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LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAMPTON

**LOCAL LAW RELATING TO
SIGNS**

LOCAL GOVERNMENT ACT 1995**SHIRE OF NORTHAMPTON****LOCAL LAW RELATING TO SIGNS**

Under the powers conferred upon it by the Local Government Act 1995, and all other powers enabling it, the Council of the Shire of Northampton resolved on 21 November 1997 to make the following local law.

1. Citation

This Local Law may be cited as the Shire of Northampton Local Law Relating to Signs.

2. 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 on which words or numbers or figures are written, printed, affixed, illustrated or painted for the purpose of advertising any business, function, operation, event or undertaking or any product or thing and includes any vehicle or trailer or other similar stationery object placed or located so as to serve the purpose of advertising any business, function, event or undertaking or any product or thing;

“bill” means any material on which words, numbers or figures are written, placed, printed, illustrated or painted;

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

“business direction sign” means a sign erected in a public thoroughfare or public place which indicates the nature of the business that may be located by following the direction indicated by the sign, but does not include any such sign erected by the Commissioner of Main Roads under regulation 301 of the Road Traffic Code 1975;

“CEO” means the Chief Executive Officer of the Shire;

“Council” means the Council of the Shire of Northampton;

“development sign” means a sign erected on an area of land which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no building development has taken place at the time of the approval of the sign;

“district” means the district of the Shire;

“electoral sign” means a sign containing an advertisement relating to an election or to a referendum;

“exempt sign” means a sign referred to in Clause 6;

“fascia sign” means a sign erected or displayed on the fascia of a building or the fascia of a verandah;

“fly posting” means advertising by means of posters placed on fences, walls, trees and like structures;

“freestanding sign” means any sign not attached to a structure or permanently fixed to the ground or pavement;

“hoarding” means a detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and includes a poster panel or an illuminated panel; but does not include a hoarding within the meaning of Section 377 of the Local Government (Miscellaneous Provisions) Act 1960;

“horizontal sign” means a sign fixed parallel to the wall of a building to which it is attached and with its largest dimension being horizontal;

“illuminated sign” means a sign which can be lighted either from within or without the sign by artificial light provided, or mainly provided for that purpose and which does not emit a flashing light;

“institutional sign” means a sign erected or placed on any land or building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature;

“licensee” means the person to whom a licence is issued under this Local Law;

“planning consent” means the approval granted by Shire for the erection or display of a sign pursuant to the Town Planning Scheme;

- “premises” means land and, unless the context otherwise requires, the buildings upon that land;
- “public thoroughfare” includes a street, road, footpath, carriageway and all other parts of a road reserve;
- “pylon sign” means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infills may be added;
- “reserve” includes land vested in, or under the care, control and management of the Shire;
- “roof sign” means a sign erected on or above the roof of a building;
- “rural producer sign” means a sign erected on land zoned rural under a Town Planning Scheme indicating the products grown, reared or produced on the property;
- “sale sign” means a sign displayed on premises advertising the sale, letting or auction of the premises;
- “semaphore sign” means a sign affixed and supported at, or by, one of its ends only;
- “Shire” means the Shire of Northampton;
- “sign” includes any advertising device or other sign type defined in this Local Law;
- “sign infill” means a panel which can be fitted into a pylon sign framework;
- “Surveyor” means the Building Surveyor of the Shire;
- “tower sign” means a sign affixed to or placed on a chimney stack or an open structural mast or tower;
- “Town Planning Scheme” means an existing town planning scheme of the Shire made under the Town Planning and Development Act 1928;
- “verandah” includes cantilever verandahs and balconies whether over thoroughfares or over private land;
- “verandah sign” includes any sign, above or below a verandah fascia;
- “vertical sign” means a sign fixed parallel to the wall of a building to which it is attached and with its largest dimension being vertical;
- “window sign” means any sign fixed to or painted on the glazed area of a window of a building.

3. Application of Local Law

This Local Law applies throughout the whole of the district.

4. Sign Standards

All signs or advertising devices (including an exempt sign) erected or displayed within the district shall—

- (a) be securely fixed to any structure which supports it;
- (b) be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing, deforming or moving from the position on which it was erected or displayed;
- (c) be constructed and erected to the satisfaction of the Surveyor;
- (d) not be erected or displayed in a position so as to obstruct the passage of or so as to create a hazard for vehicles or pedestrians;
- (e) comply with the regulation 301(4) of the Road Traffic Code 1975;
- (f) not be erected or displayed in a position that in the opinion of the Shire adversely affects the local amenity;
- (g) not be erected or displayed in a position that significantly obstructs or impedes all or part of a view of a river, the sea or other place or feature which in Council’s opinion is of significance to the district;
- (h) be maintained in good order and a clean condition;
- (i) other than a business direction sign, be erected or displayed directly on the premises the subject of the planning consent or licence granted under this Local Law;
- (j) not be affixed to a street tree.

5. Prohibited Signs

5.1 Clause 5.2 does not apply to an exempt sign.

5.2 No sign or advertising device shall be erected or displayed unless it is the subject of:

- (a) a current planning consent; and
- (b) a current licence granted under this Local Law.

6. Exempt Signs

An exempt sign for the purpose of this Local Law is—

- (a) any sign which is classified as exempt under a Town Planning Scheme;
- (b) any sign which is the subject of an existing approval made prior to the date of effect of this Local Law;
- (c) any advertisement affixed to or painted on a shop window by the occupier of the shop and relating to the business carried on in the shop;
- (d) any sign within a building;

- (e) any building name sign on residential flats or home units which has a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- (f) any newspaper poster;
- (g) a rural producer sign.

7. Applications for Licences

7.1 An application for a licence under this Local Law shall be made in the form set out in the First Schedule to this Local Law.

7.2 An application for a licence in respect of a sign shall be accompanied by a plan drawn at a scale to the satisfaction of the Surveyor showing the position, design, method of construction, colours to be used on and the method of illumination of the sign for which the licence is sought.

7.3 An applicant for a licence shall furnish, in writing, any further particulars as required by the Shire to enable the application to be considered.

8. Approval of Application

8.1 In accordance with this Local Law, the Shire may approve or refuse to approve an application for a licence.

8.2 The Shire may impose any conditions it thinks fit upon its approval of an application for a licence, including a condition limiting the period within which the sign may be erected or displayed.

8.3 The licensee shall comply with any conditions imposed under clause 8.2.

8.4 A licence shall be in the form set out in the Second Schedule to this Local Law.

8.5 Prior to the issuing of a licence by the Shire, the applicant must pay the fee determined by the Council under Clause 10 in respect of that licence.

9. Alteration of Sign

A licensee shall not alter a sign unless, prior to altering the sign:

- (a) the licensee has applied under the provisions of this Local Law for a new licence for the sign as altered; and
- (b) the Shire has approved the application.

10. Licence Fees

The Council may determine by resolution from time to time, the fees payable on the issue of any licence under this Local Law and the fees may vary with the type of licence issued.

11. Licence Numbers

11.1 A licensee shall cause to be painted or stencilled on the face of the sign the licence number in figures of at least 25mm in height.

11.2 The Shire may exempt a licensee from compliance with clause 11.1.

12. Licence to be Produced

The owner or occupier of premises on which a sign is erected or displayed shall, on demand by the Shire or an authorised Officer of the Shire, produce the licence for inspection.

13. Revocation of Licence

13.1 This clause is subject to Division 1 of Part 9 of the Act.

13.2 Where a licensee is found guilty of an offence against this Local Law the Shire may revoke her or his licence by a written notice to that effect given to the licensee.

13.3 A licence shall be revoked when the notice is given to the licensee.

13.4 Unless the licensee appeals against the revocation of her or his licence under section 9.7 of the Act, the licensee shall remove, or cause the sign the subject of the revoked licence to be removed as soon as practicable, and, in any event, within 28 days from the date of revocation.

14. Sign Designs

14.1 Every sign shall be designed to be compatible with the proposed surroundings, including buildings, landscaping and other signs.

14.2 Every sign attached to buildings shall be incorporated into the architectural features of the building in placement, style, proportions, materials and finish and shall be designed, constructed, finished, installed and professionally maintained.

15. Bill Posting

15.1 This clause does not apply to:

- (a) an advertisement affixed to, or painted on a shop window by the occupier of the shop and relating to the business carried on in the shop; or
- (b) any sign within a building.

15.2 A person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, sign, post, blind or awning.

16. Information on Signs

Every sign shall contain the following information only—

- (a) the name of the occupier;
- (b) the business carried on in the premises;

- (c) the occupier's telephone number;
- (d) a description of the goods sold or offered for sale in the premises to which the sign is affixed or to which it relates;
- (e) any other matter specifically approved by the Shire.

17. Business Direction Signs

17.1 The Shire may erect, on the application of a person, a business direction sign.

17.2 A business direction sign shall;

- (a) be 200mm wide;
- (b) have a maximum length of 1 metre;
- (c) bear white letters 160 mm high on a blue background; and
- (d) bear a description of the nature of the business which has been approved by the Shire.

17.3 An applicant for a business direction sign shall pay to the Shire all costs associated with the provision and installation of that sign.

18. Temporary Licences

18.1 Notwithstanding anything contained in this Local Law, the CEO may issue a temporary licence for the display of an advertisement of a meeting, charitable function, art or cultural activity, or other event of public interest.

18.2 An application for a temporary licence shall be made to the CEO in the form contained in the Third Schedule to this Local Law.

18.3 The CEO may impose any conditions he or she thinks fit upon the issue of a temporary licence, and the licensee shall comply with these conditions.

18.4 It is a condition of every temporary licence that the licensee shall cause the advertisement to which it relates to be removed not later than 48 hours after the conclusion of the meeting, function, activity or event of public interest.

19. Fly Posting

19.1 No person shall fly post at any place or location within the district.

19.2 Where a person is alleged to have committed an offence against this Local Law in respect of fly posting, the person authorising the advertisement shall be deemed to be the person who committed the offence.

20. Development Signs

A development sign shall be removed from the site within 2 years from the date of the licence or when 80 per cent of the lots in the subdivision have been sold, whichever is the sooner.

21. Hoardings

No person shall erect or display a hoarding at any place or location within the district.

22. Horizontal Signs

22.1 A horizontal sign shall—

- (a) be fixed parallel to the wall of the building to which it is attached;
- (b) not project more than 150mm from the wall to which it is attached; and
- (c) conform to the following table:

Minimum Distance of Sign above Street	Maximum Depth of Sign
Less than 7.5m	600mm
7.5m to 9m	750mm
9m to 12m	1000mm

22.2 There shall be not more than one line of horizontal signs on any elevation.

23. Illuminated Signs

Every illuminated sign shall—

- (a) have any boxing or casing in which it is enclosed constructed of incombustible material;
- (b) where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of breakage;
- (c) have its electrical installation constructed and maintained to the satisfaction of the appropriate electricity supply authority and in accordance with any written law with respect to the construction and maintenance of electrical installations for illuminated signs;
- (d) be maintained to operate as an illuminated sign;
- (e) not have a light of such intensity as to cause annoyance to the public or be a traffic hazard; and
- (f) not emit a flashing light.

24. Information Panels

The Shire may provide tourist or other information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

25. Pylon Signs

25.1 A pylon sign shall—

- (a) not have any part more than 6000mm above the level of the ground immediately below it;
- (b) not exceed 4sqm in area unless approved by the Shire;
- (c) be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
- (d) not be within 2000mm of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right-of-way, where the Shire may authorise the erection of the sign at a distance less than 2000mm;
- (e) not have any part less than 6000mm from any part of another sign erected on the same lot.

25.2 Where pylon signs are to be erected on a lot on which a factory tenement building or small shops are erected or are to be erected the Shire may require all the pylon signs to be incorporated into one sign in which case:

- (a) all of the constituent or infill signs are of an equal size; and
- (b) one constituent or infill sign is provided for each business, shop or unit on the lot.

26. Roof Signs

A roof sign shall comply with the following table—

Height of Main Building above Ground level at Point where Sign is to be fixed	Maximum Height of Sign
4m and under 5m	1250mm
5m and under 6m	1800mm
6m and under 12m	3000mm

27. Rural Producer Signs

A rural producer sign shall—

- (a) not indicate or display any matter otherwise than for the purpose of indicating the products grown, reared or produced on the property on which the sign is erected;
- (b) be erected within the boundaries of the property; and
- (c) not exceed 2sqm in area.

28. Verandah Signs

28.1 Signs On Verandah Fascias: A sign fixed to the fascia of a verandah shall—

- (a) shall not exceed 600mm in depth; and
- (b) shall not project beyond the fascia.

28.2 Signs under Verandahs: A sign under a verandah shall—

- (a) not exceed 2500mm in length or 400mm in depth;
- (b) be fixed at right angles to the front wall of the building before which it is erected except on a corner of a building at a street intersection where the sign may be placed at an angle with the wall so as to be visible from both streets; and
- (c) be so placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of such sign.

29. Vertical Signs

A vertical sign shall—

- (a) not project more than 50mm from the face of the building to which it is attached;
- (b) not be within 600mm of either end of the wall to which it is attached;
- (c) be of a height at least twice its width;
- (d) not be placed on a corner of building, except at a street intersection where it may be placed at an angle with the walls so as to be visible from both streets;
- (e) not exceed 750mm in width exclusive of the back projection; and
- (f) not exceed 2sqm in total area on premises being a shop or office or both.

30. Municipal Heritage Inventory

The Shire shall consider the recommendations contained within the municipal heritage inventory and place conditions on issuing a licence for any property identified on the inventory.

31. State Register of Heritage Places

The Shire shall consider the recommendations of the Heritage Council of Western Australia and place conditions on issuing a licence for any property classified on the State Register of Heritage Places.

32. Notice

In addition to any other power conferred by this Local Law, the Shire may give to the owner or occupier of any premises on which any sign is erected, affixed or maintained, contrary to this Local Law, notice to remove the sign within such time as may be specified in the notice; and any person failing to comply with the terms of a notice served pursuant to this Local Law commits an offence.

33. Public Places

33.1 An Officer authorised by the Shire may remove to a place nominated by the Shire any sign, hoarding or sign board placed on or erected or displayed in contravention of this Local Law on any public thoroughfare or other place vested in, or under the care, control and management of the Shire.

33.2 The Shire may, without being liable in damages or otherwise, store or dispose of any sign, hoarding or sign board removed under clause 33.1, and may re-instate the public thoroughfare or place from which the sign, hoarding or sign board was removed.

33.3 The Shire may recover both the costs of removing, storing or disposing of a sign, hoarding or sign board and the costs of re-instating the public thoroughfare or place from the person who erected or displayed, or caused to be erected or displayed, the sign, hoarding or sign board.

34. Offences

Any person who fails to do any act required to be done under this Local Law, or who does any act in contravention of this Local Law commits an offence.

35. Penalties

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

- (a) a penalty not exceeding \$2000; and
- (b) a daily penalty not exceeding \$50.

FIRST SCHEDULE**Shire of Northampton****LOCAL LAW RELATING TO SIGNS****APPLICATION FOR A SIGN LICENCE**

1. Name of Applicant
2. Address of Applicant
3. Details of Proposed Sign:
 - Type of Sign
 - Inscription/Design on Sign
 - Height (mm) Width (mm) Depth (mm)
 - Colours to be used
 - Materials to be used
 - Illuminated: Yes/No
 - If Yes, state intensity of light source
4. Premises on which Sign is to be Erected

The Applicant abovementioned applies for the issue of a licence in respect of the abovementioned sign.

Signature of Applicant(s) Date

NOTE: Applications should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement.

SECOND SCHEDULE**Shire of Northampton****LOCAL LAW RELATING TO SIGNS****SIGN LICENCE**

..... of

is licensed to erect and maintain a sign on the premises specified below subject to compliance with the Local Law relating to Signs.

Licence Number

Type of Sign

Premises on which Sign is to be Erected

.....

Conditions of Licence

.....

Dated this day of 19

Chief Executive Officer

This licence remains valid until any alteration is made to the sign, in which case the licensee must apply for a new licence.

THIRD SCHEDULE

Shire of Northampton

LOCAL LAW RELATING TO SIGNS

APPLICATION FOR A TEMPORARY SIGN LICENCE for the ADVERTISEMENT of a MEETING, CULTURAL ACTIVITY or EVENT of PUBLIC INTEREST

1. Name of Applicant

.....

2. Address of Applicant

.....

3. Details of Proposed Sign:

Type of Sign

Inscription/Design on Sign

Height..... (mm) Width..... (mm) Depth..... (mm)

Colours to be used

Materials to be used

.....

Illuminated: Yes/No

If Yes, state intensity of light source

4. Premises on which Sign is to be Erected

.....

.....

The Applicant abovementioned applies for the issue of a licence in respect of the abovementioned sign.

Signature of Applicant(s) Date

NOTE: Applications should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement.

FOURTH SCHEDULE

Shire of Northampton

LOCAL LAW RELATING TO SIGNS

TEMPORARY LICENCE for the ADVERTISEMENT of a MEETING, CULTURAL ACTIVITY or EVENT of PUBLIC INTEREST

..... of

.....

is licensed to erect and maintain a sign on the premises specified below subject to compliance with the Local Law relating to Signs.

Licence Number

Type of Sign

Premises on which Sign is to be Erected

.....
.....

Conditions of Licence

.....
.....
.....
.....
.....
.....

Dated this day of 19.....

.....
Chief Executive Officer

This licence remains valid until any alteration is made to the sign, in which case the licensee must apply for a new licence.

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

C. ATKINSON, Shire President.
G. L. KEEFFE, Chief Executive Officer.

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