

**Please note – this version includes the following amendments:
gazetted on 2 April 1982 (shown in green)
gazetted on 19 November 1982 (shown in pink)
gazetted on 19 September 2001 (shown in blue)**

LOCAL GOVERNMENT ACT 1960-1980

Western Australia

Municipality of the Shire of Kalamunda

By-laws Relating to Signs, Hoardings and Bill Posting.

IN pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Kalamunda hereby records having resolved on 9 June 1980, to revoke the adoption of the Signs, Hoardings and Bill Posting By-laws as published in the *Gazette* dated 1 May 1970 and as amended by notices in *Gazettes* dated 30 May 1975 and 3 August 1979, and to make and submit for confirmation of the Governor, the following By-laws: -

1. CITATION

These by-laws may be cited as the Shire of Kalamunda Signs, Hoarding and Bill Posting By-laws.

2. INTERPRETATION

2.1 In these by-laws, unless the context otherwise requires,

"Act" means the [Local Government Act 1995](#) (as amended);

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

["Authorised Officer"](#) means an employee of the Shire of Kalamunda;

"bill posting" means the sticking or posting of any bill, or painting, stencilling, placing, sticking, posting or affixing of any advertisement on any building, structure, fence, wall, hoarding, signpost, pole, blind, or awning or on any tree, rock or other like place or thing so as to be visible to any person in a street, public place, reserve or other land, and "bill post" has a like meaning;

["Building Surveyor"](#) means Council's Building Surveyor appointed pursuant to the "Act";

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

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

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

"direction sign" means a sign erected in a street or public place to indicate the direction to another place but does not include any such 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 being administering the Traffic Act;

"display home sign" means a sign erected on a lot on which a house or other residential building is erected or to be erected which has been approved by the Council as a display home under a Town Planning Scheme of the Council;

“Election Sign” means a bill, poster, placard or advertisement relating to any election or a prospective or forthcoming election of Parliament or the Commonwealth, or the State or municipal elections and to a referendum, but does include a sign erected by Council for public information;

"fly posting" without limiting the generality of the provisions in these by-laws relating to bill posting means advertising by means of more than one poster placed on fences, wall, trees, rocks and any like places, or things without authority, and "fly post" has a like meaning:

"hoarding" means a detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of section 377 of the [Local Government \(Miscellaneous Provisions\) Act](#); this shall include a poster panel, wall panel or an illuminated panel;

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

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

"information panel" means a panel used for displaying Government and Local Authority notices, functional and dated announcements of a religious, educational, cultural, recreational or similar character, general information for the benefit of the public and travellers and general commercial advertising;

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

"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 -

- (a) located wholly within the boundaries of land owned or occupied by a person who erected or who has maintained the sign;
- (b) only advertising a product or service available within the boundaries of the land upon which the sign is erected;
- (c) not exceeding a height of 1 metre measured above the level of the ground immediately below it;
- (d) not exceeding 0.6m² in area;
- (e) placed so as not to cause interference or hazard to vehicular traffic or cause any interference or hazard to or impede pedestrians; and
- (f) secured to prevent movement by wind;

"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 a detached sign framework supported on one or more piers to which sign infills may be added;

"roof sign" means a sign erected on the roof of a building;

"rural producer's sign" means a sign erected on land zoned "Rural" and which -

- (a) does not project more than 900mm over a street alignment as defined in the Act;
- (b) does not exceed 1m² in area;
- (c) does not exceed 3 metres in height above the level of the ground immediately below it; and
- (d) only advertises goods or products produced, grown or lawfully manufactured upon the land within the boundaries of which the sign is located;

"sale sign" means a sign indicating that the premises whereon it is affixed are for sale, for setting or to be auctioned;

"semaphore sign" means a sign affixed and supported at, or by, one of its ends only;

"sign" includes a signboard or any message, direction or representation whatsoever displayed on a building or structure, a portable sign an airborne device anchored to any land, building or thing, or a bunting sign and a clock other than a clock which is built into a wall and does not project beyond the face of the wall, or flags and bunting which carry no written message;

"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 Town Planning Scheme of the Shire of Kalamunda;

"verandah", for the purpose of these by-laws, includes cantilever awnings, cantilever verandahs and balconies whether over public streets and ways or over private land;

"verandah signs" includes signs above verandah fascias, signs on verandah fascias and signs under verandahs;

"vertical sign" means a sign attached to a building in which the vertical dimension exceeds the horizontal dimension exclusive of the back projection;

"wall panel" means a panel used for displaying a posted or painted advertisement; it is affixed to or adjoining the wall of business premises or erected on the forecourt of such business premises.

2.2 Words and expressions used have the same respective meaning as is given in the Act.

3. LICENCES

3.1 Licences and Exemptions

3.1.1 subject to the provisions of the following sub-by law no person shall erect, make or maintain a sign or advertising device and the owner or occupier of premises shall not suffer or permit a sign or advertising device to remain on those premises so as to be visible from a street, reserve or other public place, except pursuant to a licence issued under these by-laws.

3.1.2 The following are exempt from the requirements of these by-laws:

- (a) a sign erected or maintained pursuant to any Act 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 the occupier of the premises;
- (d) a direction sign;
- (e) signs of 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, providing the area of any such sign does not exceed 0.2m²;
- (f) advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) The name and occupation of any occupier of business premises painted on a window or wall of those premises;
- (h) signs within a building unless such signs are deemed to be objectionable by the Council;
- (i) signs not larger than 0.7m x 0.9m on advertising pillars or panels approved by or with the consent of the Council for the purpose of displaying public notices for information;
- (j) building name signs on residential flats or home units where they are of a single line of letters not exceeding 300mm in height, fixed to the facade of the building;
- (k) newspaper posters.

3.1.3 Every licence that is granted shall exist subject only to the provisions of these by-laws.

3.1.4 Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws the Council may refuse a licence if;

- (a) the sign or hoarding would, in its opinion, increase the number or variety of signs so as to become too numerous or various to be acceptable to residents in the area or be

injurious to the amenity or natural beauty or safety of the area; or

- (b) the sign or hoarding advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign or hoarding is erected.

3.2 Revocation of Licences

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

- (a) where anything purporting to be done pursuant to a licence issued under these by-laws is not done in conformity with the licence or with these by-laws or is so altered that, in the opinion of Council, it is objectionable or contravenes By-law 3.1.4; or
- (b) where the licensee is guilty of an offence against these by-laws.

3.3 Inspection of Licences

3.3.1 A licensee shall, on demand by an officer of the Council, produce his licence for inspection.

3.3.2 Every licensed sign or hoarding shall bear on its face (bottom left hand corner as viewed) in clearly legible figures the number of the licence under which it is erected or displayed.

3.4 Applications for Licences

3.4.1 An application for a licence under these by-laws shall be made in the form of an application set out in the First Schedule hereto.

3.4.2 An application for the first issue of a licence in respect of a sign shall be accompanied by duplicate plans drawn to a scale of not less than 1 to 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 the setbacks from the street, way, footpath or other public place or lot boundaries where applicable or alternatively such information as Council may require.

3.4.3 An application for the first issue of a licence in respect of a roof sign or a special pylon sign shall be accompanied by a

certificate from an architect or 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.

- 3.4.4 An applicant for a licence shall furnish in writing such further particulars as may be required by the Building Surveyor.
- 3.4.5 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 of the Shire of Kalamunda.
- 3.4.6 Subject to By-law 3.2 and except where otherwise stated in these by-laws a licence issued pursuant to the by-laws 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 apply for a new licence.

3.5 Licence Fees

A licence shall be issued upon payment of the appropriate fee, set out in the Second Schedule to these by-laws, only, but the payment of a licence fee pursuant to any by-laws that were in operation prior to the coming into operation of these by-laws is deemed to be a payment for the purpose of this by-law.

3.6 Special Permits

- 3.6.1 Notwithstanding anything contained in these by-laws, the Council may, by permit under the hand of the Building Surveyor, allow the display of advertisements for [Community Associations such as](#) churches, theatres and other places of public entertainment, election notices or of advertisements of meetings or other matters of public interest upon such terms and for such period as the Council may in each case decide.
- 3.6.2 The Council may revoke any such permit at any time without assigning any reason for such action.
- 3.6.3 Upon the expiration or revocation of a permit issued under this by-law, the person to whom it was issued shall forthwith remove the advertisement to which it relates and failure so to remove the advertisement is an offence.

3.7 [Public Liability Insurance and Indemnity](#)

[Where required by the local government, the owner of a sign shall provide public liability insurance cover and enter into an agreement with the local government, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or](#)

thing performed or erected under permit, issued in accordance with this local law, or as a result of the holding of the event.

4. GENERAL

4.1 Restrictions

A sign shall not be erected or maintained;

- (a) so as to obstruct the view from a street or public place or traffic in any 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 Traffic Act 1919 or the Traffic Regulations;
- (c) except with the specific approval of the Council on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs or other superstructure over the main roof of a building;
- (d) on any land that is zoned in a Town Planning Scheme as residential or used for residential purposes other than a site of lawful non-conforming use other than residential unless specifically permitted in these by- laws;
- (e) on any building of which the stability is, in the opinion of the Building Surveyor, likely to be affected by the sign;
- (f) as a movable 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 of that pole;
- (h) in any position where it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty;
- (i) (a) On land zoned or used for residential purposes unless it is a sale sign or a sign authorised under Council's Town Planning Scheme;
- (j) in any position where, in the opinion of Council, the advertisement will be out of harmony with the

surroundings in the locality in which the advertisement is proposed to be exhibited or where Council considers it will be undesirable for reasons to be stated by the Council.

4.2 Inscriptions on Signs

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

- (a) the name of one or more of the occupiers of the premises;
- (b) details of the business or businesses carried on in the premises;
- (c) details of the goods sold in the premises to which it is affixed and nothing more;
- (d) any other matter specifically approved by the Council.

4.3 Existing Signs

4.3.1 If a licence or permit for a sign or advertising device was issued under a previous By-Law or Local Law of the Shire of Kalamunda, without a limitation as to time and the sign or advertising device does not comply with the provisions of these Local Laws, if any alteration is proposed to be made to the structure, area or message of it, the sign or advertising device shall be made to comply with the provisions of this Local Law.

4.3.2 Where an existing sign fails to conform to the requirements of these by-laws a person receiving a direction from Council to remove the sign shall remove it immediately upon receiving the direction. A person receiving such a direction may within 24 days of his receipt thereof appeal to the Council.

4.4 Fixing of Signs

Every sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the Building Surveyor, and shall be safely maintained.

4.5 Headroom

Every sign shall, unless otherwise permitted by the Surveyor, 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 so as to obstruct access to or from any 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 the face of any sign excluding the means of illumination.

4.8 Readily Combustible Material

Except in the case of bunting and flags or posts 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

A person shall not bill post within the district of the Shire of Kalamunda except on a hoarding approved for the purpose by the Council of the Shire.

4.11 Fly Posting

4.11.1 A person shall not fly post at any place or location within the district of the Shire of Kalamunda.

4.11.2 When an offence against these by-laws has occurred in respect of fly posting, any person authorising the advertisement shall be deemed to be the person who committed the offence if within seven days of being requested to do so he fails to identify the person he employed or authorised to display the bills, the subject of the offence.

5. REQUIREMENTS FOR PARTICULAR SIGNS

5.1 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 thereunder;
- (b) comply as regards size with the following table –

Height of Bottom of Clock above Footway			Maximum Diameter or Width of Clock Face and Depth of Clock including lettering
2.75 m	and under	4 m	300 mm
4 m	and under	6 m	750 mm
6 m	and under	12 m	1 m
12 m	and over		1.5 m

- (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, more than 2m;
 - (ii) if at right angles to the wall, more than 2m;
- (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 seven a.m.

5.2 Development Signs

Development signs shall:

- (a) only be erected where more than ten subdivisional lots are to be produced in the development or the stage of development being advertised;
- (b) only be erected in the ratio of 1m² of area per hectare of the total land to be subdivided up to a maximum 50m² with no individual sign exceeding 20m²;
- (c) be removed from the site within two years or when 80 per cent of the lots in the subdivision or stage being advertised have been sold, whichever is the sooner.

5.3 Direction Signs on Street Poles

A direction sign attached to a pole in a street shall not exceed 200mm in depth or 1.2 metres in length with a headroom of 2.75m.

5.4 Display Home Signs

Display home signs shall:

- (a) be provided in a ratio not exceeding 2m^2 per house in a centre with no individual sign exceeding 4m^2 ; overall height of sign not to exceed 4m;
- (b) not be illuminated after 9.00 p.m.
- (c) be approved for a period not exceeding twelve months at any one time.

5.5 Hoardings

5.5.1 Hoardings shall not:

- (a) be erected in a residential area;
- (b) except with the specific approval of Council, be erected within 15m of any 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 22m^2 .

5.5.2 A licence issued in respect of a hoarding is valid in terms of the licence for a period to be set by the Council, up to ten years.

5.5.3 The licence fee for a hoarding is an annual licence fee and is payable annually so long as the hoarding is maintained with the approval of the Council.

5.6 Horizontal Signs

5.6.1 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) conform as to depth to the following table –

Minimum Distance of Sign above street		Maximum Depth of Sign
Less than	7.5 m	600 mm
7.5 m	to 9 m	750 mm
9 m	to 12 m	1 m

The increase above 12m should be 150mm 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.

5.6.2 Notwithstanding the provisions of paragraph (c) of sub-bylaw 5.6.1, the Council may permit an increase of not more than fifty per cent of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.

5.6.3 There shall be not more than one line of horizontal signs facing any one street on any building.

5.6.4 The name of the building, owner or occupier may be shown on the facade of a building but:

- (a) unless otherwise specifically approved by the Council, only one such name shall be placed on any facade;
- (b) the letters of the name shall not exceed 1.2m 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 specifically approved by the Council.

5.7 Illuminated Signs

Every 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 the State Energy Commission or the

appropriate electricity supply authority and in accordance with the S.A.A. Code 3000 - 1976.

- (c) be maintained to operate as an illuminated sign; and
- (d) not have a light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.

5.8 Information Panels

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

5.9 Institutional Signs

Institutional signs shall not exceed 0.5m^2 in area except with the approval of the Council but in any case shall not exceed 2m^2 .

5.10 Projection Signs

5.10.1 No person shall project by light any sign being a photographic or other image which can be seen from any street, way, footpath, or other public place onto any building, screen or structure without a written licence issued by the Council, nor without the consent of the owner of the building or structure.

5.10.2 No licence shall be issued by the Council for a projection sign:

- (a) unless the building, screen or structure onto which it is proposed to project such sign or signs is specified in the application for such licence;
- (b) in respect of any such sign which when projected onto a building, screen or structure is more than 12m in width or 12m in height;
- (c) unless the licence specifies the building, screen or structure onto which such sign may be projected.

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

5.10.4 Where a licence has been issued by the Council pursuant to this by-law the sign or signs in respect of which it has been issued shall not be projected onto any building, screen or structure not specified in such licence.

5.10.5 The owner or occupier of any building, screen or structure shall not permit any sign or signs to be projected onto the same unless a licence has been issued pursuant to this by-law.

5.11 Pylon Signs

5.11.1 A pylon sign shall:

- (a) not have any part thereof less than 2.75m or more than 6m above the level of the ground immediately below it except in central business areas or large shopping complexes, as determined by Council;
- (b) not exceed 2.5m measured in any direction across the face of the sign or have a greater superficial area than 4m² - except in central business areas or large shopping complexes, as determined by Council; such signs when erected must comply with the following -
 - (i) be the motif or emblem of the centre;
 - (ii) only one such sign on any development;
 - (iii) not exceed 10m² on any face;
 - (iv) not be erected within a distance equal to its own overall height from any street or right of way;
- (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) where a pylon sign is supported on two or more piers or columns the space between the piers or columns shall not be wholly or partly filled in with any material below 2.75m above ground level.
- (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 the pylon sign is erected abuts an intersecting street or right of way,

when 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.

5.11.2 Where more than one pylon sign is proposed to be erected on a lot on which unit factories or small shops are erected or are to be erected Council may require all the pylon signs to be incorporated into one sign complying with the following -

- (a) initial approval is to be given to the pylon sign framework together with one or more sign **infills**;
- (b) an application is to be submitted and approval given for each additional **infill**;
- (c) all **infills** are to be of an equal size and space is to be provided for one **infill** for each shop or unit on the lot;
- (d) where Council requires signs to be combined the total area of the **infill** signs specified under sub-bylaw 5.11.1 (b) may be increased by up to 50 per cent, i.e. to a maximum of 6m².

5.12 Roof Signs

5.12.1 Approval for the erection of a sign on a roof of a building shall be granted by resolution of the Council only and where approval has been so granted a roof sign shall:

- (a) not at any point be within 4m of the ground;
- (b) not extend laterally beyond the external walls of the building;
- (c) comply as regards height above ground and height of sign with the following table -

Height of Main Building above Ground Level at Point where Sign is to be fixed.		Maximum Height of Sign
4 m	and under 5 m	1.25 m
5 m	and under 6 m	1.8 m

6 m	and under	12 m	3 m
12 m	and under	18 m	5 m
18 m	and under	24 m	6 m
24 m	and upwards		7 m

5.12.2 When ascertaining the height of the main building above ground level for the purpose of this by-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.

5.13 Sale Signs

Subject to a licence issued under these by-laws and the exemption of signs less than 1m^2 in area, a person may erect a sale sign not exceeding 10m^2 in area as follows -

- (a) in respect of an auction sale if it is erected not more than twenty-eight days before the date on which the auction sale is to be held. Such sign shall be removed not later than forty-eight hours after the sale and the failure to do so shall be an offence;
- (b) in respect of the sale of subdivisional land where less than ten subdivisional lots are to be produced in the development or the stage of the development being advertised if it is proposed that such sign will not be permitted to remain for a period exceeding six months and no other sign advertising the sale of the same land or any part thereof will be erected within a period of one year from the erection of the said sign, except a sale sign not exceeding 1m^2 . It shall be an offence to permit the sign to remain for more than six months or to erect or suffer or permit to be erected another sign advertising the sale of the land or any part thereof while the first sign remains in place;
- (c) advertising that flats and 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 purchase if such sign is not erected or allowed to remain upon the land before the date of issue of the building licence in

respect of such building or after three months following the completion of the said building. It shall be an offence to erect or allow such a sign to remain on land in breach of the provisions of this paragraph.

5.14 Semaphore Signs

5.14.1 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;
and
- (e) not be approved under or over any verandah.

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

5.15 Tower Signs

A tower sign shall not, unless otherwise specially approved by 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) if illuminated, 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.

5.16 Verandah Signs

5.16.1 Signs Above Verandah Fascias

Signs comprising free standing 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.

5.16.2 Signs on Verandah Fascias

A sign fixed to the outer or return fascia 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) if an illuminated sign may be of changing colours but shall not emit a flashing light.

5.16.3 Signs on Verandah Fascias (Theatre)

5.16.3.1 An illuminated sign fixed to the outer fascia of a theatre verandah shall -

- (a) 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;
- (b) 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;
- (c) not in any event exceed 1.2m in height.

5.16.3.2 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 by-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.

5.16.3.3 Where such a sign is to be fixed to the outer fascia of a theatre verandah constructed after this by-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.

5.16.4 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 50 kg;
- (d) not, if it exceeds 300mm in width, be within 1.4m, or where it does not exceed 600mm 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 where 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 plane of the shop front directly opposite the end of such sign;
- (h) not be constructed of shatterable material.

5.17 Vertical Signs

5.17.1 A vertical sign shall -

- (a) afford a minimum headway of 2.75m;
- (b) subject to sub-bylaw 5.17.2, not project more than 1m from the face of the building to which it is attached;
- (c) subject to sub-bylaw 5.17.3, 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 where it may be placed at an angle with the walls so as to be visible from both streets; and
- (h) except with special permission of the Council not exceed 1m in width exclusive of the back projection.

5.17.2 Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building which is situated less than 3 metres from the side wall of the first building, the sign may project 500mm further than the distance prescribed by paragraph (b) of sub-by-law 5.17.1 or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.

5.17.3 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 paragraph \(c\) of sub-by-law 5.17.1.](#)

5.18 Portable Signs -

A portable sign shall -

- (a) Not exceed 1 metre in height;
- (b) Not exceed 1 metre in area
- (c) Be placed so not to be hazardous to, or impede vehicular traffic or pedestrian traffic;
- (d) Be sound construction and maintained in good condition;
- (e) Be so constructed or anchored to prevent them becoming hazardous during strong winds.

6. OFFENCES

- 6.1 Every person who erects or authorises or permits to be erected a sign, or a hoarding which does not comply with, or erects or authorises or permits to be erected a sign or a hoarding in a manner contrary to the provisions of these by-laws, commits an offence.
- 6.2 Where by these by-laws it is required that a person obtain a licence to erect or maintain a sign or hoarding, every person who erects or 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 such sign or hoarding complies with these by-laws.
- 6.4 Without prejudice to the preceding provisions of this by-law the Council may serve on the owner or occupier of any premises on which any sign is

erected, affixed or maintained, contrary to these by-laws, 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 sub-by-law commits an offence.

7. REMOVAL AND DISPOSAL

- 7.2 The Council may remove to a place appointed by the Council any sign, advertisement, advertising device, hoarding or signboard placed on or erected on any street, way, footpath or other public place unless so placed or erected pursuant to these by-laws. The Council may without being liable in damages or otherwise dispose of any of the things mentioned above and reinstate the street, way, footpath or public place at the expense of the person or persons responsible for the deposit thereon or the injury thereto and recover the amount of the expense from him in a Court of competent jurisdiction.
- 6.6 The Council, or any person acting under the authority of the Council, may remove from private property any hoarding or any bill, placard or advertisement which is attached to, painted, stencilled, placed, stuck, posted or affixed on a hoarding and which in the opinion of the Council is dangerous or objectionable and the Council may recover the expenses of the removal from the owner of the property in a Court of competent jurisdiction.

8. PENALTIES

Any person who is guilty of an offence against these by-laws is liable to:

- (a) a penalty not exceeding **five hundred dollars (\$500)**; or
- (b) a daily penalty, during the breach, of up to **fifty dollars (\$50)**.

9. RIGHTS OF APPEAL

Where any provision is made for the granting, issuing or giving of any licence, authorisation, registration, approval or consent or the like under these Local Laws, or for the refusal, refusal of renewal, or cancellation of the same, or for the imposition of conditions, then the rights of objections and appeal and the procedures associated with them provided for in Part 9 Division 1 of the Act shall apply, together with the relevant provision of the Local Government (Functions and General) Regulations 1996.

Dated this 22nd day of July, 1980.

The Common Seal of the Shire of Kalamunda was hereunto affixed in the presence of

-

S.P. WILMOTT, President
E.H. KELLY, Shire Clerk

First Schedule

Shire of Kalamunda

APPLICATION FOR LICENCES - SIGNS AND HOARDINGS

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

.....

Submitted by.....

Address for correspondence.....

.....

I/we hereby apply for a licence to erect and/or maintain a.....

.....sign on Lot.....House No.

Street.....

in accordance with the attached plan and details in duplicate.

Signature of Applicant.....

Date.....

Shire of Kalamunda

SIGN LICENCE

No.....

Date.....

This licence is granted to.....

of

in respect of a

on premises known as.....

.....

in accordance with Application No.and subject to the by-laws of the Municipality. This licence shall remain valid unless any alteration is made to the sign, then in such event the licensee must apply for a new licence. If this licence is issued in respect of a hoarding, the licence expires on.....19.....

.....

Building Surveyor.

Second Schedule

Scale of Fees

Pylon or Tower Sign - \$10.00

Oversized Pylon or Tower Sign - \$1.00 per M² (minimum \$10.00)

Illuminated Sign -

 On roof - \$1.00 per M2 (minimum \$10.00)

 Other - \$10.00

Development Signs - \$1.00 per M2 (minimum \$10.00)

Rural Producers Signs - \$10.00

Sign Panel - \$10.00

Hoardings - \$25.00 per annum

Any other sign - \$10.00.