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LOCAL GOVERNMENT ACT 1995

SHIRE OF BUSSELTON

**LOCAL LAW RELATING TO SIGNS AND
OTHER ADVERTISING DEVICES**

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In pursuance of the powers conferred upon it by the *Local Government Act 1995* and of all other powers enabling it, the Council of the Shire of Busselton resolved on the 27 August 2003 to repeal the Local Government Model By-Laws (Signs, Hoardings and Billposting) No 13, published in the *Government Gazette* 11 June 1964 and to make the following Local Law relating to Signs and other Advertising Devices.

PART 1—CITATION AND INTERPRETATION**1. Citation and Purpose**

1.1 This Local Law may be cited as “Shire of Busselton Signs Local Law”.

1.2 This Local law is made for the purpose of providing powers for and a system of regulation in relation to Advertising Devices used within the Shire taking into account the needs of the persons to be informed of the services available in the Shire, the commercial needs of businesses in the Shire as well as the desire to preserve the amenity of all areas within the Shire and to ensure some uniformity in the type of signs used in the Shire.

2. Interpretation

2.1 In this Local Law, unless the context otherwise requires—

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

“Advertising Device” means any object or structure on which any word, letter, number, symbol, figure, drawing, image or other representation whatsoever is written, placed, affixed, attached, painted, projected or otherwise displayed for the purpose of giving any message or direction or promoting or publicising any business, project, 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 a Sign, a Hoarding, a Wall Panel, an airborne device anchored to any land, building or thing, and also includes any vehicle or trailer or other similar object placed or located so as to serve the purpose herein before referred to;

“Banner Sign” means a Portable Sign predominantly made of fabric, plastic or a similar flexible material;

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

“Bill Posting” means the attaching, sticking, printing, or stencilling of any bill, poster, placard, advertisement on any building, wall, hoarding or structure whether erected upon private property or upon a public place and to “Post a Bill” has a corresponding meaning;

“Building Surveyor” means a building surveyor appointed by the Shire pursuant to the Miscellaneous Provisions Act;

“Commercial Area” means an area zoned as tourist, business, restricted business or similar under the Town Planning Scheme and does not include any land coming within an Industrial Area;

“Council” means the Council of the Shire;

“Development Sign” means a sign erected on an area of land which land has been approved for —

- (i) subdivision or strata subdivision into a number of smaller lots and which advertises those lots as a whole for sale but upon which land construction has not commenced on any building since approval of the subdivision and at the time of first approval of the sign; or
- (ii) development of a residential, tourist, commercial or business development consisting of more than 10 separate accommodation units or tenancy areas.

“Directional Sign” means a sign erected in a street, road reserve or public place to indicate the direction to another place but does not include any such sign erected or displayed by the Shire or the Commissioner of Main Roads or a road direction sign erected or displayed by the Shire or the Commissioner of Main Roads or a road direction sign erected or displayed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the *Road Traffic Act 1974*;

“Display Home Sign” means a sign erected on a lot on which a home is erected where the lot and house have been approved as meeting the Shire’s requirements for a display home;

“District” means the district of the Shire in accordance with the Act;

- “Free Standing Sign” means an Advertising Device supported by some other structure which is erected for the primary purpose of supporting the Advertising Device and which is not attached to any part of a building and where this Local Law refers to a Free Standing Sign this includes both the sign itself and any structure supporting the sign as well as including a detached sign framework supported on one or more piers on which Sign Infill may be added and any Sign Infill;
- “Hire Site” means a license and/or other approval issued under the Town Planning Scheme and/or the Shire's Reserves and Foreshores Local Law for the hire of goods and services to the public from Reserves and/or Foreshore areas in the Shire;
- “Hoarding” means a detached or detachable structure including a Wall Panel or an Illuminated Sign, but not a Free-Standing Sign, that is erected for the sole purpose of displaying one or more Signs or Advertising Devices but excluding hoardings referred to in Section 377 of the Miscellaneous Provisions;
- “Identification Sign” means a sign not attached to a building or other structure that displays any or all of the names of, occupation of or business of the person or persons occupying the land on which it is located;
- “Illuminated Sign” means a sign that is so arranged as to be capable of being lighted either from within or from without the sign by artificial light provided, or mainly provided, for that purpose;
- “Industrial Area” means an area zoned industrial or light industrial under the Town Planning Scheme;
- “Information Panel” means a panel used for displaying Government and Local Authority notices or announcements of a religious, educational, cultural, recreational or similar character which are for the benefit of the public generally or particular sections of the public;
- “Institutional Sign” means a sign erected or placed on any private property, public place or building used for or in connection with a medical or dental surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature;
- “Licence” means a licence issued by the Shire under this Local Law;
- “Licensee” means the holder of a licence issued by the Shire under this Local Law;
- “Miscellaneous Provisions Act” means the *Local Government (Miscellaneous Provisions) Act 1960* or any replacement of this Act;
- “Planning Approval” means approval by the responsible authority under any Town Planning Scheme controlling land development and use within the District;
- “Portable Sign” means an Advertising Device not permanently attached to the ground or to a structure, wall, fence or building and including, but not limited to banners and also sandwich board signs consisting of two sign boards attached to each other at the top or elsewhere by hinges or other means;
- “Projection Sign” means a sign that is made by the projection of light on a wall or other structure;
- “Residential Area” means an area which is predominantly zoned residential, rural residential or special residential, or similar, under the Town Planning Scheme;
- “Roof Sign” means a sign erected on the roof of a building and includes any structure erected for the purpose of supporting a Roof Sign;
- “Rural Area” means an area which is predominantly zoned agriculture, viticulture and tourism, rural landscape or conservation or similar, under the Town Planning Scheme;
- “Sale Sign” means a sign indicating that the property or premises whereon the sign is affixed, are for sale, for letting or to be auctioned;
- “Semaphore Sign” means a sign attached or affixed to a structure or building which sign is affixed and supported at, or by, one of its ends only;
- “Service Station Sign” means a sign used solely for the purpose of advertising the price of petrol, diesel or motor fuel products sold from land used as a motor vehicle service station;
- “Shire” means the Shire of Busselton;
- “Sign” means an Advertising Device and includes a signboard or any message, direction or representation whatsoever displayed on a building or structure, a bunting sign, a clock other than a clock which is built into a wall and does not project beyond the face of the wall, or flags and bunting, whether they contain a written message or not, and every other type of sign defined or referred to in this Local Law;
- “Sign Infill” means a panel which can be fitted into a Free Standing Sign framework;
- “Tower Sign” means a sign affixed to or placed on a building or structure or a part of a building or structure that is used for a predominant purpose other than to support an Advertising Device including, but not limited to, a chimney stack or an open structural mast or tower;
- “Town Planning Scheme” means any Town Planning Scheme of the Shire of Busselton made under Section 7 of the *Town Planning and Development Act 1928* and in force from time to time whereby the Shire of Busselton or any part thereof is classified or zoned;
- “Verandah” for the purpose of this Local Law, includes cantilever awnings, cantilever verandahs and balconies whether in, or above a street, way, footpath, public place or private land;
- “Verandah Sign” means a sign attached to or otherwise displayed on, above or below a verandah or a verandah facia;

“Wall Panel” means a panel used for displaying a bill poster or painted advertisement which panel is attached or affixed to the wall of a business premises or which panel erected is in or about the forecourt of such business premises;

“Wall Sign” means a sign attached to or otherwise displayed on a building or a structure no part of which projects further than 0.3m from that building or structure and which is not a Verandah Sign.

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

PART II—LICENSING OF SIGNS

3. Licences

3.1 A person shall not erect, attach, otherwise display or maintain an Advertising Device, and the owner and the occupier of any or any land shall not suffer or permit an Advertising Device to be erected, attached, otherwise displayed or maintained on or above that land, except in accordance with the requirements of this Local Law.

3.2 The following Advertising Devices are exempt from the requirements to obtain a Licence under this Local Law—

- (a) a Sale Sign or an Institutional Sign not exceeding 2.2m² in area, with a maximum width/length of 2.0 metres, provided that there are no more than 2 sale signs per lot and no more than 1 on each street frontage of a lot;
- (b) an Advertising Device not exceeding 0.2m² in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the property;
- (c) advertisements affixed inside or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (d) Advertising Devices which are not visible from a public place outside the property, unless such signs are deemed to be dangerous or unsightly by the Shire or contain offensive or objectionable words or representations;
- (e) Advertising Devices containing public notices or information not larger than 0.7m x 0.9m on advertising pillars or panels approved by or which have the consent of the Shire for the purpose of displaying public notices or information;
- (f) a Wall Sign on a residential flats or home unit building indicating the name of the building provided that the Advertising Device is made of letters and numbers only, and those letters and numbers do not exceed 300mm in height;
- (g) Advertising Devices, other than Portable Signs, used solely for the direction and/or control of people, animals and/or vehicles or to indicate the name, and/or street number of a premises, providing the area of any such Advertising Device does not exceed 0.2m² and the sign is located wholly within the boundaries of land owned by a person who erected or who maintains the sign;
- (h) Advertising Devices that are required by the Builders Registration Board or other Government or statutory bodies or authorities on building sites, providing the area of any such Advertising Device does not exceed 1.5m² and that any such Advertising Device is removed within seven (7) days of completion of the building works on the building site;
- (i) Advertising Devices erected by the Shire on land owned or managed by or under the care and control of the Shire;
- (j) an Advertising Device which is a heritage or memorial plaque not exceeding 1m² in area;
- (k) an Advertising Device which does nothing other than indicate an exit or exits, warn of the existence of a hazard or indicate that smoking is prohibited on particular premises and which does not exceed 0.5m² in area;
- (l) an advertising device placed within a road reserve or street verge, which advertises the fact that a home is open for inspection (a “Home Open Sign”) or that there is a garage sale (a “Garage Sale Sign”), provided that —
 - (i) the advertising device is portable, has a maximum area of 0.2m² and has a maximum height above ground level of 600mm;
 - (ii) the advertising device is placed no earlier than 2 hours before the home is open for inspection or the garage sale commences and is removed immediately following the conclusion of the home open/garage sale, and in any event, the advertising device is displayed for no more than 24 hours in any seven day period;
 - (iii) the advertising device is not placed on the median strip of a road open to use by vehicles, on the road surface itself, on a vehicle access way or on a pedestrian footpath or dual use path;
 - (iv) the advertising device is placed no closer than 1.0 metre from the edge of the paved road surface;
 - (v) the advertising device is securely fixed or fastened such that it does not fall or otherwise create a nuisance or hazard to public safety;
 - (vi) there is not more than 1 Home Open Sign or Garage Sale Sign at any road intersection and there is a maximum of 6 separate advertising devices which delineate no more than 2 alternative routes to the home open/garage sale;

(m) an Information Panel erected by a tourist, recreational, cultural, religious or other community organisation that does not exceed 2.0m² in area or 1.5 metres in height.

3.3 With the exception of those Advertising Devices referred to in clause 3.2(i), an Advertising Device shall not be exempt from the requirement to obtain a Licence if it is erected or affixed such that any part of the Advertising Device is higher than 1.5 metres above the ground surface area nearest to the Advertising Device.

3.4 A Licence is required for all other Advertising Devices erected, attached, affixed or maintained within the District.

3.5 A Licence can be issued subject to such conditions as the Shire thinks fit.

3.6 Subject to any contrary provisions of this Local Law and upon payment of the appropriate Licence fees as determined by Council from time to time, a Licence issued under this Local Law shall be valid for a period of 3 years following the date of approval of the Advertising Device under this Local Law.

4. Refusal of Applications

4.1 Notwithstanding that an Advertising Device otherwise complies with the provisions of this Local Law the Shire may refuse an application for that Advertising Device if in the opinion of the Shire approval of that particular Advertising Device would increase the number or variety of Advertising Devices in a particular locality or in the District generally so as to be injurious to the amenity or safety of the locality or the District generally or would be inconsistent with any policy adopted by the Council of the Shire and in force from time to time.

5. Advertising Devices on Land to Which It Relates

5.1 Except where otherwise specifically permitted under this Local Law an Advertising Device shall advertise goods or services which are produced, displayed or offered for sale on or which are otherwise relevant to the land or a use or activity which is being carried out on the land where the Advertising Device is erected, attached or otherwise displayed.

5.2 No person shall erect, attach, otherwise display or maintain and no owner or occupier of land shall allow to be erected, attached, affixed or maintained on their land any Advertising Device which does not comply with the requirements of clause 5.1.

6. Revocation of Licences

6.1 The Council may, without limiting its power to prosecute for any breach of this Local Law or to recover any penalty arising therefrom, by notice in writing to the Licensee revoke a Licence or other form of approval issued under any previous By-Law or Local Law in relation to Advertising Devices (the "Previous Licence") where anything purporting to be done pursuant to a previous law is not done in conformity with a Licence or a Previous Licence or with this Local Law or an Advertising Device the subject of a Licence or Previous Licence is so altered that, in the opinion of the Shire, it is objectionable or contravenes a clause or clauses of this Local Law or is no longer substantially the same as the Advertising Device for which approval was issued.

7. Inspection of Licences

7.1 A Licensee shall, on demand by an officer of the Council produce for inspection a copy of his, her or its Licence.

7.2 Every Advertising Device the subject of a Licence shall bear on its face clearly legible figures supplied by, or otherwise meeting the dimension requirements specified from time to time by the Shire, the number of the Licence applicable to the Advertising Device as provided by the Shire.

8. Application for Licences

8.1 An application to the Shire for a Licence shall be made in the form set out in the First Schedule and shall contain all of the information requested in the First Schedule and shall be accompanied by the application fee appropriate to the type of Advertising Device applied for as determined by the Council from time to time.

8.2 An application for the first issue of a Licence for an Advertising Device shall be accompanied by duplicate plans, drawn to a scale of not less than 1 to 50 showing the size, position, design and inscriptions to appear on the Advertising Device, the method of construction and fixing of the Advertising Device to a building or structure (if applicable), setbacks of the Advertising Device from a street, way, footpath or other public place boundaries (where applicable) together with such further information as may be specified or as the Shire may require.

8.3 An application for a Licence for a Roof Sign shall be accompanied by a certificate from a structural engineer certifying that the building and roof thereof upon which it is proposed to erect the Roof Sign is in all respects of sufficient strength to support the Roof Sign, under all conditions, and that the Roof Sign and the fixing of the Roof Sign to the roof is of structurally sound design.

8.4 Every applicant for a Licence shall furnish in writing such further particulars as to the Advertising Device the subject of the application as may reasonably be required by a Building Surveyor.

8.5 If so required by the Shire an applicant for a Licence in respect of an Illuminated Sign shall produce to the Shire a written consent to the erection of the Illuminated Sign, signed by or on behalf of the relevant person, authority or body having for the being the management of traffic control lights within the District.

8.6 If an application is approved, a Licence will be issued substantially in the form of the Second Schedule to this Local Law.

9. Licence Fees

9.1 A Licence shall only be issued and valid upon payment of the appropriate Licence fee as determined by Council from time to time and will only remain valid if any renewal or other periodical fee which is required is paid immediately when it falls due for payment.

PART III—GENERAL REQUIREMENTS FOR ADVERTISING DEVICES

10. Restrictions

10.1 No Advertising Device shall be erected or maintained—

- (a) so as to cause an unreasonable obstruction or impediment in the opinion of a Building Surveyor to 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;
- (b) so as to obstruct or impede the sight lines required for the free and safe movement of traffic, including but not limited to vehicles, cyclists or pedestrians, in, to, or from any thoroughfare, way, footpath, public place or private property;
- (c) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the *Main Roads Act 1982* or the Regulations made thereunder;
- (d) except with the approval of the Shire on any ornamental tower, spire, dome or similar architectural feature or on a plant room, bulkhead over stairs or other superstructure over the main roof of a building or structure;
- (e) on any land that is in a Residential Area or used for residential purposes other than—
 - (i) land on which there is approval for an existing non-residential land use and an Advertising Device not exceeding 0.6m² in area has been lawfully erected, in furtherance of that right prior to this Local Law coming into effect;
 - (ii) where a particular Advertising Device or type of Advertising Device is specifically exempted under clause 3.2 from the need to obtain a licence under this Local Law;
 - (iii) where approval is granted under the Scheme for a non-residential land use and an Advertising Device not exceeding 0.6m² in area relating to that approved land use is permitted under this Local Law; and
 - (iv) where a Licence has been issued for a Display Home Sign not exceeding 2m² in area;
- (f) on or to any building or structure of which the stability of the building or structure is, in the opinion of the Building Surveyor, likely to be detrimentally affected by the sign or Advertising Device;
- (g) as a portable sign except if specifically permitted under this Local Law;
- (h) on a light or power pole without the approval of the relevant authority responsible for the erection of that pole;
- (i) upon or inside a vehicle adapted and exhibited primarily to facilitate advertising;
- (j) in the form of balloons or blimps;
- (k) so as to have all or any part thereof moving or rotating in a manner which, in the opinion of a Building Surveyor, is likely to cause danger to the public;
- (l) on any land, buildings or other structures which have been specifically identified by the Shire in a policy made for the purposes of this Local Law as not suitable for Advertising Devices because of the natural or historical character or features of the land, building or other structure;
- (m) such that it is in front of, in line with, forms part of, or is attached or affixed to a fence or wall which is forward of the approved building line under the Town Planning Scheme for any lot in an Industrial Area;
- (n) within the visual truncation of a corner lot as defined in the Town Planning Scheme which is higher than 1 metre above the ground level immediately adjacent to it.

11. Application to Existing Advertising Devices

11.1 The provisions of this Local Law apply to all Advertising Devices in the District regardless of whether or not a particular Advertising Device was constructed, erected, attached or otherwise displayed before or after the date that this Local Law becomes operative.

11.2 No person shall acquire any right to retain an Advertising Device by reason of the existence of that Advertising Device prior to this Local Law becoming operative.

11.3 Subject to clause 11.5, where an Advertising Device in existence prior to this Local Law becoming operative fails to conform with a clause or clauses of this Local Law the Shire may give notice to the owner and/or occupier of the land on which the Advertising Device is situated which period of notice is not to be less than 21 days requiring the owner and/or occupier to do any or all of the following—

- (a) remove the Advertising Device;
- (b) alter the Advertising Device such that it does comply with the requirements of this Local Law.

11.4 Any person receiving a notice given under clause 11.3 shall comply with all of the requirements of the notice.

11.5 Where a person can prove to the satisfaction of the Council that he has been issued with a Licence for an Advertising Device under a previous law of the Shire and that the Advertising Device has been maintained in accordance with all of the requirements of that approval and the previous law of the Shire, the Council may issue a Licence under this Local Law for the Advertising Device and allow the Advertising Device to remain, despite the fact that the Advertising Device does not comply with the requirements of this Local Law or of a Council Policy in relation to Advertising Devices.

12. Fixing of Signs

Every Advertising Device shall be securely fixed to the structure by which it is supported or otherwise structurally sound to the satisfaction of the Building Surveyor and shall be safely maintained.

13. Obstruction of Doors

An Advertising Device shall not be erected or maintained so as to obstruct access to or from any door, fire escape or window, other than a fixed window designed for the display of goods.

14. Glass in Signs

Glass shall not be used in any Advertising Device except for the purpose of illumination of an Illuminated Sign.

15. Readily Combustible Material

Except for posters neatly and securely affixed to a Wall Panel or Hoarding, Banner Signs or Advertising Devices affixed inside a shop window, readily combustible materials including, but not exclusively paper, cardboard or cloth shall not form part of or be attached to any Advertising Device.

16. Signs to be Kept Clean

Every Advertising Device shall be kept clean and free from unsightly matter and shall be maintained by the Licensee and/or owner or occupier of the land on which it is situated in good order and condition and to an overall standard which is acceptable to the Shire.

17. Bill Posting

A person shall not bill post within the district of the Shire of Busselton except on a Hoarding, Information Panel or Wall Panel specifically approved for the purpose by the Shire.

18. Design Principles

18.1 Any Advertising Device or advertising device erected and maintained in the District shall—

- (a) not contain any offensive, racist or unlawful words, symbols, images or other representations;
- (b) in design, size, colour and location be sympathetic and harmonious with the surrounding street, way, footpath, public place or private property and environment and the building or structure to which it is attached or affixed or on which it is erected;
- (c) be placed and constructed so as not to endanger public safety; and
- (d) have all sign writing, design work, lettering and colouring carried out in a competent and professional manner.

18.2 In determining an application for a Licence for an Advertising Device under this Local Law the Council shall have regard to the following—

- (a) The design of the proposed Advertising Device and the suitability, compatibility and degree of integration of that design with the design of other Advertising Devices on or near the land as well as the design of any building or structure to which is proposed to affix or attach the Advertising Device or buildings and structures in the area surrounding the location of the proposed Advertising Device;
- (b) The suitability of the proposed Advertising Device having regard to the aesthetics and character of the area surrounding the location of the proposed Advertising Device generally;
- (c) The overall aims and objectives of the Council as contained in this Local Law with regard to Advertising Devices either in the District generally or in the location of the proposed Advertising Device; and
- (d) The contents of any policy relevant to the application made by the Shire with regard to any of the matters referred to in this clause 18.2 or with regard to a particular type or category of Advertising Devices or with regard to Advertising Devices generally within the Shire or any part of the Shire.

18.3 The Council, in its absolute discretion, shall be entitled to refuse any application for an Advertising Device having regard to any of the factors referred to in clause 18.2, even if the Advertising Device applied for otherwise complies with the requirements of this Local Law.

19. Integrated Signage

19.1 The owner or the applicant for approval under the Scheme to develop any land on which it is proposed that there will be a development of a floor area greater than 1000m² containing more than one commercial and/or business premises shall ensure that, prior to occupation of a unit within the development, an application is made to and approved by the Council for the use of integrated Advertising Devices for the development.

19.2 In determining an application under clause 19.1 Council shall have regard to the design principles in clause 18 as well as the extent to which the integration of the Advertising Devices for the development has reduced the overall volume of Advertising Devices that would be contained on the land if each business/unit had separately applied for an Advertising Device.

19.3 Provision made for a particular business or unit as part of an integrated signage proposal under this clause shall be regarded as an Advertising Device on the land where that particular business or unit is situated for the purposes of clause 5 of this Local Law.

PART IV—RESERVES AND DIRECTIONAL SIGNS

20. Reserves and Land Under the Care and Control of Council

20.1 Unless otherwise allowed under this Local Law or approved by Council, an Advertising Device shall not be permitted to be erected or maintained on a road reserve or public open space reserve or any other land owned or managed by or under the care and control of the Shire.

20.2 The Shire may only grant approval for the erection or display on a road reserve or open space reserve or on any land owned or managed by or under the care and control of the Shire of an Advertising Device of the following types—

- (a) a Directional Sign;
- (b) Banner Signs or similar types of Advertising Devices advertising a community message or event which are erected for no more than 8 weeks; and
- (c) an Advertising Device erected pursuant to a written agreement or arrangement entered into between the Shire and another person or body.

20.3 The Shire may impose any condition on or enter into any agreement with the owner and/or Licensee of an Advertising Device approved under clause 20.2 as it sees fit to ensure the proper control and maintenance of the Advertising Device.

21. Directional Signs

21.1 Where a business or other activity or use of land is deemed by the Shire to be of sufficient interest and importance to the travelling public the Shire may erect a Directional Sign which indicates the nature of the activity that may be located by following the direction indicated by the sign and the Directional Sign must comply with the requirements of the Shire's policy on Signs located within road reserves or any other requirements set by the Shire, by a resolution of its Council, from time to time.

21.2 All Directional Signs on road reserves under the care and control of the Shire must comply with this Local Law except where a road reserve is under the care and control of the Main Roads Department and Main Roads Department Regulations specify different standards in which case the Signs must comply with those regulations.

21.3 Unless otherwise approved by the Shire, all Directional Signs are to be erected by the Shire at the applicant's expense.

21.4 The licensee of a Directional Sign shall ensure that the sign is maintained in very good order and condition to the satisfaction of the Shire taking into account the prominent position that such a Sign occupies within the Shire.

21.5 The applicant shall pay on demand to the Shire the costs—

- (a) of the application and any periodical licence fees set by the Shire from time to time with respect to Directional Signs;
- (b) to the Shire of erecting the directional sign, including administrative costs; and
- (c) of any maintenance or other work which is in the Shire's opinion required to be carried out on the applicant's Directional Sign as a result of the applicant's failure to comply with its obligations to adequately maintain the Sign.

PART V—PARTICULAR TYPES OF SIGNS

22. Clocks

22.1 A clock shall—

- (a) if suspended under a Verandah or in a public place, have its centre coinciding with the centre line of the footway, access way or footpath and shall be erected in accordance with the following table—

Height of Bottom of Clock above Footway	Maximum diameter or Width of Clock Face and Depth of Clock including lettering
2.75m and under 4m	1m
4m and under 6m	1.5m
6m and under 12m	2m
12m and over	3m

- (b) be attached either parallel or at right angles to the wall to which it is attached;
- (c) not project from the wall to which it is attached—
 - (i) if parallel to the wall, more than 300mm; or
 - (ii) if at right angles to the wall, more than 1m.
- (d) afford a minimum headway of 2.75m;
- (e) be maintained as to show the correct time;
- (f) not make any sound between 10.00pm and 7.00am.

23. Development Signs

23.1 A Development Sign shall—

- (a) shall not exceed 12m² in area; and
- (b) be removed from the land on the expiry of the Licence for the sign or no later than 1 month following completion of the sale of all of the subdivisional lots or the completion of the development (as appropriate) whichever is the sooner.

23.2 A Licence for a Development Sign shall be valid for a period of no longer than 2 years from the date of issue and can not be renewed for a period of more than 1 year.

23.3 No more than 2 development signs are permitted per lot, except in the case of subdivision or development in a residential area or commercial area or an industrial area, in which case no more than 1 development sign can be erected on each street frontage of the lot.

24. Display Home Signs

Display Home Signs shall—

- 24.1 be provided in a ratio not exceeding 2m² per house on a particular lot with no individual sign exceeding 4m² in overall size;
- 24.2 not be illuminated after 9.00pm;
- 24.3 be approved by Council for a non renewable Licence period not exceeding twelve (12) months at any one time.

25. Hoardings

25.1 A Hoarding shall not—

- (a) be erected in a Residential Area;
- (b) except with the approval of Council, be erected within 15m of any thoroughfare, way or other public place and in any case not closer than its own height to a thoroughfare, way or other public place;
- (c) be of greater overall area than 20m²;

25.2 A Licence issued in respect to a Hoarding will be valid for such period as determined by the Council but not exceeding five years.

25.3 Subject to the Act, the Council may in its absolute discretion grant or refuse a Licence for a Hoarding;

26. Wall Signs

26.1 A Wall Sign shall—

- (a) be attached so as to afford a minimum headway of 2.75m if in the opinion of the Council or a Building Surveyor the Wall Sign could potentially be a danger to the safety of persons using any thoroughfare, footpath, way or other public place if not attached at that height;
- (b) be attached parallel to the wall of the building or structure to which it is attached;

26.2 The total area of Wall Signs on any one wall shall not take up more than 20% of the area of the wall to which it or they are attached (including any window or openings).

26.3 There shall be no more than 20m² in total area of wall signs on any one wall, except in the case of multiple tenancy retail premises, in which case wall signs of a total area not greater than 20m² per individual shop front can be permitted.

26.4 A Wall Sign shall not project more than 200mm from the wall to which it is attached and shall not be within 300mm of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least 25mm in front of and 75mm above and below the sign.

26.5 No Wall Sign shall project above the wall to which it is attached.

27. Illuminated Signs

Every Illuminated Sign shall—

- (a) have any boxing or casing in which it is enclosed constructed of non combustible material;
- (b) where containing glass have the glass protected to the satisfaction of the Shire so 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 State Energy Commission or the appropriate electric supply authority and in accordance with the requirements from time to time of any applicable Australian Standard produced by Standards Australia;
- (d) not have a light of such intensity or colour as to cause annoyance to the public or be a traffic hazard, and not to interfere with traffic control lights; and
- (e) not to emit a flashing light which in the opinion of a Building Surveyor causes an annoyance or a danger to the safety of the public.

28. Portable Signs

28.1 A Portable Sign is prohibited in the District unless the particular Portable Sign is specifically permitted under this Local Law and then only if that Sign is erected and maintained in accordance with the requirements of this Local Law.

28.2 The Shire may issue approval to the licensee of an approved Hire Site for not more than 2 Portable Signs, not exceeding 0.6m² in area, and within a maximum height of 1.0 metre above ground level, to be placed within or in an approved position adjacent to an approved Hire Site area.

28.3 The Shire may issue a Licence for a Banner Sign on such conditions, including a limitation on the time period of the Licence, as the Shire sees fit.

28.4 An application for a Licence for a Banner Sign shall contain information to the reasonable satisfaction of the Shire in relation to—

- (a) The nature and quality of the material to be used in the Banner Sign;
- (b) The precise location where it is proposed to erect the Banner Sign; and
- (c) The means by which the Banner Sign is to be attached or secured to the land, building or other structure (as appropriate).

28.5 A Licence for a Banner Sign will contain conditions relating to the matters referred to in clause 28.4 and all Banner Signs shall be maintained by the Licensee so as to strictly comply with those conditions.

28.6 The Licensee of a Banner Sign and the owner and occupier of the land on which a Banner Sign is erected shall not allow a Banner Sign to become torn, partially or wholly unattached, dishevelled or otherwise unsightly or poorly maintained, and shall ensure that the Banner Sign is either repaired or removed immediately if it is torn, partially or wholly unattached, dishevelled or otherwise unsightly or poorly maintained.

28.7 Notwithstanding clause 5.1 of this Local Law, Council may issue a Licence for a Banner Sign to be erected on land even though the Banner Sign does not relate to any use or activity being carried out on that land.

29. Projection Signs

29.1 No person shall project by light any sign being a photographic or other image which can be seen from any street, way, footpath, or other public place onto any building, screen or other structure without a Licence issued by the Shire, nor without the consent of the owner and any lawful occupier of the building or structure onto which the Sign is to be projected.

29.2 An application for a Licence for a Projection Sign shall contain details of the building, screen or other structure onto which it is proposed to project the sign or signs as well as evidence to the satisfaction of the Shire of the consent of the owner and any occupier of the building, screen or other structure to the application.

29.3 No Projection Sign shall project an image onto a building, screen or other structure larger than 12m².

29.4 Where it is proposed to project Projection Signs onto a building, screen or other structure in a series the Shire may issue one licence in respect of all the signs in that series provided that no sign or other image other than those in respect of which a licence has been issued shall be projected and all of the signs in the series comply with the requirements of this Local Law.

29.5 Where a Projection Sign Licence has been issued by the Shire the Licence shall specify any or all buildings, screens or other structures involved in the projection and the Projection Signs or Signs in respect of which the Licence has been issued shall not be projected onto any building, screen or structure not specified in the Licence.

29.6 The owner or occupier of any building, screen or other structure shall not permit any sign or signs to be projected onto the building, screen or structure unless a Licence has been issued pursuant to this Local Law.

30. Free Standing Signs

30.1 Free Standing Signs shall not exceed 7.5 metres in height from the ground level adjacent to the Sign and shall not be of a surface area greater than 6m² when viewed from a particular direction (that is viewed and measured from one elevation).

30.2 No Free Standing Sign shall project over any street, way or thoroughfare generally used by the public.

30.3 Every Free Standing Sign shall be adequately structurally supported and shall be accompanied by details and evidence to the satisfaction of the Shire of the measures taken to ensure the structural adequacy and support of the Sign including, where required by a Building Surveyor, the certification of an adequately qualified structural engineer which certifies as to the structural adequacy and soundness of the Sign to the satisfaction of a Building Surveyor.

30.4 Where a Free Standing Sign is constructed or erected such that there is an open space between part of the structure of the Sign and the ground, and in the opinion of a Building Surveyor the open space could cause a danger to the safety of a member of the public, then the open part of the structure shall be not less than 2.75 above any street, footpath, way, thoroughfare or other public place.

30.5 No Free Standing Sign shall be constructed or erected so as to cause a danger, nuisance or annoyance to a person using a street, road reserve, way, thoroughfare or other public place in the District and, in particular, no Free Standing Sign shall be constructed or erected so as to block or interfere with the line of sight of a person in charge of a motor vehicle who is entering, exiting or using a thoroughfare, street or other road reserve in the Shire in such a manner that, in the opinion of a Building Surveyor, the Free Standing Sign could cause a danger to the safety of a member of the public.

30.6 No Free Standing Sign shall be within 3m of any boundary of the lot on which it is erected unless the boundary is common with a street or right of way, in which case the Shire in its absolute discretion may permit erection of a Sign at a lesser distance than 3m.

30.7 On all land zoned anything other than Rural no Free Standing Sign shall be erected or maintained less than 6m from any part of any other Free Standing Sign erected on the same lot or on land in the same certificate of title and there shall be a maximum of 2 signs on any given street frontage on the same lot or on land in the same certificate of title.

30.8 On land zoned Rural, there shall be no more than 2 Free Standing Signs on each frontage of land in the same certificate of title and no Free Standing Sign shall be erected or maintained less than 30 metres from any part of any other Free Standing Sign, except where Free Standing Signs are separated by a vehicle accessway in which case the signs must be a minimum of 6.0 metres apart.

30.9 Where it is proposed to erect more than 1 Free Standing Sign on a strata scheme or single lot development containing or which it is proposed will contain unit factories, offices, showrooms or shops or any combination of these, the Shire may, in the interests of integrated signage, approve an Advertising Device to be erected or constructed so as to comply with the following—

- (a) approval can be given at the Shire's discretion to no more than 2 Free Standing Sign frameworks together with one or more Signs Infills; and notwithstanding clause 30.1, the height of the Free Standing Sign framework may be a maximum of 9 metres and the surface area a maximum of 13.5m²;
- (b) an application is to be submitted for a Licence for each additional Sign Infill and a Sign Infill cannot be included in the sign framework unless and until the approval of the Shire has been given to that Sign Infill;
- (c) all Sign Infills are to be of a size such that they are compatible in a manner to the satisfaction of the Shire, and space is to be provided in the Free Standing Sign Framework for one Sign Infill for each individual premises on the strata scheme or on the lot.

31. Roof Signs

31.1 Roof Signs shall—

- (a) not at any point be within 3.7m of the ground;
- (b) not extend laterally beyond the external walls of the building;
- (c) comply as regards height above ground and height of sign with the following table—

Height of main building above ground level at point where sign is to be fixed of sign	Maximum height of sign (inclusive of sign itself and any supporting framework)
3.7m and under 5m	1.0
5m and under 6m	1.5
6m and under 9m	2.0
9m and above	3.0

31.2 When ascertaining the height of the main building above ground level for the purpose of this Local Law, any part of the roof at the point where the Roof Sign is to be erected that is provided solely for the purpose of architectural decoration or design shall be disregarded.

31.3 If required by a Building Surveyor, an applicant for a licence for a Roof Sign shall provide a certificate of a suitably qualified structural engineer certifying to the satisfaction of the Building Surveyor that the roof on which it is proposed to erect the Roof Sign is structurally adequate to support the proposed Roof Sign and that the Roof and the proposed Roof Sign will withstand wind loads in accordance with the requirements of the current Australian Standard.

32. Sale Signs

32.1 A Sale Sign shall not be erected on any land other than the land to which the Sale Sign relates.

32.2 A Sale Sign shall—

- (a) not exceed 4m² in area;
- (b) not be erected or maintained, except in the case of a Sale Sign advertising an auction, for a period exceeding six months without the approval of the Shire;
- (c) not be erected until the land is legally able to be sold separately from any other;
- (d) not be erected until the land has been zoned for the use for which it is being sold, let or auctioned.

32.3 A Sale Sign advertising an auction or tender shall not be erected more than 8 weeks before the proposed date of the auction or tender.

32.4 A Sale Sign must be removed no later than 30 days following the transfer of Title of the property to which the Sale Sign relates.

32.5 No more than 1 Sale Sign can be erected on a lot in an Industrial area, a Residential area or a Commercial area and no more than 2 Sale Signs can be erected at the same time on each road frontage of a lot in a Rural area.

33. Semaphore Signs

33.1 A Semaphore Sign shall—

- (a) afford a minimum headway of 2.75m;
- (b) be fixed at right angles to the wall to which it is attached;

- (c) not project more than 1.2m from the point of attachment nor be of greater area than 2.5m²;
- (d) not be fixed under or over any verandah unless specific approval is granted by the Shire;

33.2 Not more than one Semaphore Sign shall be fixed on each frontage of a business or office or other premises or structure with a street, way, thoroughfare or other public place.

34. Service Station Signs

34.1 A maximum of two Service Station Signs are permitted on each service station.

34.2 A Service Station Sign shall—

- (a) not exceed 3m² in area;
- (b) be located wholly within the boundaries of the land used as the service station;
- (c) be located so as not to cause a traffic or safety hazard nor in such a manner that it interferes with the use or enjoyment of any road reserve, street, way, thoroughfare or other public place by any person.

35. Tower Sign

35.1 A Tower Sign shall not—

- (a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
- (b) if illuminated, emit any flashing or intermittent light;
- (c) exceed, in height, 20% of the height of the mast, tower or chimney stack on which it is displayed;
- (d) exceed, in width, the width or diameter of the mast, tower or chimney stack on which it is displayed; or
- (e) extend laterally, beyond any part of the mast, tower or chimney stack on which it is displayed.

36. Verandah Signs

36.1 No Advertising Device shall be erected on a verandah above the fascia of a verandah.

36.2 An Advertising Device fixed to the outer or return fascias of a verandah—

- (a) shall not exceed 2.5m in length or 600mm in depth;
- (b) shall not project beyond the outer frame or surround of the fascia;
- (c) if an illuminated sign shall not emit a flashing light.

36.3 An Advertising Device sign under a verandah shall—

- (a) afford a minimum headway of at least 2.4m;
- (b) not exceed 2.4m in length or 500mm in depth;
- (c) not weigh more than 50kg;
- (d) not be within 3m of another sign under that verandah or within 1.5m of the side wall of the building on which it is situated;
- (e) be fixed at right angles to the front wall of the building on which the verandah is situated except if situated on a corner of a building at a street intersection where the Verandah Sign may be placed at an angle with the wall so as to be visible from both streets;
- (f) shall be otherwise attached to the verandah and located in a manner so as not to cause a nuisance or a danger to public safety.

PART VI—MISCELLANEOUS

37. Notice

37.1 Without prejudice to its other powers under this Local Law the Shire may serve on—

- (a) the Licensee of any Advertising Device for which a Licence has been issued which does not comply with a condition of the Licence or a requirement of this Local Law; or
- (b) the owner or occupier of any land or structure on which any Advertising Device is erected or displayed contrary to this Local Law

notice to remove the Advertising Device within such time as may be specified in the notice, and a person neglecting or failing to comply with the terms of a notice served pursuant to this clause commits an offence.

38. Public Places

38.1 The Shire or a person acting under the authority of the Shire may remove any Advertising Device placed on or erected on any street, way, footpath or other land managed by or under the care and control of the Shire without incurring any liability therefor and may dispose of any Advertising Device so removed, and reinstate the street, way, footpath or land managed by or under the care and control of the Shire at the expense of the person or persons responsible for the placing or erecting of the Advertising Device thereon or causing the injury thereto and may recover the costs and expenses of the removal, including administrative costs, from that person or persons in a Court of competent jurisdiction.

39. Private Property

39.1 Where an Advertising Device is displayed or erected on private property in contravention of this Local Law or is in the opinion of the Shire or any person acting under the authority of the Shire, dangerous or objectionable, the Shire or a person acting under the authority of the Shire may—

- (a) enter the private property and remove the Advertising Device without incurring any liability therefore;
- (b) store the Advertising Device on land under the care, control and management of the Shire;
- (c) dispose of the Advertising Device in any manner it thinks fit; and
- (d) recover the costs of removal, storage and other disposal costs, including administrative costs, from the owner or occupier of the private property in a court of competent jurisdiction.

39.2 A person acting under the authority of the Shire shall give not less than 2 days notice before exercising any powers under clause 39.1 and shall ensure that the removal of an Advertising Device is only carried out between the hours of 8 am and 6 pm, on any day, except in a situation where the person acting under the authority of the Shire is of the opinion that an Advertising Device could cause a danger to a member of the public or the property of a member of the public, in which case there is no requirement for Notice to be given prior to removal of an Advertising Device and there are no restrictions on the time of day when the Advertising Device can be removed.

40. Delegation

40.1 The Council may delegate to any of the Shire’s employees or officers, or to any category or class of the Shire’s employees or officers the exercise of any of its powers or the discharge of any of its duties under this Local Law, including this power of delegation.

40.2 A delegation under this clause is to be in writing and may be general or as otherwise provided in the instrument of delegation.

41. Offences

41.1 Any person who erects an Advertising Device which does not comply with, or erects any Advertising Device in a manner contrary to the provisions of this Local Law commits an offence.

41.2 Where this Local Law requires that a person obtain a Licence to erect or maintain an Advertising Device any person who erects or maintains an Advertising Device without a Licence or in respect of which a Licence has expired or been cancelled commits an offence.

41.3 The owner and the occupier of any land or building who allows or permits an Advertising Device which does not comply in all respects with the requirements of this Local Law to remain on the land or building owned or occupied (as appropriate) by him or her commits an offence.

42. Penalties

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

- (a) a penalty not less than \$200.00 and not exceeding \$5000.00;
- (b) a daily penalty, during the continuation the offence, of not less than \$50.00 and not more than \$500.00;
- (c) a modified penalty for an offence against this Local Law dealt with under Section 9.17 of the Act of \$50.00.

Dated this 13th day of January 2004.

The Common Seal of the Shire of Busselton was affixed by authority of a resolution in the presence of—

TROY BUSWELL, Shire President.
ANDREW MACNISH, Chief Executive Officer.

**FIRST SCHEDULE (CLAUSE 8.1)
APPLICATION FOR LICENCE**

Application No:

I hereby apply for a licence for an Advertising Device to be erected subject to the Local Laws of the Shire of Busselton.

Applicant Name:

Address:Telephone No:

Location of Advertising Device: Lot No: Street No:

Street Name:

Describe Position of Advertising Device on Property:
.....

