



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

399



PERTH, WEDNESDAY, 13 FEBRUARY 2008 No. 25 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

© STATE OF WESTERN AUSTRALIA

LOCAL GOVERNMENT ACT 1995

---

CITY OF NEDLANDS

---

FENCING LOCAL LAWS 2007

---

SIGNS LOCAL LAW 2007



**LOCAL GOVERNMENT ACT 1995**

## CITY OF NEDLANDS

**FENCING LOCAL LAW 2007**

## ARRANGEMENT

**PART 1—PRELIMINARY**

1. Title
2. Commencement
3. Repeal
4. Definitions
5. Licence Fees and Charges
6. Application for Approval
7. Fences on or Adjacent to a Boundary of a Reserve

**PART 2—SUFFICIENT FENCES**

8. Sufficient Fences

**PART 3—GENERAL**

9. Fences within Front Set back Areas
10. Fences shall not impede water movement
11. Fences in relation to fill
12. Determination of Levels
13. Engineer's Certificate
14. Maintenance and Protection of Fences
15. General Discretion of the Local Government

**PART 4—FENCING MATERIALS**

15. Fencing Materials
16. Barbed Wire and Broken Glass Fences

**PART 5—ELECTRIFIED AND RAZOR WIRE FENCES**

17. Requirements for a Licence.
18. Cancellation of a Licence

**PART 6—NOTICES OF BREACH**

19. Notice of Breach

**PART 7—OFFENCES**

20. Offences and Penalties
21. Modified Penalties
22. Right of Appeal
23. Form of Notices
24. Delegation

**FIRST SCHEDULE****SECOND SCHEDULE****FORM 1—LICENCE TO CONSTRUCT AND MAINTAIN AN ELECTRIFIED FENCE****FORM 2—LICENCE TO HAVE A FENCE CONSTRUCTED WHOLLY OR PARTIALLY OF RAZOR WIRE**

**LOCAL GOVERNMENT ACT 1995**

## CITY OF NEDLANDS

**FENCING LOCAL LAW 2007**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Nedlands resolved on 27th November 2007 to make the following local law.

**PART 1—PRELIMINARY****1. Title**

This local law may be referred to as the *City of Nedlands Fencing Local Law 2007*.

**2. Commencement**

This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

**3. Repeal**

The *City of Nedlands Local Law Relating to Fencing* published in the *Government Gazette* on 21st February 2000 and as amended and published in the *Government Gazette* on 1st September 2000 is repealed.

**4. Definitions**

In this local law, unless the context requires otherwise—

“**Act**” means the *Dividing Fences Act 1961*;

“**application**” means the completed form lodged for the purpose of obtaining a building licence or permit in accordance with this Local Law;

“**AS**” means an Australian Standard published by the Standards Association of Australia;

“**authorised person**” means a person authorised by the City under section 9.10 of the *Local Government Act 1995*;

“**boundary fence**” has the meaning to it for the purpose of the Act;

“**building licence**” means a Building Licence issued under Section 374 of the *Local Government (Miscellaneous Provisions) Act 1960*;

“**CEO**” means the Chief Executive Officer of the City;

“**City**” means the City of Nedlands;

“**commercial lot**” means a lot where a commercial use—

- (a) is or may be permitted under a town planning scheme; and
- (b) is or will be the predominant use of the lot;

“**dangerous**” in the relation to any fence means—

- (a) an electrified fence other than a fence in respect of which a licence under Part 6 of this local law has been issued and is current;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

“**district**” means the district of the City of Nedlands;

“**dividing fence**” has the meaning given to it in and for the purposes of the Act;

“**electrified fence**” means a fence carrying or designed to carry an electric charge;

“**fence**” means any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

“**frontage**” means the boundary line between a lot and the thoroughfare upon which that lot abuts;

“**height**” in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

“**lot**” has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

“**non-sacrificial graffiti protection**” means a product which when applied to a fence facilitates the removal of any graffiti without the product itself suffering any deterioration (visual or otherwise) by the removal of the graffiti;

“**notice of breach**” means a notice referred to in Part 6;

“**Reserve**” means land under the care control and management of the City pursuant to the *Land Administration Act 1997*;

“**residential lot**” means a lot where a residential use—

- (a) is or may be permitted under a town planning scheme; and
- (b) is or will be the predominant use of the lot;

“**retaining wall**” means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

“**schedule**” means a schedule to this local law;

“**set back area**” has the meaning given to it for the purposes of the town planning scheme;

“**sufficient fence**” means a fence described in either the First or Second Schedule as referred to in Part 2;

“**town planning scheme**” means a town planning scheme of the City of Nedlands made under the *Planning and Development Act 2005*;

“**visually permeable**” in reference to a wall, gate, door or fence, that the vertical surface has—

- (a) continuous vertical gaps of at least 50 millimetres width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50 millimetres, occupying at least one half of the face in aggregate, as viewed directly from the street; or
- (b) a surface offering equal or lesser obstruction to view.

In this local law any other expression not defined herein shall have the same meaning given to it in the *Local Government Act 1995* or the *Local Government (Miscellaneous Provisions) Act 1960* unless the context requires otherwise.

## 5. Licence Fees and Charges

All licence fees and charges applicable under this local law shall be as determined by the City from time to time in accordance with Section 6.16 of the *Local Government Act 1995*.

## 6. Application for Approval

(1) Subject to this local law, a person may, without approval, erect a fence on or near a lot boundary outside the front set back area where the fence—

- (a) complies with this local law; and
- (b) does not exceed 1.8 metres in height.

(2) Subject to this local law, a person shall not erect, or commence to erect, a fence exceeding 1.8 metres high outside the front set back area, without first obtaining written approval from the City in the form of a planning approval and a building licence.

(3) Subject to this local law, a person shall not erect or commence to erect, a fence within the front set back area that exceeds 750 millimetres in height without first obtaining written approval from the City in the form of a planning approval and building licence.

(4) Subject to this local law, a person may erect a fence in the front set back area where the fence—

- (a) complies with this local law; and
- (b) does not exceed 750 millimetres in height.

(5) Where on a residential lot, a fence is to be constructed in corrugated reinforced pressed cement sheeting, masonry, stone or concrete, or in composite materials, then the fence shall be constructed in accordance with the corresponding standards prescribed for fences of that description in clauses A to D of the First Schedule.

(6) Where a fence is to be erected on a commercial lot in corrugated reinforced pressed cement sheeting, masonry, stone or concrete, or in composite materials, then the fence shall be constructed in accordance with the corresponding standards prescribed for fences of that description in clauses A to D of the Second Schedule.

## 7. Fences on or Adjacent to a Boundary of a Reserve

(1) A person shall not erect or commence to erect a fence exceeding 1.8 metres in height on or within a distance of 7.5 metres from the boundary of a reserve.

(2) Notwithstanding the proceeding provision, the City may approve the construction of a fence in timber, masonry, concrete, wrought iron or cast iron, and exceeding a height of 1.8 metres provided that the City is satisfied that such a fence will not prejudice the amenity of the locality or the use of the reserve.

**PART 2—SUFFICIENT FENCES****8. Sufficient Fences**

- (1) A person shall not erect a dividing fence or boundary fence that is not a sufficient fence.
- (2) Subject to sub-clauses (3) and (4), a sufficient fence—
  - (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the First Schedule;
  - (b) on a commercial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Second Schedule;
- (3) Where a fence is erected on or near the boundary between a residential lot and a commercial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First or Second Schedule; and
- (4) Unless the City specifies otherwise, a sufficient fence on a boundary between lots other than those specified in sub-clause (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of the First Schedule.

**PART 3—GENERAL****9. Fences within Front Set back Areas**

- (1) A person shall not erect a free-standing fence constructed of corrugated cement pressed sheet within the front set back area of a lot within the district.
- (2) Fences shall be constructed to provide adequate sightlines at points of vehicle access by physical truncation or reduction in height to 750 millimetres maximum in accordance with the Residential Design Codes of Western Australia.
- (3) The provision of sub-clause (2) shall not apply to a fence—
  - (a) which is visually permeable and that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
  - (b) that does not exceed 750 millimetres in height.

**10. Fences shall not impede water movement**

A person shall not erect or commence to erect a fence of impervious material in any location where it may act as a barrier to or restrict in any way whatsoever, the normal flow of stormwater, floodwater or a water course in, on, or over land.

**11. Fences in relation to fill**

Where land has been filled or retained more than 300 millimetres above natural ground level at or within 1 metre of a boundary, a person shall not erect or commence to erect a dividing fence without approval from the City.

**12. Determination of Levels**

Where there is a dispute as to the height of a fence from natural ground level, or ground level for the purpose of this local law, a determination by the City as to a natural ground level, or ground level shall be conclusive.

**13. Engineer's Certificate**

Notwithstanding any provision in this local law, an authorised person may, in respect of any application, first require that the applicant provide to the City, at the cost of the applicant, a certificate from a practicing structural engineer to certify that the proposed fence when constructed in accordance with the approved plans and specifications will be capable of bearing any reasonably foreseeable loads which might be imposed on the fence.

**14. Maintenance and Protection of Fences**

- (1) An Owner or occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated, or unsightly.
- (2) Where in the opinion of an authorised officer, a fence is in a state of disrepair or is otherwise in breach of a provision of this local law, the City may give notice in writing to the owner or occupier of the land upon which the fence is erected, requiring the owner or occupier to modify, repair, paint or maintain the fence within the time specified in the notice.
- (3) An owner or occupier who fails to comply with a notice issued under Part 6 commits an offence.

**15. General Discretion of the Local Government**

- (1) Notwithstanding clause 8, the City may approve the erection or repair of any fence which does not comply with the requirements of this local law.
- (2) In determining whether to grant its approval to the erection or repair of any fence, the City may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on the safety or convenience of any person.

**PART 4—FENCING MATERIALS****16. Fencing Materials**

- (1) A person shall construct a fence on a residential lot or a commercial lot from only masonry, stone, concrete, wrought iron, tubular steel frame, link mesh, timber, plastic coated or galvanized link mesh,

brushwood, corrugated reinforced cement sheeting, colour bonded metal, or a material approved by the City.

(2) A person shall not construct a fence from pre-used materials without first obtaining written approval from the City.

#### **17. Barbed Wire and Broken Glass Fences**

(1) This clause does not apply to a fence constructed wholly or partly of razor wire.

(2) An owner or occupier of a residential or a commercial lot shall not erect or affix to any fence on such a lot, any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the City has been obtained.

(3) An owner or occupier of a commercial lot shall not erect or affix on any fence bounding that lot, any barbed wire or other materials with spiked or jagged projections, unless the wire or materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is set back 150 millimetres from the face of the fence and is not nearer than 2 metres from ground level.

(4) If the posts which carry the barbed wire or other materials referred to in sub-clause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.

(5) An owner or occupier of a lot shall not affix or allow to remain, as part of any fence or wall, whether internal or external, any broken glass on that wall.

### **PART 5—ELECTRIFIED AND RAZOR WIRE FENCES**

#### **18. Requirements for a Licence.**

(1) An owner or occupier of a Commercial lot shall not—

- (a) have and use an electrified fence on that lot without first obtaining a licence under sub-clause (2); or
- (b) construct a fence wholly or partly of razor wire on that lot without first obtaining a licence under sub-clause (3).

(2) A licence to have and use an electrified fence shall not be issued—

- (a) in respect of a lot which is or which abuts a residential lot;
- (b) unless the fence complies with AS/NZS 3016:2002; and
- (c) unless provision is made as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.

(3) A licence to have a fence constructed wholly or partly of razor wire shall not be issued—

- (a) if the fence is within 3 metres of the boundary of the lot;
- (b) where any razor wire used in the construction of the fence is less than 2 metres or more than 2.4 metres above the ground level.

(4) An application for a licence referred to in sub-clauses (2) or (3) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.

(5) An application for a licence referred to in sub-clauses (2) or (3) may be—

- (a) approved by the City;
- (b) approved by the City subject to such conditions as it thinks fit; or
- (c) refused by the City.

#### **19. Cancellation of a Licence**

Subject to Division 1 Part 9 of the *Local Government Act 1995*, the City may cancel a licence issued under this Part if—

- (1) The fence no longer satisfies the requirements specified in clause 18(2) or 18(3) as the case may be; or
- (2) The licence holder breaches any condition upon which the licence has been issued.

### **PART 6—NOTICES OF BREACH**

#### **20. Notice of Breach**

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the City may give notice in writing to the owner or occupier of that lot (Notice of Breach);

(2) A Notice of Breach shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner or occupier of the lot is required to remedy the breach within 28 days from the giving of the notice.

## PART 7—OFFENCES

### 21. Offences and Penalties

(1) An owner or occupier who fails to comply with a Notice of Breach commits an offence and is liable upon conviction, to a maximum penalty of \$5000.00 and, if the offence is a continuing offence, a maximum daily penalty of \$500.00.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of \$5000.00 and, if the offence is a continuing offence, a maximum daily penalty of \$500.00.

### 22. Modified Penalties

(1) An offence against any provision of this local law is a prescribed offence for the purposes of Section 9.16(1) of the *Local Government Act 1995*.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is \$125.00.

### 23. Right of Appeal

When the City makes a decision pursuant to this local law, the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and Regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to the decision.

### 24. Form of Notices

For the purposes of this local law—

- (1) the form of the infringement notice referred to in Section 9.17 of the *Local Government Act 1995* is to be in or substantially in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (2) the form of the notice referred to in Section 9.20 of the *Local Government Act 1995* is to be in or substantially in, the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

### 25. Delegation

The City may delegate any of the powers, functions and duties of this local law to the Chief Executive Officer.

### *First Schedule*

#### SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

Each of the following is a “sufficient fence” on a Residential lot—

- A. A picket timber fence which satisfies the following specifications—
  - (i) corner posts to be 125 millimetres x 125 millimetres x 1800 millimetres and intermediate posts to be 125 millimetres x 75 millimetres x 1.8 metres spaced at 2.4 metre centres;
  - (ii) corner posts to be strutted two ways with 100 millimetres x 50 millimetres x 450 millimetres sole plates and 75 millimetres x 50 millimetres struts;
  - (iii) intermediate posts to be doubled yankee strutted with 150 millimetres x 25 millimetres x 450 millimetres struts;
  - (iv) all posts to have tops with a 60 millimetre weather cut and to be sunk at least 600 millimetres into the ground;
  - (v) rails to be 75 millimetres x 50 millimetres with each rail spanning 2 bays of fencing, double railed or bolted to each post with joints staggered;
  - (vi) the fence to be covered with 75 millimetres x 20 millimetres sawn pickets, 1.8 metres in height placed 75 millimetres apart and affixed securely to each rail; and
  - (vii) the height of the fence to a maximum of 1.8 metres.
- B. A fence constructed of corrugated reinforced pressed cement sheeting which satisfies the following specifications—
  - (i) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600 millimetres;
  - (ii) the total height and depth of the fence to consist of a single continuous reinforced pressed cement sheet;
  - (iii) the sheets to be lapped and capped with extruded “snap-fit” type capping in accordance with the manufacturers written instructions; and
  - (iv) the height of the fence to be a maximum of 1.8 metres.
- C. A fence constructed of masonry, stone or concrete, which satisfies the following specifications—
  - (i) footings of minimum 300 millimetres x 300 millimetres concrete 20MPa or 300 millimetres x 175 millimetres brick laid in cement mortar;



- (ii) fences to be offset a minimum of 450 millimetres at maximum 3 metre centres or 225 millimetres x 100 millimetres engaged piers to be provided at maximum 3 metre centres;
  - (iii) expansion joints in accordance with the manufacturer's written instructions; and
  - (iv) the height of the fence to be a maximum of 1.8 metres.
- D. A composite fence having a maximum overall height of 1.8 metres, which satisfies the following specifications for the brick construction—
- (i) brick piers of minimum 350 millimetres x 350 millimetres at 1.8 metre centres bonded to a minimum height base wall of 514 millimetres;
  - (ii) each pier shall be reinforced with one R10 galvanised starting rod 1500 millimetres high with a 250 millimetres horizontal leg bedded into a 500 millimetres x 200 millimetres concrete footing and set 65 millimetres above the base of the footing.  
The top of the footing shall be 1 course (85 millimetres) below ground level;
  - (iii) the minimum ultimate strength of brickwork shall be 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
  - (iv) the ground under the footings is to be compacted to 6 blows per 300 millimetres and checked with a standard falling weight penetrometer; and
  - (v) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres.

*Second Schedule*

**SPECIFICATION FOR A SUFFICIENT  
FENCE ON A COMMERCIAL LOT**

Each of the following is a "sufficient fence" on a Commercial lot—

- A. A fence constructed of galvanized or PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications—
- (i) corner posts to be minimum 50 millimetres normal bore x 3.5 millimetres and with footings of a 225 millimetres diameter x 900 millimetres;
  - (ii) intermediate posts to be a minimum 37 millimetres nominal bore x 3.15 millimetres at maximum 3.5 metre centres and with footings of 225 millimetres diameter x 600 millimetres;
  - (iii) struts to be minimum 30 millimetres nominal bore x 3.15 millimetres fitted at each gate and 2 at each corner post;
  - (iv) cables to be affixed to the top, centre and bottom of all posts and to consist of 2 or more 3.15 millimetre wires twisted together or single 4 millimetre wire;
  - (v) rail-less link, chain or steel mesh, is to be to a height of 2 metres, on top of which are to be 3 strands of barbed wire carrying the fence to a height of 2.4 metres—
  - (vi) galvanized link mesh wire to be 2 metres in height and constructed of 50 millimetres mesh 2.5 millimetres galvanized iron wire and to be strained, neatly secured and laced to the posts and affixed to cables; and
  - (vii) vehicle entry gates shall provide an opening of not less than 3.6 metres and shall be constructed of 25 millimetres tubular framework with one horizontal and one vertical stay constructed of 20 millimetres piping and shall be covered with 50 millimetres x 2.5 millimetres galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.
- B. A fence of reinforced pressed cement sheeting constructed to the minimum specifications referred to in item B of the First Schedule.
- C. A fence constructed of painted aluminium or galvanized steel sheeting when supported on posts and rails provided that it is used behind a building line and is of a maximum height of 1.8 metres.
- D. Fences of timber, masonry, stone, composite materials or concrete constructed to the minimum specifications referred to in the First Schedule.

The Common Seal of the City of Nedlands was affixed by authority of a resolution of the Council in the presence of—

SHERYL FROSE, Mayor.  
GRAHAM FOSTER, Chief Executive Officer.

Date: 29 January 2008.

FORM 1

LICENCE TO CONSTRUCT AND MAINTAIN AN ELECTRIFIED FENCE

This is to certify that

.....  
of

.....  
is licenced, subject to the conditions set out below, to have and use an electrified fence on—

.....  
(address)

Dated this the .....day of .....20.....

Signed: .....

Chief Executive Officer  
City of Nedlands

This licence is issued upon and subject to the following conditions, namely that the holder of the licence shall—

- (a) display the licence in a prominent position on the land or premises on which the electrified fence has been erected;
- (b) produce the licence on request of an authorised person;
- (c) Obtain the written consent of the City prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence, and—
  - (i) Comply with AS/NZS 3016:1994;
  - (ii) Following erection of the fence, lodge with Western Power, a certificate of installation from a qualified electrician and comply with any requirements of Western Power regarding the erection of the fence.
- (d) Other conditions if any—

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

**CITY OF NEDLANDS**  
71 Stirling Highway (PO Box 9), Nedlands WA 6009  
Telephone: 9273 3500 Facsimile: 9273 3670

FORM 2

LICENCE TO HAVE A FENCE CONSTRUCTED WHOLLY OR PARTIALLY OF RAZOR WIRE

This is to certify that

.....  
of

.....  
is licenced, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire on—

.....  
(address)

Dated this the .....day of .....20.....

Signed: .....

Chief Executive Officer  
City of Nedlands

This licence is issued upon and subject to the following conditions, namely that the holder of the licence shall—

- (a) display the licence in a prominent position on the land or premises on which the fence has been erected;
- (b) Produce the licence upon request from an authorised person;
- (c) Within 14 days of a change in the ownership or occupation of the land or premises, in respect of which the licence has been granted, notify the Chief Executive Officer, in writing, of the details of that change or those changes; and
- (d) Obtain the written consent of the City prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

**CITY OF NEDLANDS**  
71 Stirling Highway (PO Box 9), Nedlands WA 6009  
Telephone: 9273 3500 Facsimile: 9273 3670

**LOCAL GOVERNMENT ACT 1995**

## CITY OF NEDLANDS

**SIGNS LOCAL LAW 2007**

## ARRANGEMENT

**PART 1—PRELIMINARY**

1. Title
2. Commencement
3. Repeal
4. Definitions

**PART 2—LICENCES**

5. Licence Fees and Charges
6. Licence Required to Erect a Sign
7. Planning Approval
8. Application for Licence
9. Determination of Application
10. Exemptions
11. General
12. Amenity
13. Revocation of Licences
14. Inspection of Licences

**PART 3—GENERAL**

15. Restrictions
16. Existing Signs
17. Fixing of Signs
18. Glass in Signs
19. Readily Combustible Material
20. Signs to be kept clean
21. Bill Posting
22. Fly Posting
23. Design Principles

**PART 4—REQUIREMENTS FOR PARTICULAR SIGNS**

24. Illuminated Signs
25. Clocks
26. Display Home Signs
27. Hoarding
28. Horizontal Signs
29. Institutional Signs
30. Portable Signs
31. Pylon Signs
32. Sale Signs
33. Development signs
34. Semaphore Signs
35. Signs on Fences
35. Signs on Fences
36. Community Information Signs
37. Tower Signs
38. Verandah Signs
39. Vertical Signs

**PART 5—OFFENCES**

40. Persons Committing an Offence
41. Notice to Remove Sign
42. Removal and Disposal of Signs Unlawfully Displayed
43. Penalties
44. Right of Appeal
45. Delegation

**LOCAL GOVERNMENT ACT 1995**

## CITY OF NEDLANDS

**SIGNS LOCAL LAW 2007**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Nedlands resolved on 27th November 2007 to make the following local law.

**PART 1—PRELIMINARY****1. Title**

This local law may be referred to as the *City of Nedlands Signs Local Law 2007*.

**2. Commencement**

This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

**3. Repeal**

The local law relating to Signs, Hoardings and Bill Posting published in the *Government Gazette* on 19th April 1991 is repealed.

**4. Definitions**

In this local law, unless the context otherwise requires—

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

“**advertise**” means the publication, display, or presentation of any sign or advertising device;

“**advertisement**” means a sign or advertising device;

“**advertising device**” means an object on which words, numbers or figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event, undertaking, product, or thing and includes a vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising a business, function, operation, event, undertaking, product or thing;

“**amenity**” means the quality and the conditions and the 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;

“**application**” means the completed form lodged for the purpose of obtaining a sign licence or permit in accordance with this Local Law;

“**authorised person**” means a person authorised by the City under section 9.10 of the Act;

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

“**bill posting**” means the attaching, sticking, painting, 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;

“**City**” means the City of Nedlands;

“**community association**” means an institution, club, society or body, whether incorporated or not, the objects of which are 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 pecuniary profit from the transactions;

“**community information sign**” means a temporary 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 other than for commercial gain;

“**council**” means the council of the City of Nedlands;

- “**development sign**” means a sign advertising the sale of vacant land following subdivision of an area into more than 10 lots;
- “**display home sign**” means a sign advertising that a dwelling is intended to be open for public inspection as an example of a dwelling design;
- “**district**” means the district of the local government of the City of Nedlands;
- “**erect**” means to construct, put up or fix in position so that it is ready for use;
- “**fly posting**” without limiting the generality of the provisions in this Local Laws relating to bill posting means advertising by means of more than one bill, poster, or placard attached, applied, painted stencilled or affixed on fences, walls, buildings, structures, trees, rocks, vehicles or other like places, or thing without authority, and “fly post” has a like meaning;
- “**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 1960*;
- “**horizontal sign**” means a sign affixed or attached with its largest dimension being horizontal to the wall of a building or a structure to which it is attached;
- “**illuminated sign**” means a sign that is so arranged as to be capable of being lit either from within or outside the sign by artificial light provided, or mainly provided for that purpose, or being a projected image;
- “**information panel**” means a panel used for displaying government and local government notices, functional and dated announcements of a religious, educational, cultural, recreational or similar character, general information for the benefit of the public and travellers;
- “**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 under this local law;
- “**licensee**” means the holder of a licence;
- “**Manager Property Services**” means the Manager Property Services of the City;
- “**non site specific advertising**” means any advertising which is not site specific advertising;
- “**objectionable**” means a sign which is offensive or obscene in its depiction;
- “**permit holder**” means the person issued with a permit;
- “**planning approval**” means approval by the responsible authority under any town planning scheme controlling land development and use within the district;
- “**portable sign**” means a sign not permanently attached to the ground or to a structure, wall, fence or building and including but not limited to a sandwich board sign consisting of 2 sign boards attached to each other at the top or elsewhere by hinges or other means;
- “**pylon sign**” means a sign supported by one or more pylon and not attached to a building and includes a detached sign framework supported on 1 or more pylons to which infill may be added;
- “**residential area**” means an area classified as a residential zone under a town planning scheme in force in the district;
- “**roof sign**” means a sign erected on the roof of a building and includes verandah roofs and above verandah fascias;
- “**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 other products sold from land used as a motor vehicle service station;
- “**sign**” means any message, direction or representation whatsoever displayed on a building, structure, board, or clock, other than a clock built into a wall which does not project beyond the face of the wall, or flags, and bunting, whether they contain a written message or not, and includes any display produced by way of video or electronic means and every other type or style of sign defined or referred to in this local law;
- “**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;
- “**special event permit**” means a permit issued by the City detailing the terms and conditions under which community information signs or special event signs may be temporarily erected;
- “**special event sign**” means any sign temporarily erected, in accordance with a sign permit or licence, to advertise and promote an event to be held within the district which is available for attendance by the general public, which is not conducted by a community association, and is conducted for the purpose of commercial gain;
- “**town planning scheme**” means the City of Nedlands Town Planning Scheme No. 2 (District Zoning Scheme) published in the *Government Gazette* of 18 April 1985 as amended from time to time or any zoning scheme replacing it for the time being in force within the district;

“**tower sign**” means a sign affixed to or placed on a chimney stack or an open structural mast or tower;

“**verandah**” for the purpose of this by-law, includes cantilever awnings, cantilever verandahs and balconies whether in, or above a street, way, footpath, public place or private property;

“**vertical sign**” means a sign affixed or attached to the wall of a building or a structure, of which the vertical dimension of the sign exceeds the horizontal dimension of the sign exclusive of the back projection of the sign; and

“**wall panel**” means a panel used for displaying a bill poster or painted advertisement which is attached or affixed to the wall of a business.

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

## PART 2—LICENCES

### 5. Licence Fees and Charges

All licence fees and charges applicable under this local law shall be as determined by the City from time to time in accordance with Section 6.16 of the Act.

### 6. Licence Required to Erect a Sign

Subject to clause 7, a person shall not erect, maintain or display, or permit to be erected, maintained or displayed, any sign or hoarding in, or above any land or building—

- (a) without a licence; or
- (b) otherwise than in accordance with the conditions of the licence issued in respect of the sign or hoarding.

### 7. Planning Approval

(1) The requirement for a licence under this local law, in respect of a sign or a hoarding, is additional to the requirement if any, for a planning approval for that sign or hoarding.

(2) An application for a licence under this local law shall not be determined unless and until planning approval has been given in respect of—

- (a) a roof sign;
- (b) any sign or advertising device displaying non site specific advertising which sign or advertising device is not exempted by clause 10 from the requirement to obtain a licence under this local law;
- (c) any sign or advertising device which does not comply with the provisions of this local law;
- (d) any sign or advertising device not exempted by clause 10 on land zoned residential under a town planning scheme of the City; and
- (e) a pylon sign.

(3) Where a sign or advertising device has displayed a message which was site specific advertising and for that reason did not require planning approval under the preceding sub-clause, the message shall not be changed to non site specific advertising, until any planning approval required under a written law operating within the district has been given in respect of the non site specific advertising whether or not any other change is made to the sign or advertising device necessitating the issue of a licence under this local law.

### 8. Application for Licence

(1) A person seeking the issue of a sign licence shall make application on the form provided and must forward the application to the City together with—

- (a) 2 copies of plans drawn to scale of not less than 1:50 showing the size, position, design, and inscription to appear thereon, the method of construction and fixing of the sign for which the licence is sought;
- (b) the application fee and licence fee as fixed from time to time by the City;
- (c) where required by the City, a certificate from a structural engineer or other person approved by the local government, certifying that the building or structure upon which it is proposed to erect the sign is in all respects of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design;
- (d) where the application is for a licence for an illuminated sign and if required by the City, a written consent to the erection of the sign by or on behalf of the person or body having for the time being the management of traffic control lights within the district; and
- (e) such other information as may be required by the City to assist in determining the application.

(2) A sign to which a licence has been issued must be erected within 12 months, otherwise the licence shall lapse and shall be invalid.

### 9. Determination of Application

(1) The City may refuse an application for a licence that does not comply with the requirements of clause 6, and in any event shall refuse an application for a licence where the required planning approval has not first been obtained, or is inconsistent with the planning approval.

- (2) The City may, in respect of an application for a licence—
- (a) refuse the application; or
  - (b) approve the application on such terms and conditions, if any, as it sees fit.

#### **10. Exemptions**

The following signs and things are exempt from the requirement to obtain a licence under this local law—

- (a) a sign erected or maintained pursuant to any statute having operation within the State other than the Act;
- (b) a sale sign not exceeding 1.5 square metres in area erected on private property or immediately adjacent to the front boundary, where it is not possible to erect it on private property;
- (c) a plate not exceeding 0.2 square metres in area erected or affixed on the street alignment of a building or between that alignment and the building line to indicate the name and occupation or profession of an occupier of a building on the land;
- (d) an advertisement affixed to or painted on a shop window either on the inside or outside by or on behalf of the occupier, and relating to the business carried on, provided that not more than 25 per cent of the area of the window is so used;
- (e) a sign within a building unless it is considered objectionable by the City;
- (f) a building name sign on residential flats or home units when such sign is of a single line of letters not exceeding 300 millimetres in height, fixed to the facade of the building;
- (g) a sign for use 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, provided that the area of the sign does not exceed 0.2 square metres and the sign is located wholly within the boundaries of a private property or premises owned or occupied by a person who erected or who has maintained the sign or proposes to do so;
- (h) a sign that is required by the Builders Registration Board or other government body or authority to be displayed on a building site, provided that—
  - (i) the area of the sign does not exceed 1.5 square metres;
  - (ii) no part of the sign's structure is more than 6.0 metres above the ground directly below it; and
  - (iii) any such sign shall be removed within 7 days of completion of the building works on the building site;
- (i) a portable sign complying with the specifications of clause 30;
- (j) a clock complying with the specifications of clause 25 that does not emit noise from chimes or other sources; and
- (k) a community information sign that complies with clause 36.

#### **11. General**

Every licence that is granted pursuant to this local law shall exist subject only to the provisions of this local law.

#### **12. Amenity**

The City may refuse to approve any sign if in its opinion the sign would adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance of the sign, traffic congestion and hazard, noise or any factor inconsistent with the use for which the lot is zoned.

#### **13. Revocation of Licences**

Where anything required to be done pursuant to a licence issued under this local law is not done in conformity with the licence or the conditions thereon, or with this local law, or where the licensee is convicted of an offence against this local law, the City may, without derogating from any penalty to which that person may be liable, by notice in writing revoke the licence.

#### **14. Inspection of Licences**

A licensee shall, when required by the Manager Property Services, produce for inspection any licence issued by the City pursuant to this local law.

### **PART 3—GENERAL**

#### **15. Restrictions**

A sign or advertising device shall not be erected—

- (1) which in the opinion of the City may obstruct or impede 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;
- (2) so as to obstruct or impede the sight-lines required for the free and safe movement of traffic into or from any street, way, footpath, public place or private property;
- (3) on or attached to any building or structure the stability of which building or structure is, in the opinion of the City, likely to be detrimentally affected by the sign or advertising device;



- (4) on a road reserve unless it is a sign permitted under clause 10 but such a sign shall not be erected or maintained on or over a carriageway;
- (5) so as to have all or part thereof projected, flashing, animated, moving or rotating, except as follows—
  - (a) on any site abutting Stirling Highway where the sign has first received an approval from the Main Roads WA;
  - (b) as or on any pylon sign the face of which rotates; or
  - (c) as or on any roof sign known as a tri vision sign or similar.

#### **16. Existing Signs**

- (1) Subject to the provisions of this clause a sign or advertising device which was erected and maintained lawfully under a previous local law of the City shall not become unlawful merely by reason of the revocation of that local law.
- (2) Any existing sign or advertising device shall within a period of 2 years from the date of gazettal of this local law comply with the standards and requirements of this local law.
- (3) Any sign or advertising device in respect of which a licence or permit was issued under a previous local law of the City for a limited period of time shall, upon the expiration of that time, be made to comply with the provisions of this local law.
- (4) If a licence or permit for a sign or advertising device issued under a previous local law of the City is altered in any way, either to the structure, area or message, the sign or advertising device shall be made to comply with the provisions of this local law.
- (5) If it appears to the City that in respect of any sign or advertising device—
  - (a) it is not the subject of a valid licence or permit; or
  - (b) a licence or permit issued in respect of it has expired; or
  - (c) it has been altered as to its structure, area or message without a licence or permit having been issued by the City;the City may give notice in writing to the owner of the land on which it is erected and the Licensee (if any)—
  - (i) requiring application to be made for a licence within a stipulated period of time where the sign or advertising device complies or can be made to comply with this local law; or
  - (ii) requiring the sign or advertising device to be removed within a stipulated period of time where it cannot be made to comply with this local law.
- (6) An owner or licensee who receives a notice referred to in sub-clause 5 shall comply with the requirement of the notice within the period of time stipulated therein.
- (7) In the case of a sign in respect of which a notice is issued under item (a) of clause 16(5) if a licence for the sign or advertising device is refused by the City, then the sign or advertising device shall be removed forthwith.

#### **17. Fixing of Signs**

Every sign or advertising device shall for all times be securely fixed to the structure on which it is supported, to the satisfaction of the Manager Property Services.

#### **18. Glass in Signs**

Glass shall not be used in any sign unless it is part of an illuminating globe or tube.

#### **19. Readily Combustible Material**

Except in the case of posters securely affixed to a signboard or other structure, readily combustible materials including but not limited to paper, cardboard or cloth shall not form part of or be attached to any sign or advertising device.

#### **20. Signs to be kept clean**

Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order and repair to the satisfaction of an authorised person.

#### **21. Bill Posting**

A person shall not bill post within the district.

#### **22. Fly Posting**

A person shall not fly post within the district.

#### **23. Design Principles**

Any sign or advertising device erected and maintained or proposed to be erected in accordance with this local law shall—

- (1) in design, colour and location be sympathetic and harmonious with the surrounding street, way, footpath, public place or private property and environment and any building to which the sign is attached;
- (2) be designed, placed and constructed so as not to endanger public safety;
- (3) have all signwriting, design work, lettering and colouring thereto carried out in a competent and professional manner.

**PART 4—REQUIREMENTS FOR PARTICULAR SIGNS****24. Illuminated Signs**

Every illuminated sign shall—

- (1) have any boxing or casing in which it is enclosed constructed of non-combustible material;
- (2) have its electrical installation constructed and maintained to the satisfaction of Western Power or the appropriate electricity supply authority and in accordance with the current Australian Standard;
- (3) be maintained to operate as an illuminated sign; and
- (4) not have or produce light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.

**25. Clocks**

A clock shall—

- (1) not exceed 500 millimetres measured in any direction across the face unless otherwise approved by the City;
- (2) be affixed or attached either parallel or at right angles to the wall to which it is affixed or attached;
- (3) not project from the wall to which it is affixed or attached—
  - (i) more than 300 millimetres if parallel to the wall; or
  - (ii) more than 1 metre if at right angles to the wall;
- (4) afford a minimum headway of 2.7 metres;
- (5) be maintained so as to show the correct time;
- (6) be illuminated from sunset to midnight; and
- (7) if fitted with chimes, not be capable of striking between 10.00p.m. and 7.00a.m.

**26. Display Home Signs**

Display Home signs—

- (1) may be provided in a ratio not exceeding 2 square metres per home, with no individual sign exceeding 4 square metres, the overall height of sign shall not exceed 4000 millimetres;
- (2) shall not be illuminated after 9.00 pm; and
- (3) shall not be approved for a period exceeding 12 months.

**27. Hoarding**

A hoarding shall not be erected within the district.

**28. Horizontal Signs**

(1) A horizontal sign shall—

- (a) afford a minimum headway of 2.7 metres;
- (b) be affixed or attached parallel to the wall of the building or structure to which it is affixed or attached;
- (c) shall have a maximum depth of 1200 millimetres;
- (d) not project more than 600 millimetres from the wall to which it is affixed or attached; and
- (e) not be within 600 millimetres 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 25 millimetres in front of and 75 millimetres above and below the sign.

(2) There shall be not more than one line of horizontal signs facing any one street, way, footpath, public place or private property on any building or structure.

(3) The name of the building may be shown on the facade of a building however—

- (a) unless otherwise approved by the City, only one such name shall be placed on any facade;
- (b) the letters of the name shall not exceed 1 metre in height;
- (c) the letters shall be of metal or other non-combustible material; and
- (d) the letters shall not be lit or illuminated unless approved by the City.

**29. Institutional Signs**

Institutional signs shall not exceed 0.5 square metres in area except with the approval of the City.

**30. Portable Signs**

(1) A portable sign shall—

- (a) not exceed 1 metre in height;
- (b) not exceed 0.8 square metres total area including all faces;
- (c) not indicate or display any matter other than the name of the owner or occupier of the premises to which it relates and the nature of the business carried on therein;
- (d) be used to indicate that premises are open and to that end the word “open” shall be prominent on its face;
- (e) be placed so as not to cause interference or be hazardous to vehicular traffic or cause any interference or hazard to or impede pedestrians;

- (f) be of sound construction, maintained in good condition and neatly sign written to the satisfaction of the City; and
  - (g) shall not be sited on a road reserve without the approval of City.
- (2) A person shall not erect a portable sign in any position other than adjacent to the building to which the sign relates.
- (3) A person shall not erect more than one portable sign in relation to a shop or business unit or premises except for corner lots.
- (4) A person who erects a portable sign shall remove the same at the close of business each day and shall not erect the same again until the commencement of business on a subsequent trading day.
- (5) The City may approve, by way of a sign licence, the display of a portable sign in a place other than adjacent to the building to which the sign relates.

### 31. Pylon Signs

- (1) A pylon sign—
- (a) shall not be more than a height of 6 metres above the level of the ground immediately below it;
  - (b) shall not have a greater superficial area than 4 square metres;
  - (c) shall not encroach over the lot boundary on to any adjacent street;
  - (d) shall be supported on one or more pylons piers or columns of brick, stone, concrete or steel of sufficient size, strength and construction to support the sign under all conditions;
  - (e) shall not be within 3 metres 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, in which case the City may authorise the erection of a sign at a lesser distance than 3 metres; and
  - (f) shall not have any part thereof less than 10 metres from any part of another pylon sign erected on the same lot.
- (2) Where more than one pylon sign is proposed to be erected on a lot on which unit factories, offices, showrooms or small shops are erected or are to be erected, the City may require all the pylon signs to be incorporated into one sign in which event—
- (a) initial approval shall be given to the pylon sign framework together with one or more sign infills;
  - (b) an application is to be submitted and approval obtained for each additional infill;
  - (c) all infills are to be an equal size, and space is to be provided to the sign for one infill for each shop or unit on the lot; and
  - (d) the total area of the infill signs specified under sub-clause 1(b) may be increased to a maximum of 6 square metres.
- (3) Notwithstanding the provisions of sub-clauses 1 and 2, approval for the erection of a pylon sign that does not meet the requirements of this local law may only be granted by the resolution of the City.

### 32. Sale Signs

- (1) Any sale sign of any description shall be erected on the land to which it relates and not elsewhere.
- (2) A land sale sign advertising for sale lots created by a sub-division shall—
- (a) not exceed 10 square metres in area;
  - (b) not be erected or maintained for a period exceeding 6 months without the approval of the City;
  - (c) not be erected until the plan of sub-division has been approved by the Department of Planning and Infrastructure.
- (3) A sale sign shall—
- (a) not exceed 4.5 square metres in area;
  - (b) not be erected or placed outside the boundaries of the lot;
  - (c) be limited to one sale sign per property;
  - (d) corner properties may display a second sign of maximum area 1.2 square metres if that sign is parallel to the secondary street; and
  - (e) have its area calculated by multiplying the physical dimensions of height and width together. The sign's area shall not include the area of the void space between the bottom of the sign and the ground immediately below it.

### 33. Development signs

A development sign shall—

- (1) only be erected where more than 10 subdivisional lots are to be created in the development being advertised;
- (2) only be erected in the ratio of 1 square metre of area per hectare of the total land to be subdivided, up to a maximum aggregate area of all development signs of 50 square metres with no individual sign exceeding 22 square metres in area; and
- (3) be removed from the site within 2 years of the granting of a licence for the sign or when 80 per cent of the lots by number in the subdivision or stage being advertised have been sold, whichever is the sooner.

**34. Semaphore Signs**

(1) A semaphore sign shall—

- (a) afford a minimum headway of 2.7 metres;
- (b) be affixed at right angles to the wall to which it is affixed or attached;
- (c) not project more than 1 metre horizontally from the point of attachment nor be of greater height at any point than 1 metre from the bottom and the top of the sign;
- (d) be fixed over or adjacent to the entrance of a building; and
- (e) not be erected under or over any verandah.

(2) Not more than one semaphore sign shall be fixed over or adjacent to any one entrance to a building.

**35. Signs on Fences**

A person shall not erect, attach, affix, paint or maintain a sign or advertising device on or as part of a fence on any part of a lot and the owner or occupier shall not permit or suffer a sign or advertising device to be erected, affixed, painted or maintained on any fence or any part of a lot.

**36. Community Information Signs**

Community information signs may be erected in a private or public place on a temporary basis subject to the following—

- (1) no sign shall exceed 0.5 square metres in area. Notwithstanding this provision no more than 2 such signs may be erected on the premises where the function is to be held, provided neither sign exceeds 4.0 square metres in area.
- (2) if a community information sign is free standing it shall not—
  - (a) exceed 900 millimetres in height;
  - (b) have more than 2 faces; or
  - (c) exceed 1 metre in width.
- (3) there shall be no more than 5 such signs relating to the same event or function displayed within the district.
- (4) the sign or signs shall be removed within 7 days of the function being held.
- (5) no 2 community information signs advertising the same event or activity shall be closer together than 100 metres unless exempted by the provision of clause (1) of this section.
- (6) no more than 2 community information signs each advertising different events or activities shall be erected or displayed closer than 2 metres.

**37. Tower Signs**

A tower sign shall not be erected within the District of the City of Nedlands.

**38. Verandah Signs**

(1) A sign fixed to the outer or return fascia of a verandah shall—

- (a) not exceed 600 millimetres in depth;
- (b) not project beyond the outer frame or surround of the fascia; and
- (c) not be an illuminated sign, it may be of changing colours but the sign shall not emit a flashing light.

(2) A sign under a verandah shall—

- (a) afford a headway of at least 2.4 metres;
- (b) not exceed 2.4 metres in length or 500 millimetres in depth;
- (c) not weigh more than 50 kilograms;
- (d) be fixed at right angles to the front wall of the building on which it is fixed except on a corner of a building at a street intersection where the sign may be placed at an angle with the walls so as to be visible from both streets;
- (e) be placed centrally within the depth of the verandah; and
- (f) be constructed of shatterproof material.

**39. Vertical Signs**

A vertical sign shall—

- (1) afford a minimum headway of 2.7 metres;
- (2) be affixed or attached parallel to the wall of the building or structure to which it is affixed or attached;
- (3) not project more than 1m from the face of the building to which it is affixed or attached;
- (4) subject to sub-clause (b), not be within 300 millimetres of either end of the wall to which it is affixed or attached unless the end of the sign abuts a brick, stone or cement corbel, pylon or pilaster which is at least 25 millimetres in front of and 75 millimetres above and below the sign;
- (5) not be within 10 metres of another vertical sign on the same business;
- (6) not exceed 1.2 metres in width.

**PART 5—OFFENCES****40. Persons Committing an Offence**

Any person who erects, maintains, authorises, permits to be erected or maintains a sign or an advertising device in a manner contrary to the provisions of this local law commits an offence.

**41. Notice to Remove Signs**

The City may serve on the owner or occupier of any premises on which any sign or advertising device 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 a person neglecting or failing to comply with the terms of a notice served on him pursuant to this clause commits an offence.

**42. Removal and Disposal of Signs Unlawfully Displayed**

(1) The provisions of Part 3, Division 3, Sub-division 4, Section 3.39 of the *Local Government Act 1995* shall apply to any sign, advertisement, advertising device, hoarding or signboard unlawfully placed on or erected on any street, way, footpath or other public place within the City.

(2) The City may without incurring any liability therefore dispose of any sign, advertisement, advertising device, hoarding or signboard so removed, and reinstate the street, way, footpath or public place under the care and control of City at the expense of the person or persons responsible for the unlawful placing or erecting of the sign and recover the expense of the removal in a Court of competent jurisdiction.

**43. Penalties**

Any person convicted of an offence against this local law is liable to—

- (1) a penalty not exceeding five thousand dollars (\$5,000); and
- (2) a further penalty not exceeding five hundred dollars (\$500) for every day during which the offence continues.

**44. Right of Appeal**

When the City makes a decision pursuant to this local law, the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to the decision.

**45. Delegation**

Unless otherwise specified in the *Local Government Act 1995*, the City may delegate any of the powers, functions and duties in this Local Law to the Chief Executive Officer.

---

The Common Seal of the City of Nedlands was affixed by authority of a resolution of the Council in the presence of—

SHERYL FROSE, Mayor.  
GRAHAM FOSTER, Chief Executive Officer.

Date: 29 January 2008.

---