

LOCAL GOVERNMENT ACT  
**Town of Kwinana**  
*By-law Relating to Signs & Bill Posting*

***Interpretation***

- 1 In these by-laws, unless the context otherwise requires-
- “Act” means the Local Government Act 1960 (as amended);
- “Commercial area” means an area classified as commercial zone by the Town Planning Scheme;
- “Council” means the Council of the Town of Kwinana;
- “Direction Sign” means a sign in a street or public place to indicate the direction to be taken to some other place; but does not include a sign erected or affixed by the Council or the Main Roads Department or a road direction sign erected or affixed by a duly incorporated association or union of motorists, authorised in that regards by the Minister for Transport;
- “Illuminated Sign” means a sign that is so arranged as to be capable of being lighted, with from within or without the sign by artificial light provided, or mainly provided for that purpose;
- “Industrial Area” means an area classified as an Industrial Zone by the Town Planning Scheme;
- “Pylon Sign” means a sign supported by one or more piers and not attached to a building;
- “Residential Area” means an area classified as a residential zone by the Town Planning Scheme;
- “Roof Signs” means a sign attached to the roof;
- “Rural Producer Sign” means a sign advertising for sale produce grown on a farm;
- “Town Planning Scheme” means a Town of Kwinana Town Planning Scheme No. 1 published in the *Government Gazette* of 19 March 1971 and amended from time to time;
- “Sale Sign” means a sign indicating that the premises whereon it is affixed are for sale or for letting;
- “Semaphore Sign” means a sign affixed to a wall and supported at, or by, one of its ends only;
- “Sign” includes a signboard and a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall;
- “Surveyor” means the Council’s Building Surveyor appointed pursuant to the Act;
- “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 incudes 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 Act.
- and
- Words and expressions used have the respective meanings as are given them in, and for the purposes of the Act.

***Licence Required***

- 2.1 A person shall not erect or maintain a sign, and the owner or occupier of premises shall not suffer or permit a sign to remain on those premises, within thirty metres of a street or other public place, except pursuant to a licence issued to under these by-laws, unless the sign is exempt under By-law 8.
- 2.2 A licence issued under these by-laws remains valid until an alteration is made to the sign in respect of which it is issued and in that event the licensee shall apply for a new licence.
- 2.3 A licensee shall be in the form set out in the First Schedule to the by-laws.

***Applications for Licences***

- 3.1 An application for a licence under these by-laws shall be made in the form of application set out in the First Schedule hereto.
- 3.2 An application for a licence in respect of a sign shall be accompanied by a plan drawn to scale of not less than 1:50 showing the position, design, method of construction, colours to be used in painting and the method of illumination of the sign for which the licence is sought.
- 3.3 An applicant for a licence shall furnish, in writing, any further particulars required by the Surveyor.

***Licence Fees***

The fee payable for the issue of a licence is that specified in the Second Schedule.

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***Licence Numbers***

The person to whom a licence is issued in respect of an advertising sign shall cause to be painted or stencilled on the face of the sign in figures of at least 25mm in height the licence number relating to it.

***Licence to be Produced***

The owner or occupier of the premises on which a sign is erected shall on demand buy an officer of the Council produce the licence for inspection.

***Revocation of Licence***

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 where the licensee is guilty of an offence against these by-laws the Council may, without derogation of any penalty to which that person may be liable, by notice in writing revoke the licence.

***Exempt Signs***

Nothing in these by-law relates to a sign erected or maintained pursuant to an Act or to a sign that is:

- 8.1 a land sale sign not exceeding 0.7sqm in the area;
- 8.2 a sign, not exceeding 0.7sqm in area, erected, or affixed between the street alignment and the building line, indicating the name and occupation or profession of the occupier of the premises, subject to By-law 13.7;
- 8.3 a sign not exceeding, 0.4sqm in area affixed to a building or erected or affixed, behind the building line, to indicate the name of the occupier and his trade or occupation;
- 8.4 a sign on a construction site indicating the scope of development and/or principal contractors, architects and other consultants involved.
- 8.5 signs erected by the Council of the Town of Kwinana on land under care, control or management of the Council.

***Fixing Signs***

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

***Glass in Signs***

Glass shall not be used in any sign, other than in an illuminated sign.

***Sign Designs***

- 11.1 All signs shall be designed to be compatible with their surroundings, including building, landscaping and other signs. Signs attached to buildings shall be incorporated into the architectural features of the building in placement, style, proportions, materials and finish. All permanent signs shall be professionally designed, constructed, finished, installed and maintained.
- 11.2 Notwithstanding that a sign would otherwise comply with the provisions of these by-laws, the Council may refuse a licence thereof, if the sign in its opinion, would be injurious to the amenity or natural beauty of the area.

***Obstruction by Signs***

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

***Prohibited or Restricted Signs***

A person shall not erect or maintain a sign-

- 13.1 so as to obstruct the view from a street or public place of traffic in the same or any other street or public place.
- 13.2 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 Regulations made thereunder;

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- 13.3 on a tower, mast, chimney stack, spire dome or similar architectural feature or on a lift machinery room, bulk-head over stairs or other superstructure over the main roof of a building.
- 13.4 on a building where the stability of the building is, in the opinion of the Surveyor, likely to be affected by the sign;
- 13.5 on land other than on which is conducted a business or profession approved by Council and to which the sign relates;
- 13.6 on the median strip of any road;
- 13.7 affixed to boundary fences not being exempt signs under By-law 8.

***Readily Combustible Material***

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

***Signs to be Maintained***

- 15.1 The holder of a licence in respect of a sign shall keep the sign clean and free from unsightly matter.
- 15.2 Where any person fails to comply with the requirements of sub-by-law (1) of this by-law, the Council may order the sign or any part of the sign removed.

***Bill Posting***

- 16.1 Subject to sub-by-law (2) of this by-law a person shall not post a bill or paint, stencil, place or affix an advertisement on a street or on a building, structure, fence, wall, sign, post, building or awning.
- 16.2 This by-law does not apply to-
  - 16.2.1 advertisements affixed to, or painted on, a shop window by the occupier thereof and relating to the business carried therein;
  - 16.2.2 signs within a building.

***Information on Signs***

A sign other than a sign referred to in By-law 18 or By-law 22 shall contain the following information only and no other-

- 17.1 the name of the occupier, or each of them if more than one;
- 17.2 the business or businesses carried on in the premises;
- 17.3 the occupiers telephone number;
- 17.4 a description of the goods sold or offered for sale in the premises to which the sign is affixed or to which it relates.

***Business Direction Signs.***

The Council may erect Business Direction Signs, in or near the intersection of streets which indicate the nature of the business that may be located by following the direction indicated by the sign.

***Special Permits for Signs in the Public Interest***

- 19.1 Notwithstanding anything contained in these by-laws, the Council may, by permit under the hand of the Building Surveyor allow the display of advertisements of meetings, charitable functions, arts or cultural activities (other than those conducted by a person for the purpose of commercial gain) or other events of public interest or the display of advertisements at theatres and other places of public entertainment upon terms and conditions decided by the Council in each case.
- 19.2 A person shall not erect or maintain a sign more than four weeks before the meeting, function, event or activity to which it relates and the person by whom it was erected shall cause it to be removed not later than one week after the conclusion of the meeting, function, event or activity.
- 19.3 Notwithstanding anything contained in this by-law a person shall not-
  - 19.3.1 erect a sign on the median strip of any road;
  - 19.3.2 nail a sign to a street tree.

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**Clocks**

- 20.1 A clock shall-
- 20.1.1 if suspended under a verandah, have its centre coinciding with the centre line of the footway thereunder;
- 20.1.2 comply, as regards size, with the following table:-
- | Height of Bottom of Clock Above Footway | Maximum Diameter of Width Clock Face and Depth of Clock including lettering |
|---|---|
| 2.75m and under 3.5m                    | 450mm   |
| 3.5m and over                           | 750mm   |
- 20.1.3 be fixed either parallel with, or at right angles to, the wall to which it is attached;
- 20.1.4 not project from the wall to which it is attached;
- 20.1.5 if parallel to the wall, more than 300mm; or
- 20.1.6 if at right angles to the wall, more than 1.8m
- 20.1.7 afford a minimum headway of 2.7m;
- 20.1.8 be maintained so as to show the correct time;
- 20.1.9 be illuminated from sunset to midnight; and
- 20.1.10 not be permitted to strike between midnight and seven o'clock in the morning.
- 20.2 Notwithstanding the provisions of sub-by-law (1) of this by-law a clock suspended in an arcade, may suspend over the centre of the arcade.

**Horizontal Signs Fixed to a Wall.**

A horizontal sign shall-

- 21.1 afford a minimum headway of 2.5m;
- 21.2 be affixed parallel to the wall of the building to which it is attached and with the bottom of the sign contiguous to the wall;
- 21.3 conform as to the height to the following table-
- | Minimum height of sign above street | Maximum height Of sign |
|-------------------------------------|------------------------|
| Less than 7.5metres                 | 600mm;                 |
| 7.5 metres to 9 metres              | 750mm;                 |
| 9 metres or more                    | 900mm;                 |
- 21.4 not project more than 600mm from the wall to which it is attached; and
- 21.5 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 250mm wide and projects at least 25mm in front of, and 75mm above and below, the sign;
- 21.6 notwithstanding the provisions of paragraph (c) of sub-by-law (1) of this by-law, the Council may permit an increase of not ore than 50 per cent of the depths mentioned in that paragraph in any part or parts of a sign to permit the inclusion therein of a motif or capital letter;
- 21.7 there shall be not more than one line of horizontal signs facing any one street on nay storey of a building;
- 21.8 the name of the building, owner or occupier may be placed on the facade of a building, but-
- 21.8.1 unless otherwise specifically approved by the Council, only one such name shall be placed on any facade;
- 21.8.2 the letters of the name shall not exceed 600mm in depth;
- 21.8.3 the letters shall be of metal or other incombustible material; and
- 21.8.4 the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the Council.

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***Illuminated Signs***

An illuminated sign shall-

- 22.1 have any boxing or casing in which it is enclosed, constructed of incombustible material;
- 22.2 where it is comprised of glass (other than fluorescent tubing) be so protected as to prevent its falling into a public place in the event of breakage.
- 22.3 be maintained to operate as an illuminated sign;
- 22.4 not have a light of such intensity as to cause annoyance to the public or be a traffic hazard;

***Pylon Signs***

- 23.1 A person shall not erect more than one pylon sign on a lot.
- 23.2 A pylon sign shall-
  - 23.2.1 not have any part thereof less than 2.7 m or more than 6m above the level of the ground immediately below it;
  - 23.2.2 not exceed 2.5m measured in any direction across the face of the sign or have a greater superficial area than 4sqm;
  - 23.2.3 not project more than 900mm over a street;
  - 23.2.4 be supported on one or more piers or columns of brick, stone, cement, concrete, steel or timber of sufficient size and strength to support the sign under all conditions;
  - 23.2.5 not as to any part thereof, project over a street at a height of less than 2.7m.
- 23.3 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 with any material.
- 23.4 The Council may issue a licence in respect of a pylon sign notwithstanding it does not comply with By-law 23 (2) if-
  - 23.4.1 it is to be erected on a lot used or to be used for professional or commercial offices;
  - 23.4.2 will be of a height not exceeding 2.7m;
  - 23.4.3 will be of a width not exceeding 1.8m;
  - 23.4.4 will have two vertical supports with horizontal flat boards of a maximum height of 200mm with a minimum space between each board of 50mm.
  - 23.4.5 the letters will not be greater than 150mm in height.

***Roof Signs***

- 24.1 Approval for the erection of a sign on a roof of a building shall be granted only on land within the zoned Industrial and Commercial areas, and provided the sign shall:
  - 24.1.1 not at any point be within 3.5m of the ground;
  - 24.1.2 not extend laterally beyond the external walls of the building;
  - 24.1.3 not be at any point more than 45m above the ground;
  - 24.1.4 comply as regards height above ground and height of sign, with the following table:-

Height of Main Building above ground level at a point where sign is to be erected	Max height of sign
3.5 and under 4.5	1m
4.5 and under 6.00	1.5m
6 and under 12	2m
12 and above	3m
  - 24.1.5
- 24.2 Council shall not approve the erection of roof sign unless a certification by an appropriately qualified structural engineer is given that the building is so designed and constructed that the sign may be erected thereon without fear of damage or danger to the building or its occupants.

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***Rural Producer Signs***

A rural producer sign shall

- 25.1 not indicate or display any matter otherwise than for the purpose of advertising the sale of produce grown on the land on which the sign is erected;
- 25.2 be erected within the boundaries of the land on which the produce offered for sale was grown, and
- 25.3 not exceed 1.0m<sup>2</sup> in area;
- 25.4 not be of a height of more than 2m from the natural ground level.

***Semaphore Signs***

- 26.1 A semaphore sign shall-
  - 26.1.1 afford a minimum headway of 2.5m;
  - 26.1.2 be affixed at right angles to the wall to which it is attached;
  - 26.1.3 not project more than 900mm from any point of attachment nor be of a greater height at any point than 1m;
  - 26.1.4 be fixed over or adjacent to the entrance to a building; and
- 26.2 Not more than one semaphore sign shall be fixed over, or adjacent to any one entrance to a building.

***Verandah Fascias Signs***

A sign 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 100mm in width.

- 27.1 A sign fixed to the outer or return fascia of a verandah-
  - 27.1.1 shall not exceed 600mm in height;
  - 27.1.2 shall not project beyond the outer metal frame, or surround of the fascia; and
  - 27.1.3 if an illuminated sign, may be of changing colours but shall not emit a flashing light.

***Verandahs With Signs Underneath***

A sign under a verandah shall-

- 28.1 afford a headway of at least 2.5m;
- 28.2 not exceed 2.5m in length, 1.5sqm in area or 600mm in height;
- 28.3 not weigh more than 55 kilograms;
- 28.4 not, if it exceeds 300mm in height, be within 1.2m or, where it does not exceed 300mm in height, be within 900mm of the side wall of the building, measured along the front of the building, before which it is erected;
- 28.5 not, if it exceeds 300mm in width be within 2.7m or where it does not exceed 300mm in height, be within 1.8m of another sign under that verandah;
- 28.6 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.

***Vertical Signs***

- 29.1 A vertical sign shall-
  - 29.1.1 afford a minimum headway of 2.5m;
  - 29.1.2 subject to sub-by-law (2) of this by-law, not project more than 900mm from the point of attachment to the building to which it is attached;
  - 29.1.3 not project above the top of the wall;
  - 29.1.4 be of a height of not more than its width, but not exceeding 2.5m;
  - 29.1.5 not be within 3.5 metres of another vertical sign on the same building, without the approval of the Council;
  - 29.1.6 not be placed on a corner of a building;
  - 29.1.7 not exceed 600mm in width;
  - 29.1.8 be 1.8m clear of State Energy Commission aerial wires.

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- 29.2 Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building within 3 m of it the sign may project 600mm further than the distance prescribed by paragraph (b) sub-by-law (1) of this by-law or the distance by which the building to which is affixed is set back beyond the face of the other, whichever is the lesser.

**Offences**

- 30.1 A person who erects a sign that does not comply with or erects a sign in a manner contrary to the provisions of these by-law commits an offence.
- 30.2 A person who maintains a sign without a licence or in respect of which the licence has expired or been cancelled commits an offence.
- 30.3 Where, in exercise of the power conferred by sub-by-law (1) of this by-law, the Council removes and disposes of a sign, it may recover the cost of the removal and disposal in a court of competent jurisdiction from the person responsible for the placing or erecting of the sign.

**Hoardings**

- 33.1 A hoarding shall not-
- 33.1.1 be erected on land that is zoned for residential purposes.
- 33.1.2 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;
- 33.1.3 be of greater area than 36m<sup>2</sup>
- 33.2 A licence issued in respect of a hoarding is valid in terms of the licence for the period specified in the licence but not exceeding ten years.
- 33.3 The licence fee for a hoarding is the annual licence fee specified in the Second Schedule and is payable annually so long as the hoarding is maintained with the approval of Council.

**Discretionary Powers of Council**

- 34.1 Notwithstanding that a sign or hoarding would otherwise comply with the provision of these by-laws, 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 or 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 and be injurious to the amenity or natural beauty or safety of the area.
- 34.2 The Council may grant a licence in respect of a sign or hoarding that would otherwise be in contravention of these by-laws providing that Council is satisfied that the sign is not injurious to the amenity or natural beauty or safety of the area.

**Discretionary Powers of Council**

- 35.1 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 34.1; or
- (b) Where the licensee is guilty of an offence against these by-laws.

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First Schedule

FORM 1  
TOWN OF KWINANA  
BY-LAWS RELATING TO SIGNS AND BILL POSTING

**APPLICATION FOR LICENCE**

FULL NAME OF APPLICANT:  
ADDRESS:  
VALUE:  
TYPE OF SIGN:  
PREMISES ON WHICH SIGN TO BE ERECTED:  
EXACT POSITION OF SIGN: (Plans to be submitted)

DIMENSIONS OF SIGN:  
MATERIALS AND CONSTRUCTION OF SIGN:  
BUILDER:  
INSCRIPTION OR DEVICE ON SIGN:

The applicant named above hereby applies for the issue of a licence in respect of the abovementioned sign.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
(Applicant)

- (1) An applicant for a licence under these by-laws shall be made in the form of application set out in the First Schedule hereto.
- (2) An application for a Licence in respect of a sign shall be accompanied by a plan drawn to scale of not less than 1:50 showing the position, design, method of construction, colours to be used in painting and the method of illumination of the sign for which the licence is sought,
- (3) An applicant for a licence shall furnish, in writing, any further particulars required by the Surveyor.

\_\_\_\_\_  
FORM 2  
TOWN OF KWINANA  
By-laws Relating to Signs and Bill Posting

**LICENCE**

of

is hereby licensed to erect and maintain a sign on the premises specified hereunder subject to the abovementioned by-laws from time to time in force.

TYPE OF SIGN:  
PREMISES ON WHICH ERECTED:  
EXACT POSITION OF SIGN:  
CONDITIONS OF LICENCE:

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
BUILDING SURVEYOR



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

Second Schedule

**FEES**

1.	A pylon sign	\$20.00
2.	An illuminated sign	\$15.00
3.	Any other sign	\$10.00
4.	Hoardings up to 22square metres	\$50.00 per annum
5.	Hoardings over 22square metres and up to 36 square metres	\$100.00 per annum

\_\_\_\_\_

Dated the 23<sup>rd</sup> day of December 1982.

The common seal of the Town of Kwinana was affixed hereto in the presence of-  
[L.S.]

F.G.J. BAKER,  
Mayor

L.G. BAKER,  
Town Clerk

Recommended-

\_\_\_\_\_

JEFF CARR,  
Hon. Minister for Local Government

\_\_\_\_\_

Approved by His Excellency the Governor in Executive Council this 3<sup>rd</sup> day of May 1983.

R D DAVIES,  
Clerk of the Council