment.

22. Freestanding signs

22.1 A freestanding sign shall—

- (a) not exceed 900 mm in height;
- (b) not have more than two faces; and
- (c) not exceed 1.0 m in width.

22.2 There shall be no more than two freestanding signs on any one lot.

RESIDENTIAL ZONES, GENERAL RURAL AND RURAL LANDSCAPE LIVING ZONES

23. Temporary signs: private dwellings

A temporary sign (private dwellings) advertising the sale of items of domestic goods or property may be displayed on a residential lot on which there is a dwelling—

- (a) the goods or property advertised for sale are second hand.
- (b) the sale is not part of the activity of any business, trade, occupation or profession;
- (c) the quantity of goods or property advertised to be sold are in domestic quantities;
- (d) there are not more than two temporary signs displayed on a lot;
- (e) the total area of the two signs shall not exceed 1.5 m²;
- (f) the sign is displayed for no more than seven days; and
- (g) the sign is not displayed on the same lot for more than two periods each six months.

GENERAL RURAL AND RURAL LANDSCAPE LIVING ZONES

24. Rural produce signs

A rural produce sign may be erected or displayed on land in the General Rural and Rural Landscape Living zones of the Shire's town planning scheme provided that—

- (a) the sign shall only advertise produce which has been grown on the land on which the sign is erected and which produce has not been subjected to any processing or treatment elsewhere than on the land;
- (b) the sign is withdrawn when the produce is not available for sale;
- (c) if there are two or more lots which abut each other and under one ownership there shall be no more than two such signs displayed at any one time in respect of all produce grown on all of those lots;
- (d) the area of the sign shall not exceed 1.5 m².

PART 4: OTHER SIGNS

25. If a sign is not an exempt sign then an Application for Planning Approval must be made, accompanied by an Application for Advertisement Approval and planning approval obtained before the sign is erected or displayed.

26. Offences

26.1 No person shall erect or display a sign which is not an exempt sign without first having applied for and obtained the planning approval of the Shire under its town planning scheme.

26.2 A person who erects or maintains, authorises or permits to be erected or maintained a sign or advertising device contrary to the provisions of this Local Law commits an offence.

27. Notice

Notwithstanding the provisions of this Local Law, Council may serve on the owner or occupier of any lot or building upon which a sign or advertising device is erected or displayed contrary to this Local Law, notice to remove the sign within such time as may be specified in the notice. A person failing to comply with the terms of such a notice pursuant to this clause commits an offence.

PART 5: POWERS OF COUNCIL**28. Public places**

Council or a person acting under the authority of Council may remove any sign, advertisement, advertising device, hoarding or signboard placed on or erected on any public thoroughfare or other public place under the care and control of Council without incurring any liability therefor.

29. Penalties

Any person convicted of an offence against this Local Law is liable to:

- (a) a penalty not exceeding five thousand dollars (\$5,000); and
- (b) a further penalty not exceeding fifty dollars (\$50) for every day during which the offence continues after conviction for the same.

PART 6: APPEALS/OBJECTIONS**30. Appeals: objections**

A person aggrieved by a decision of the Shire may have a right of objection and/or appeal under Part 9 of the Act.

SCHEDULE 1**Town Planning Scheme No.3****Clause 5.7**

The general objectives of the Scheme are—

- (a) to zone land within the District for the purposes described in the Scheme so as to promote the orderly and proper planning and the preservation and enhancement of amenity within the District;
- (b) to set aside land as reservation for public purposes;
- (c) to ensure the orderly and proper use and development of land within the District;
- (d) to protect and enhance the quality of the urban and rural living environments characteristic of the District, and to provide for such expansion as is consistent with the maintenance of the amenities of the District;
- (e) to promote the health, safety, convenience, and the economic and general welfare of the District;
- (f) to ensure the use and development of land does not result in significant adverse impacts on the physical environment;
- (g) to assist in the protection of regional forest, water catchment, recreational and other land resources;
- (h) to maintain the separate identities of the settlements in the District by preventing their coalescence;
- (i) to encourage the continued use of land for rural pursuits in appropriate areas within the District;
- (j) to protect objects and places of outstanding natural, (eg landform, watercourses) historic, architectural, scientific and cultural significance; and
- (k) to make provision within the District for such of those matters set out in Section 6 and the First Schedule of the Act as are necessary or incidental to the effective operation of a district zoning scheme.

The Common Seal of Shire of Mundaring was hereunto affixed by authority of a resolution of the Council in the presence of—

JOHN ELLERY, Shire President.
M. N. WILLIAMS, Chief Executive Officer.

