

LOCAL GOVERNMENT ACT 1995

SHIRE OF IRWIN

LOCAL LAW RELATING TO SIGNS, HOARDINGS AND BILL POSTING

In pursuance of the power conferred upon it by the abovementioned Act and of all other powers enabling it, the Shire of Irwin hereby records having resolved on 14 June 2005 to make the following Local Law.

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PART 1 - PRELIMINARY

CITATION

This Local Law may be cited as the Shire of Irwin Local Laws Relating To Signs, Hoardings and Billposting Local Law.

PART 2 - INTERPRETATION

INTERPRETATION

In this Local Law, unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“advertisement” means the publication, display or presentation of any sign or advertising device, and the terms “advertising” and “advertising sign” have corresponding meanings;

“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, electronically produced or otherwise displayed for the purpose of giving any message or direction or promoting or publicizing 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 blimp and also includes any vehicle or trailer or other similar object placed or located so as to serve the purpose hereinbefore referred to;

“audio sign” means a sign hoarding or billboard erected on land which incorporates aural messages in conjunction with any advertising device where such aural messages are emitted for the purpose of giving any message or direction or promoting or publicizing 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;

“authorised person” means a person authorised by the Local Government under Section 9.10 of the Act;

“balloon” means a cold air inflatable device capable of carrying a sign 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;

“bill” means the attaching, sticking, painting or stenciling of any bill, poster, placard or 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;

“blimp” means an airborne device anchored to any land, building or thing where such device is used for the purpose of advertising;

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

“child minding centre” means a day care centre as defined by the Child Welfare (Care Centres) Regulations 1968, published in the Government Gazette of 15 July 1968, but does not include a family care centre or an occasional care centre as defined by those regulations;

“consulting rooms” means a building or part of a building (other than a hospital) used in the practice of their profession by legally qualified medical practitioners or dentists, or by physiotherapists, masseurs or persons ordinarily associated with medical practitioners in the investigation or treatment of physical or mental injuries or ailments;

“development sign” means a sign erected on land which has been approved for subdivision into a number of small lots, advertising the

Lots for sale but upon which no building development has taken place at the time of the approval of the sign;

“direction sign” means a sign erected in a street or place to indicate the direction to another place but does not include a sign erected or affixed by the Council or the Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time administering the Road Traffic Act 1974;

“district” means the district of the Shire of Irwin;

“display home sign” means a sign erected on a Lot on which a house is erected and which notifies members of the public that the house is open for inspection;

“election sign” means a bill, poster, placard or advertisement attached to or pasted, painted, stencilled, on any hoarding, wall, building, or structure whether erected upon private property or upon a public place notifying members of the public of a person’s intention to stand as a candidate at an election for the Federal or Western Australian Parliament or the Council of the Shire of East Irwin, but does not include a sign erected by Council for the purpose of public information;

“fly posting” without limiting the generality of the provisions in this Local Law 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 and any place or thing, and “fly post” has a like meaning;

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

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

“illuminated panel” means a posted or painted advertisement externally illuminated by an artificial source of light;

“illuminated sign” means a sign that is so arranged as to be capable of being lit either from within or from without the sign by artificial light provided, or mainly provided, for that purpose;

“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 travelers and general commercial advertising;

“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;

“licensee” means a holder of a licence issued by the Council pursuant to this Local Law;

“planning approval” means approval by the Council 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 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 similar structure;

“pylon sign” means a sign supported by one or more piers and not attached to a building and includes detached sign framework supported on one or more piers to which sign infills can be added;

“residential area” means any area classified as a residential zone under the Town Planning Scheme;

“roof sign” means a sign erected on or attached to the roof of a building;

“rural producer’s sign” means a sign erected on land lawfully used for rural purposes which advertises goods or products produced, grown or lawfully manufactured on the land within the boundaries of which the sign is located;

“sale sign” means a sign indicating that the property or premises whereon the sign is affixed, is 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” includes a sign board or any message, direction or representation whatsoever displayed on a building or structure, a bunting sign which contains a written message, a clock other than a

clock which is built into a wall and does not project beyond the face of the wall, 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;

“sign infill” means a panel which can be fitted into a pylon sign framework;

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

“Town Planning Scheme” means the Shire of Irwin Town Planning Scheme No. 4 as amended from time to time or such other Town Planning Scheme for the time being in force within the District of the Irwin Shire, and the term also includes where the context permits any interim development order or other Town Planning Scheme operating in respect of any of the district to which Town Planning Scheme does not apply;

“vehicle” has the meaning given to it and for the purpose of the Road Traffic Act 1974;

“verandah” includes cantilever awnings, cantilever verandahs and balconies whether in, or above a street, way, footpath, public place or private property;

“verandah sign” includes a sign above a verandah fascia, a sign on a verandah fascia and a sign under a verandah;

“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;

“wall panel” means a panel used for displaying a bill poster, or painting advertisement which panel is attached or affixed to the wall of a business premises or which panel is erected in or about the forecourt of such business premises.

“Wind Region B” has the meaning as defined by Part 3.10.1 of the Building Code of Australia.

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

PART 3 – LICENCES & EXEMPTIONS

3.1 Signs Requiring Planning Approval

3.1.1 Where under any written law operating within the district a sign or advertising device requires planning approval, the requirement of planning approval shall be additional to the requirement of a licence under this Local Law.

3.1.2 In respect of the following signs and advertising devices, an application for a licence under this Local Law shall not be determined unless and until planning approval has been given:

- (a) a roof sign;
- (b) any sign or advertising device that is proposed and will exceed the provisions of this Local Law;
- (c) any sign or advertising device not exempted by Clause 3.3 on land zoned “residential” under a Town Planning Scheme of the Council.

3.2 Licence

Subject to Clause 3.3 a person shall not erect, attach, affix or maintain any sign or advertising device and the owner or the occupier of premises shall not suffer or permit a sign or advertising device to be erected, attached, affixed or maintained in on or above any land or building (or any part thereof) except pursuant to a licence issued under this Local Law.

3.3 Exemptions

3.3.1 The following signs and things are exempt from the requirements of Clause 3.2:

- (a) a sign erected or maintained pursuant to any Statute having operation within the State;
- (b) a sale sign not exceeding 1m² in area;
- (c) a plate 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 an occupier of a building on the land;
- (d) a direction sign;

- (e) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2m²;
- (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) a sign displaying solely the name and occupation of any occupier of business premises painted on a window or wall of those premises providing that the sign does not exceed 1.08m² in area and a height of 600mm;
- (h) a sign within a building unless the sign is considered to be objectionable by the Council;
- (i) a sign not larger than 0.7m x 0.9m on an advertising pillar or panel approved by the Council for the purpose of displaying public notices for information;
- (j) a building name sign on residential flats or home units where it is of a single line of letters not exceeding 300mm in height, fixed to the façade of the building;
- (k) a newspaper poster;
- (l) a sign that is required by the Builder's Registration Board or other Government body or authority to be displayed on a building site, provided that:
 - a) the area of the sign does not exceed 1.5 square metres; and
 - b) no part of the structure is more than 20 metres above the ground directly below it.

Any such sign shall be removed within seven (7) days of completion of the building works on the building site.

3.3.2 Every licence that is issued pursuant to this Local Law shall exist subject only to the provisions of this Local Law.

3.3.3 Notwithstanding that a sign or hoarding would otherwise comply with the provisions of this Local Law, the Council may refuse a licence if the sign or hoarding would, in its opinion, increase the number or variety of signs so as to become too numerous or various and/or should be refused having regard to the safety, free passage of traffic and the carrying out of authorised works in a street, way, footpath or public place and to the suitability or otherwise of the sign or hoarding to the locality or be injurious to the amenity or natural beauty or safety of the area.

3.3.4 The Council may issue a licence in respect of a sign to be affixed to a building that would otherwise be in contravention to this Local Law providing that Council is satisfied that the sign:

- (a) is not injurious to the amenity or natural beauty or safety of the area;
- (b) does not exceed 10 per cent of the total area of the façade of the building to which the proposed sign is to be affixed.

3.4 Revocation of Licences

The Council may, without derogation of any penalty to which that person may be liable, by notice in writing revoke a licence:

- (a) where anything purporting 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 is so altered that, in the opinion of the Council, it is objectionable or contravenes Sub Clause 3.3.3;
- (b) where the licensee is guilty of an offence against this Local Law.

3.5 Inspection of Licences

3.5.1 A licensee shall, when required by an authorised person produce for inspection any licence issued for a sign or advertising device.

3.5.2 Every licensed sign or advertising device shall bear on its face (bottom left hand corner as viewed) in clearly legible figures (minimum 25 millimeters high) the number of the licence applicable to the sign or advertising device as provided by the Council.

3.6 Application for Licences

3.6.1 An application for a licence shall be made in the form of the First Schedule hereto.

3.6.2 An application for a licence in respect of a sign or advertising device shall be accompanied by a plan drawn to scale of not less than 1:50 showing the size, position, design and inscriptions to appear thereon, the method of construction and fixing of the sign or advertising device from a street, way, footpath, other public place or locked boundaries where applicable together with such further information as the Council requires.

3.6.3 An application for the first issue of a licence, in respect of a roof sign or a pylon sign shall be accompanied by a certificate from a Structural Engineer 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 for Wind Region B.

- 3.6.4 If so required by the Council an applicant for a licence in respect of an illuminated sign shall produce to the Council a written consent to the erection of the sign, signed by or on behalf of the person or body having for the time being the management of traffic control lights within the district.
- 3.6.5 Subject to Clause 3.4 and except where otherwise stated in this Local Law, a licence remains valid until an alteration is proposed to be made to the structure or area of the sign in respect of which it is issued and in that event the licensee shall forthwith apply for a new licence.
- 3.6.6 A licence issued shall be in the form of the Second Schedule hereto.

3.7 Licence Fees

A licence shall be issued upon payment of the appropriate fee as set from time to time by Council. However the payment of a licence fee pursuant to any Local Law that was in operation prior to the coming into operation of this Local Law is deemed to be a payment for the purposes of this Local Law.

3.8 Special Permits

- 3.8.1 Notwithstanding anything contained in this Local Law the Council may permit the display of advertisements at churches, theatres and other places of public entertainment, election notices, advertisements of meetings or other matters of public interest upon the terms and for the period the Council in each case decides. Permits will be in letter form and shall be obtained prior to such displays taking place.
- 3.8.2 The terms and conditions imposed by the Council and the period of the permit shall be specified in the permit.
- 3.8.3 The Council may at any time revoke a permit granted pursuant to Sub Clause 3.8.1, subject to compliance with Part 9 Division 1 of the Act.
- 3.8.4 Upon the expiration or revocation of a permit issued under Sub Clause 3.8.1 the person to whom it was issued shall forthwith remove the advertisement to which it relates.

3.9 Election Signs

- 3.9.1 Notwithstanding anything contained in this Local Law, no licence is required for the erection of an election sign.
- 3.9.2 An election sign shall not:
- (a) exceed .75m² in area;

- (b) be erected on private property unless the approval of the owner of the property is obtained prior to the erection of the election sign;
- (c) be erected in excess of fourteen (14) days prior to the election for which the election sign relates.
- (d) be erected in excess of seven (7) days after the date of the election.

PART 4 – RESTRICTIONS & GENERAL REQUIREMENTS

4.1 Restrictions

A person shall not erect or maintain a sign:

- (a) so as to obstruct the view from a street or public place of traffic in a street or public place;
- (b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the Road Traffic Act 1974 or the Regulations made thereunder;
- (c) except with the approval of the Council on an ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other super structure over the main roof of a building;
- (d) subject to Clause 3.3 on land that is zoned Residential (pursuant to current Town Planning Scheme provisions) if the approved use is other than residential, unless a sign licence is issued under this Local Law;
- (e) on a building of which the stability is, in the opinion of the Council, likely to be affected by the sign;
- (f) except with the approval of Council as a movable or portable sign in a street or public place, unaffixed to a building;
- (g) on a light or power pole without the approval of the relevant authority responsible for the erection or maintenance of that pole;
- (h) in a position where it obstructs or obscures a person's view from a dwelling of the sea or any other natural feature of beauty;
- (i) if it is an advertising device and would be in a position where, in the opinion of Council, it would be injurious or unsuitable to the amenity or natural beauty of the area.

4.2 Inscription on Signs

Except in the case of a hoarding or direction sign, a sign generally shall only display one or more of the following:

- (a) the name of one or more of the occupiers of the premises to which it is affixed;
- (b) details of the business or businesses carried on in the premises;

- (c) details of the goods sold in the premises;
- (d) any other matter approved by the Council.

4.3 Existing Signs

Subject to Clauses 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 4.1 and 4.4 a licence issued under any previous Local Laws of the Council is deemed to have been issued pursuant to this Local Law.

4.4 Fixing of signs

A sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the Council, and shall be maintained in a safe condition.

4.5 Headroom

Every sign shall, unless otherwise permitted by the Council, be so fixed as to provide a clear headway thereunder of not less than 2.75m.

4.6 Obstruction to Doors, etc

A sign shall not be erected or maintained so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods.

4.7 Glass in Signs

Glass shall not be used in any sign other than an electric light globe or tube.

4.8 Readily Combustible Material

Except in the case of posters securely affixed to a signboard or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to any sign.

4.9 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 free of dilapidation.

4.10 Bill Posting

Subject to Clause 3.3 a person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, hoarding, sign post, blind or awning so as to be visible to a person in a street, public place, reserve or other land, except on a hoarding approved for the purpose by the Council.

4.11 Fly Posting

A person shall not fly post at any place or location within the district.

PART 5 – REQUIREMENTS FOR PARTICULAR SIGNS

5.1 Audio Signs

Audio Signs shall not be permitted unless approval for the same has been obtained from the Department for Communications or such other body which from time to time shall be responsible for the control of radio broadcasting.

5.2 Blimps

Blimps shall:

- (a) be approved by the Relevant Commonwealth Government Authorities and the Commonwealth Department of Defence or their equivalent;
- (b) not be permitted unless the application for licence is accompanied by a Certificate of Public Liability insurance for any damage or injuries arising from or in the use of the blimp;
- (c) whilst in use, be at all times supervised by a person or persons approved by the Council;
- (d) be removed immediately upon the request of the Council where in its opinion the weather/cyclonic conditions are such as to make the blimp a risk to public safety.

5.3 Child Care Centre Signs

5.3.1 Approved Child Care Centres can display only one advertising sign approved by the Council.

5.3.2 The maximum lettering height is 200mm.

5.3.3 Where letters or numerals are individually fixed to walls, the colours and materials shall be approved by the Town Planner.

5.3.4 Where signboards are used, the board shall not exceed 500mm in height and 1000mm in length, and lettering shall be black on a gold/bronze background.

5.3.5 Signs shall not be illuminated after 8.00 pm each night.

5.4 Consulting Room Signs

5.4.1 The only signs which are permitted on premises when they are occupied for consulting room purposes are those which are approved during the application process or any subsequent changes to such signs which the Council may approve.

5.4.2 Only the type of consulting room and the street number is permitted on signs which shall be of a size, design and colour consistent with preserving a high standard of amenity in the area.

5.4.3 The size of the signs permitted are 500mm x 750mm x 70mm high text or 500mm x 1000mm x 90mm high text.

5.5 Cold Air On-Roof Balloon Signs

5.5.1 All applications for cold air, on-roof, balloon signs are to be submitted to Council for consideration. Applicants are required to provide the following information:

- (a) a written application for each project providing details of the property on which the balloon sign is to be placed;
- (b) the submission of a written undertaking that the applicant accepts full responsibility for any damage that may occur;
- (c) submission of a certificate of currency for public liability insurance;
- (d) the duration of the cold air balloon sign on the building is to be indicated.

5.6 Clocks

A clock shall:

- (a) if suspended under a verandah or in an arcade, have its centre coinciding with the centre line of the footway, accessway or footpath thereunder;
- (b) comply as regards size with the following table:

<i>Height at Bottom of Clock above Footway</i>	<i>Maximum Diameter or Width of Clock Face and Depth of Clock including Lettering</i>
2.75m and under 4m	300mm
4m and under 6m	750mm
6m and under 12m	1m
12m and over	1.5m

- (c) be fixed either parallel or at right angles to the wall to which it is attached;
- (d) not project from the wall to which it is attached:
 - i) if parallel to the wall, beyond 300mm;

or

- ii) if at right angles to the wall, beyond 200mm;
- (e) afford a minimum headway of 2.75m;
- (f) be maintained so as to show the correct time;
- (g) be illuminated from sunset to midnight; and
- (h) if fitted with chimes, not be permitted to strike between midnight and 7.00am.

5.7 Development Signs

A development sign shall:

- (a) only be erected where the area of residential land being subdivided exceeds five hectares;
- (b) only be erected in the ratio of 1m² of area per hectare up to a maximum of 50m² with no individual sign exceeding 20m²;
- (c) be removed from the site within two years or when all of the lots in the subdivision have been sold, whichever is the sooner.

5.8 Direction Signs

A direction sign attached to a pole in a street shall not exceed 150mm in depth or 750mm in length with a headroom of 2.75m.

5.9 Display Home Signs

A display home sign shall:

- (a) be provided in a ratio not exceeding 2m² per house in a centre with no individual sign exceeding 4m²;
- (b) not have an overall height of more than 4m;
- (c) not be illuminated after 9.00pm;
- (d) not be erected for a period exceeding six months at any one time.

5.10 Hoardings

5.10.1 A hoarding shall not:

- (a) be erected on land unless the Town Planning Scheme zones such land to permit an industrial and/or commercial use;

- (b) except with the approval of the Council be erected within 15m of a street or other public place and in any case not closer than its own height to a street or public place;
- (c) be of greater area than 22m².

5.10.2 The licence fee for a hoarding is the annual licence fee set by the Council from time to time hereof and is payable annually so long as the hoarding is maintained with the approval of Council.

5.11 Horizontal Signs

5.11.1 A horizontal sign shall:

- (a) afford a minimum headway of 2.75m;
- (b) be fixed parallel to the wall of the building to which it is attached;
- (c)

<i>Minimum Distance of Sign above Street</i>	<i>Maximum Depth of Letters on Sign</i>
Less than 7.5m	900mm
7.5m to 9m	1100mm
9m to 12m	1300mm

and each increase above 12m shall be 200mm in depth for each 300mm in height to a maximum of 4.5m;

- (d) not project more than 600mm from the wall to which it is attached; and
- (e) not be within 600mm 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 225mm wide and projects at least 25mm in front of and 75mm above and below the sign.

5.11.2 The name of the building, owner or occupier may be shown on the façade of a building however:

- (a) unless otherwise specifically approved by the Council, only one such name shall be placed on any façade;
- (b) the letters of the name shall not exceed 1.5m in height;
- (c) the letters shall be of metal or other incombustible material; and
- (d) the letters shall not be lit or illuminated unless all illuminated lettering has been approved by the Council.

5.12 Illuminated Signs

An illuminated sign shall:

- (a) have any boxing or casing in which it is enclosed constructed of incombustible material;
- (b) have its electrical installation constructed and maintained to the satisfaction of Western Power or the appropriate electricity supply authority and in accordance with AS3000-1989;
- (c) be maintained to operate as an illuminated sign; and
- (d) not have a light of such intensity as to cause annoyance to the public.

5.13 Information Panels

The Council may provide information panels and permit the inclusion of advertisements in such panels upon any conditions it thinks fit.

5.14 Institutional Signs

An institutional sign shall not exceed 0.5m² in area except with the approval of the Council and in any case shall not exceed 6m².

5.15 Projection Signs

5.15.1 A person shall not project by light a sign being a photographic or other image which can be seen from a street, way, footpath, or other public place onto a building, screen or structure without a licence issued under this Local Law nor without the written consent of the owner of the building, screen or structure.

5.15.2 A licence shall not be issued by the Council for such a sign:

- (a) unless the building, screen or structure onto which it is proposed to project the sign is specified in the application for the licence;
- (b) if the sign when projected onto a building, screen or structure would be more than 12m in width or 12m in height;

5.15.3 Where it is proposed to project such a sign onto a building, screen or structure in a series Council may issue one licence in respect of all the signs in that series but no sign or signs other than those for which a licence has been issued shall be projected.

5.15.4 Projection onto any building, screen or structure not specified in the licence, shall not be permitted.

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

5.16 Pylon Signs

5.16.1 A pylon sign shall:

- (a) be monolithic or not have any part less than 2.75m or more than 9m above the level of the ground immediately below it, or exceed 3.0m measured in any direction across the face of the sign or have a greater superficial area than 6m² except in a business area or large shopping complex with the approval of the Council and unless it complies with the following:
 - i) the sign is the motif or emblem of the centre;
 - ii) only one sign is erected;
 - iii) the sign does not exceed 12m in height;
 - iv) subject to Sub Clause 5.12.1(b) the sign does not exceed 25m² on any face;
 - v) the sign is not erected within its own overall height of any street or right of way;
- (b) the Council may in the case of a shopping centre permit a sign up to 25m² on any face;
- (c) not project more than 1m over any street;
- (d) be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- (e) a sign supported on two or more piers or columns can be monolithic or shall remain open below the sign panel to a height of 2.75m above the ground immediately below it;
- (f) not, as to any part thereof, project over any street at a height of less than 2.75m;
- (g) not be within 1.8m of the side boundaries of the lot on which it is erected unless the lot on which it is erected abuts an intersecting street or right of way in which the Council may authorise the erection of the sign at a lesser distance than 1.8m;
- (h) not have any part thereof less than 6m from any part of another sign erected on the same lot.

5.16.2 For a single tenant site, only one pylon sign is permitted. For a multi-tenant site, the Council may permit up to two composite pylon signs comprising equal sized infill panels for each tenancy and space for each shop or unit on the Lot.

5.16.3 Where the Council allows one or two composite pylon signs:

- (a) the total area of the face of the sign specified under Sub Clause 5.16.1(a) may be increased by up to fifty (50) percent to a maximum of 9m².
- (b) the approval of the Council is required for each individual infill to be fitted into the sign.

5.17 Roof Signs

5.17.1 A roof sign shall:

- (a) not at any point be within 2.75m of the ground;
- (b) not extend laterally beyond the external walls of the building;
- (c) comply as regards the height above ground and height of sign with the following table:

<i>Height of main building above ground level at point where sign is to be fixed</i>	<i>Maximum height of sign</i>
2.75m and under 4m	1.25m
4m and under 6m	1.8m
6m and under 12m	3m
12m and under 18m	5m
18m and under 24m	6m
24m and upwards	7m

5.17.2 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 sign is to be erected that is provided solely for the purpose of architectural decoration shall be disregarded.

5.17.3 A licence for a roof sign requires the approval of the Council.

5.18 Rural Producer's Sign

A rural producer's sign shall:

- (a) show only the name and address of the occupier of the land or the name of the property or both and only advertise goods or products produced, grown or lawfully manufactured upon that land;

- (b) not exceed 2m² in area or 3m in height.

5.19 Sale Signs

Subject to this Local Law a person shall not erect or maintain a sale sign:

- (a) exceeding 10m² in area;
- (b) in respect of an auction sale for more than twenty-eight days before the date on which the auction is to be held or for more than forty-eight hours after that date;
- (c) in respect of the sale of land under five hectares in area for a period exceeding six months or within the period of twelve months from the date of expiration of the period during which another sign advertising the sale of the same land or any part thereof was erected or maintained;
- (d) advertising that flats or dwelling units in a building erected or to be erected on the land on which the sign is situated are or will be available for letting or for the purchase before the date of issue of the building licence in respect of the building or after three months following the completion of the building.

5.20 Semaphore Signs

5.20.1 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 1m from the point of attachment nor be of greater height at any point than 1m;
- (d) be fixed over or adjacent to the entrance to a building;
- (e) not be fixed under or over any verandah.

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

5.21 Service Station Signs

5.21.1 A maximum of two pedestal type signs are permitted on service station sites. In addition to the aforementioned, a service station sign shall:

- (a) not exceed 3.5m² total area including all faces;
- (b) be located wholly within the boundaries of the site used as a service station;

- (c) be located so as not to cause a traffic or safety hazard;

and if a directional sign denoting toilets, car wash, air, water, etc must not exceed 0.5m².

5.22 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.

5.23 Tower Signs

A tower sign shall not, unless otherwise approved by the Council:

- (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) be a flashing sign;
- (c) exceed in height one sixth of the height of the mast, tower or chimney stack on which it is placed;
- (d) exceed in width the width or diameter of the mast, tower or chimney stack on which it is placed; or
- (e) extend laterally beyond any part of the mast, tower or chimney stack on which it is placed.

5.24 Verandah Signs

5.24.1 Signs above Verandahs and Fascias

A sign comprising freestanding lettering only may be erected above the outer fascia of a verandah parallel to the kerb if the lettering does not exceed 400mm in height and is mounted on a base of at least 75mm in width.

5.24.2 Signs on Verandah Fascias

A sign fixed to the outer or return of a verandah:

- (a) shall not exceed 600mm in depth;
- (b) shall not project beyond the outer metal frame or surround of the fascia; and

- (c) may be of changing colours if it is an illuminated sign but shall not emit a flashing light.

5.24.3 Signs on Theatre Verandah Fascias

- (a) An illuminated sign fixed to the outer fascia of a theatre shall:
 - i) not be constructed or erected unless plans and specifications thereof and structural details of the verandah have been submitted to and the plans of the sign approved by the Council;
 - ii) be so constructed that its bottom edge is not lower than the bottom edge of the fascia or its top edge not higher than the top edge of the fascia;
 - iii) not exceed 1.2m in height.
- (b) Where such a sign is to be fixed to the outer fascia of a theatre verandah which has already been constructed at the time that this Local Law comes into force, the outer face of the sign shall not be less than 150mm from a line drawn vertically from the kerb line of the footpath beneath such verandah.
- (c) Where such a sign is to be fixed to the outer fascia of a theatre verandah constructed after this Local Law comes into force, the outer face of the sign shall not be less than 600mm from a line drawn vertically from the kerb line of the footpath beneath such verandah.

5.24.4 Signs under Verandahs

A sign under a verandah shall:

- (a) afford a headway of at least 2.75m or, when approved by the Council, 2.4m;
- (b) not exceed 2.4m in length or 500mm in depth;
- (c) not weigh more than 50kg;
- (d) not, if it exceeds 300mm in width be within 1.4m, or where it does not exceed 300mm in width be within 1m of the side wall of the building, measured along the front of the building before which it is erected;
- (e) not, if it exceeds 300mm in width, be within 2.75m, or where it does not exceed 300mm in width be within 1.75m of another sign under that verandah;

- (f) be fixed at right angles to the front wall of the building before which it is erected except on a corner of a building at a street intersection when the sign may be placed at an angle with the wall so as to be visible from both streets;
- (g) be so placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical place of the shop front directly opposite the end of the sign.

5.25 Vertical Signs

5.25.1 A vertical sign shall;

- (a) afford a minimum headway of 2.75m;
- (b) not project more than 1m from the face of the building to which it is attached;
- (c) not be within 1.75m of either end of the wall to which it is attached;
- (d) be of a height of at least twice its width;
- (e) not project more than 1m above the top of the wall to which it is attached nor more than 1m back from the face of that wall;
- (f) not be within 4m of another vertical sign on the same building;
- (g) not be placed on a corner of a building, except at a street intersection when it may be placed at an angle with the walls so as to be visible from both streets; and
- (h) except with the approval of the Council not exceed 1m in width exclusive of the back projection.

5.25.2 Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building within 3m of it, the sign may project 500mm further than the distance prescribed by in paragraph (b) of Sub Clause 5.24.2 or the distance by which the building to which it is affixed is set back beyond the face of the other, which ever is the lesser.

5.25.3 Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right of way, the Council may authorise the affixing of the sign at a lesser distance from the end of the wall than that prescribed by paragraph (c) of Sub Clause 5.24.3.

PART 6 - OFFENCES

- 6.1 A person who erects a sign or hoarding, which does not comply with, or erects a sign or a hoarding in a manner contrary to the provisions of this Local Law, commits an offence.
- 6.2 Where by this Local Law a licence is required to erect or maintain a sign or hoarding, a person who maintains a sign or a hoarding without a licence or in respect of which the licence has expired or been cancelled, commits an offence.
- 6.3 Neither the owner nor the occupier of any land or premises shall permit a sign or hoarding to remain thereon unless the sign or hoarding complies with this Local Law.
- 6.4 Without prejudice to the preceding provisions of this Local Law the Council may serve on the owner or occupier of any premises on which a sign is erected, affixed or maintained, contrary to this Local Law, notice to remove the sign within the time specified in the notice; and a person neglecting or failing to comply with the terms of a notice served on him pursuant to this Local Law commits an offence.

PART 7 – REMEDY FOR BREACH

- 7.1 The Council may remove to a place appointed by it any sign, advertisement, advertising device, hoarding or sign board placed on or erected on any street, way, footpath or other public place under the care and control of the Council unless so placed or erected pursuant to this Local Law. The Council may without incurring any liability therefore dispose of any sign, advertisement, advertising device, hoarding or sign boards so removed, and reinstate the street, way, footpath or public place under the care and control of the Council at the expense of the person or persons responsible for the placing or erecting of the same thereon or the injury thereto and recover the expense of the removal from him in a Court of Competent Jurisdiction.
- 7.2 Where a breach of any provision of this Local Law has occurred in relation to a sign or hoarding on private property, the Council may give notice in writing to the owner of that property:
- (a) advising details of the breach of the Local Law;
 - (b) requiring the owner to remedy the breach within the time specified in the notice.
- 7.3 A person, owner, or licensee is not entitled to make any claim by way of damages or otherwise, against any person authorised by the Council:
- (a) to carry out all or part of the works and do all things necessary that the owner, or licensee was required to do to comply with this Local Law; or
 - (b) in respect of a sign removed and dealt with under the provisions of these clauses or against any person who purchases a sign sold by the Council.

PART 8 – MISCELLANEOUS

8.1 Bonds, Licence and Permit Fees and Charges

All bonds, licence and permit fees and charges applicable under this Local Law shall be as determined by the Council from time to time in accordance with Section 6.16 of the Act.

8.2 Public Liability Insurance and Indemnity

8.2.1 Where, as a condition of a sign licence, the owner or licensee is required to provide a public liability insurance policy, indemnifying the Council against all actions, suits, claims, damages, losses and expenses made against or incurred by the Council arising from any activity, action or thing performed or erected in accordance with the licence and keep that insurance policy current for the duration of the licence, the owner or licensee shall:

- (a) enter into an agreement with the Council to provide the required public liability insurance protection;
- (b) take out a public liability insurance policy in the name of the owner or licensee and the Council, for a minimum value of \$5m;
- (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the Council;
- (d) include a clause in the public liability insurance policy which requires the owner or licensee and the insurance company, to advise the Council if the policy lapses, is cancelled or is no longer in operation;
- (e) on the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.

8.2.2 The sign licence may be revoked where an owner or licensee refuses or cannot provide a current certificate of insurance within two (2) working days as requested in accordance with Sub Clause 8.2.1.

PART 9 - PENALTIES

9.1 Offences

- 9.1.1 Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing commits an offence.
- 9.1.2 An offence against a clause specified in the First Schedule of this Local Law is a prescribed offence for the purposes of Section 9.16(1) of the Act.
- 9.1.3 Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

9.2 Infringement and Infringement Withdrawal Notices

For the purposes of this Local Law:

- (a) the form of the infringement notice referred to in Section 9.17 of the Act is Form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and
- (b) the form of the infringement withdrawal notice referred to in Section 9.20 of the Act is Form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996.

9.3 Offence Description and Modified Penalty

The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

9.4 Prosecution for Offences

A penalty for an offence against this Local Law (not being a modified penalty) may be recovered by the Council by taking proceedings against the alleged offender in a Court of Petty Sessions.

9.5 Records to be Kept

The Council shall cause adequate records to be kept of all infringement notices served and modified penalties received.

9.6 Right of Appeal

When the Council makes a decision as to whether it will –

- (a) grant a person a licence under this Local Law; or
- (b) renew, vary, or cancel a licence that a person has under this Local Law,

the provisions of Division 1 of Part 9 of the Act and Regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.

9.7 Litter Enforcement

The enforcement of matters relating to bill posting and fly posting will be in accordance with the provisions of the Litter Act 1979.

9.8 Appointment of Authorised Persons, and Certificate of Appointment for Authorised Persons

Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with Section 9.10 of the Local Government Act 1995.

9.9 Impounding of Goods and Recovery of Expenses

The Council may:

- (a) impound goods in certain circumstances – see Regulation 29 of the Local Government (Functions and General) Regulations 1996; and
- (b) withhold impounded or confiscated goods until costs are paid; dispose of impounded, confiscated or uncollected goods and recover impounding fees, in accordance with Section 3.46, 3.47 and 3.48 of the Local Government Act 1995.

FIRST SCHEDULE

SHIRE OF IRWIN

Offences and Modified Penalties

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
Part 3 – Licences and Exemptions			
1	3.4	Erect or maintain or permit to be erected or maintained, a sign or hoarding without a licence.	100
2	3.4	Erect, maintain or display or permit to be erected, maintained or displayed a sign or hoarding otherwise than in accordance with licence conditions.	100
3	3.5	Fail to produce a sign licence for inspection when required.	100
4	3.5.2	Fail to display the sign or hoarding licence number in clear legible figures as required.	100
Part 4 – Restrictions			
	4.1	Erect or maintain, suffer or permit a sign or hoarding:	
5	4.1(a)	To obstruct the view to traffic in a street or public place.	100
6	4.1(b)	To be confused or mistaken for official traffic lights or signs.	100
7	4.6	To obstruct access to or from a door, fire escape or window not designed for display of goods.	100
8	4.1(c)	On an ornamental tower, spire, dome or other super structure over the main roof of a building.	100
9	4.1(e)	On a building which the stability is likely to be affected by the sign.	100
10	4.1(f)	As a moveable or portable sign in a street or public place not affixed to a building.	100
11	4.1(g)	On any light or power pole.	100
12	4.1(h)	On any tree, shrub or plant.	100
13	4.7	Contains glass, other than electric light globe or tube, in a sign.	100
14	4.8	Form part of or attach, paper, cardboard, cloth or other readily combustible material to any sign.	100
15	3.9.2	If being an election sign, it is not in accord with Sub Clause 3.9.2.	100
16	4.4	Fail to securely fix a sign to a supporting structure.	100
17	4.4	Fail to maintain a sign in a safe condition.	100
18	4.5	Fail to fix a sign over walkways, accessways or public land to provide clear headway of not less than 2.75m.	100
19	4.9	Fail to keep a sign clean and maintained in good order.	100
20	4.10	Post a bill, fix advertisement visible from street, public place, reserve except a hoarding approve for purpose.	100
21	4.11	Fly post at any place or location in district.	100

SECOND SCHEDULE

SHIRE OF IRWIN

SIGNS, HOARDINGS & BILL POSTING

Application for licence

Name of Owner/Occupier of land on which the sign is to be erected:

Submitted by _____

Address for correspondence _____

I/We hereby apply for a licence to erect and maintain a _____

_____ sign on Lot _____ House No: _____

in accordance with the attached plan and details submitted in duplicate.

Signature of Applicant _____

Date _____

Licence

SHIRE OF IRWIN

SIGNS, HOARDINGS & BILLPOSTING

Licence No: _____ Date: _____

This licence is granted to _____

of _____

in respect of a _____

on premises known as No _____

This licence is issued in accordance with Application No. _____ and is subject to the Local Laws of the District of the Shire of East Irwin. The licence is valid until any alteration is made to the sign and in that event the licensee must apply for a new licence. If this licence is issued in respect of a hoarding, the licence expires on _____ of _____ 20_____

CHIEF EXECUTIVE OFFICER