

### 1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

### 2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

### 3. OBJECTIVE

- 3.1 to provide adequate controls and guidance in the use and placement of signage within the Shire of Chapman Valley taking into account the visual appearance and amenity of the area, and safety of all residents and visitors to the municipality.

### 4. POLICY STATEMENT

#### 4.1 Definitions

<i>“Act”</i>	means the <i>Planning and Development Act 2005</i> ;
<i>“advertisement”</i>	has the same meaning as “sign”;
<i>“advertising device”</i>	means any object on which words or numbers or figures are written, printed, affixed, illustrated or painted for the purpose of advertising any business, function, operation, event or undertaking or any product or thing and includes any vehicle or trailer or other similar stationery object placed or located so as to serve the purpose of advertising any business, function, event or undertaking or any product or thing;

<i>“bill”</i>	means any material on which words, numbers or figures are written, placed, printed, illustrated or painted;
<i>“business”</i>	includes the conduct of a profession, trade or occupation;
<i>“business direction sign”</i>	means a sign erected in a public thoroughfare or public place which indicates the nature of the business that may be located by following the direction indicated by the sign, but does not include any such sign erected by the Commissioner of Main Roads under regulation 297 of the Road Traffic Code 2000;
<i>“CEO”</i>	means the Chief Executive Officer of the Shire;
<i>“Council”</i>	means the Council of the Shire of Chapman Valley;
<i>“depth”</i>	unless otherwise specifically stated, refers to the height of a sign, and not a three dimensional measurement. The word “depth” is used to differentiate between the lateral width of a sign and the height of the sign.
<i>“development sign”</i>	means a sign 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 the approval of the sign;
<i>“district”</i>	means the district of the Shire;
<i>“electoral sign”</i>	means a sign containing an advertisement relating to an election or to a referendum;
<i>“exempt sign”</i>	means a sign referred to in Statement 1 of this Policy;
<i>“fascia sign”</i>	means a sign erected or displayed on the fascia of a building or the fascia of a verandah;
<i>“fly posting”</i>	means advertising through the placement of posters on fences, walls, trees and like structures;
<i>“freestanding sign”</i>	means any sign not attached to a structure or permanently fixed to the ground or pavement and includes “A frame” or “Sandwich Board” signs consisting of two sign boards attached to each other at the top or elsewhere by hinges or other means;
<i>“hoarding”</i>	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 includes a poster 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;
<i>“horizontal sign”</i>	means a sign fixed parallel to the wall of a building to which it is attached and with its largest dimension being horizontal;
<i>“illuminated sign”</i>	means a sign which can be lighted either from within or without the sign by artificial light provided, or mainly provided for that purpose and which does not emit a flashing light;

<i>“institutional sign”</i>	means a sign erected or placed on any land or building used for or in conjunction with a surgery, clinic, hospital, rest home, home for the aged or other institution or place of a similar nature;
<i>“Local Planning Scheme”</i>	means an existing Local planning scheme of the Shire made under the Act;
<i>“planning consent”</i>	means the approval granted by Shire for the erection or display of a sign pursuant to the Local Planning Scheme;
<i>“premises”</i>	means land and, unless the context otherwise requires, the buildings upon that land;
<i>“public thoroughfare”</i>	includes a street, road, footpath , carriageway and all other parts of a road reserve;
<i>“pylon sign”</i>	means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infills may be added;
<i>“reserve”</i>	includes land vested in, or under the care, control and management of the Shire;
<i>“roof sign”</i>	means a sign erected on or above the roof of a building;
<i>“rural producer sign”</i>	means a sign erected on land zoned rural under a Local Planning Scheme indicating the products grown, reared or produced on the property;
<i>“sale sign”</i>	means a sign displayed on premises advertising the sale, letting or auction of the premises;
<i>“service direction sign”</i>	a traffic sign with white letters and/or symbols on a blue background used to: guide travellers to services provided for their personal , automotive and travel needs, or indicate other facilities not normally shown on direction signs or tourist signs.
<i>“service station sign”</i>	means a sign used solely for the purposes of advertising the price of petrol, diesel, gas or other fuel products sold from the premises.
<i>“Shire”</i>	means the Shire of Chapman Valley;
<i>“sign”</i>	includes any advertising device or other sign type defined in this Local Law;
<i>“sign infill”</i>	means a panel which can be fitted into a pylon sign framework;
<i>“Surveyor”</i>	means the Building Surveyor of the Shire;
<i>“tourist direction sign”</i>	a traffic sign with white letters and/or symbols on a brown background used to guide travellers to: natural features and approved heritage sites of interest to tourists; and approved tourist establishments.
<i>“verandah”</i>	includes cantilever verandahs and balconies whether over thoroughfares or over private land;
<i>“verandah sign”</i>	includes any sign, above or below a verandah fascia;
<i>“vertical sign”</i>	means a sign fixed parallel to the wall of a building to which it is attached and with its largest dimension being vertical;
<i>“window sign”</i>	means any sign fixed to or painted on the glazed area of a window of a building.

## 4.2 Exemptions

- a. Any sign which is classified as exempt under Shire of Chapman Valley Local Planning Scheme No.2
- b. All local government road signage
- c. Any sign which is the subject of an existing approval made prior to the date of effect of this Policy
- d. Any advertisement affixed to or painted on a commercial premise window by the occupier of the business and relating to the activity carried on in the premise
- e. Any sign within a building
- f. Any name and/or number fixed to the facade on a residential building or group of buildings, such as home units, which has a single line of letters not exceeding 300mm in height
- g. Any newspaper poster
- h. A rural producer sign
- i. A freestanding sign which neither exceeds 500mm in height nor 0.5m<sup>2</sup> in area provided that the sign is placed or erected on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event
- j. Election signage (required to be removed within 7 days of the close of polls on the voting day)

## 4.3 Standards

All signs or advertising devices (including an exempted sign) erected or displayed in the Shire shall:

- a. be constructed and erected to the satisfaction of the Council;
- b. be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing, deforming or moving from the position on which it was erected or displayed;
- c. comply with the regulation 297 of the Road Traffic Code 2000;
- d. be maintained in good order and clean condition to the satisfaction of the Council;
- e. be directly associated with the approved use of the property on which it is displayed (other than a service or tourist direction sign);
- f. not be erected or displayed in a position that in the opinion of Council:
  - i. obstructs the passage of or creates a hazard for vehicles or pedestrians;
  - ii. adversely affects the visual appearance or local amenity of the area;
  - iii. significantly obstructs or impedes all or part of a view deemed to be of significance to the local area;

## 4.4 Relationship and Design

All signs, unless otherwise determined by Council, shall directly relate to the property they are positioned on and be designed to complement the existing surroundings, including buildings, landscape features and other signage structures. In this regard the Council will generally not support remote advertising or advance warning signs (other than a direction, service or tourist sign) so as to avoid proliferation of signage to the detriment of the amenity of the Shire.

#### **4.5 Bill and Fly Posting**

Bill posting shall only take place in the form of an advertisement affixed to, or painted on a commercial premise window or any sign within a building by the occupier of the premise. Fly posting is **not** permitted within the Shire, unless otherwise approved by Council under special circumstances.

#### **4.6 Hoardings**

The erection and display of a commercial hoarding is **not** permitted at any place or location within the Shire, unless otherwise approved by Council under special circumstances.

#### **4.7 Crown Land under the care and control of Council**

Unless otherwise permitted in this Policy, or approved by Council under special circumstances, an advertising sign or hoarding is not permitted on thoroughfares and reserves under the care and control of the Council. However, where approval is given for the erection or display of a sign on a thoroughfare or reserve under the care and control of the Council, the owner of the sign shall:

- a. indemnify and keep indemnified the Shire, its servants and agents against any claim or proceeding (and any cost and expenses incurred as a result) that may be made or brought by any person or corporation against the Shire, its servants and agents arising out of the erection, existence or operation of the advertisement or any negligence of the Shire, its servants and agents in granting approval to erect or display the advertisement or in setting or failing to set conditions or giving or failing to give directions for the erection, existence or display of the advertisement.
- b. In respect of that sign, effect and maintain a public liability insurance policy with a reputable insurer. The policy must include a cross liabilities clause, and be in the joint names of the sign owner and the Shire. The sum insured for any single event shall be \$1million.
- c. A copy of the above indemnification and insurance cover shall be forwarded to the Shire prior to the erection or display of a sign.

#### **4.8 Requirements for particular signs**

##### Development Signs

A development sign shall be removed from the site within 2 years from the date of the approval or when 80% of the lots in the subdivision have been sold, whichever is the sooner.

##### Freestanding Signs

- a. Freestanding or portable signs shall generally:
  - i. not exceed 1m in height or width;
  - ii. not exceed an area of 1m<sup>2</sup>;
  - iii. not be erected in any position other than immediately adjacent to the building or the business to which the sign relates; and
  - iv. be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;

- b. no more than 1 portable sign shall be erected in relation to the one building or business.

Horizontal Signs

A horizontal sign shall:

- a. be fixed parallel to the wall of the building to which it is attached;
- b. not project more than 150mm from the wall to which it is attached;
- c. conform to the following table:

Min. distance of sign above street	Max. depth of sign
Less than 7.5m	600mm
7.5m to 9m	750mm
9m to 12m	1,000mm

Illuminated Signs

An illuminated sign shall:

- a. have any boxing or casing in which it is enclosed constructed of incombustible material;
- b. where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of breakage;
- c. have its electrical installation constructed and maintained to the satisfaction of the appropriate electricity supply authority and in accordance with any written law with respect to the construction and maintenance of electrical installations for illuminated signs;
- d. be maintained to operate as an illuminated sign;
- e. not have a light of such intensity as to cause annoyance to the public or be a traffic hazard; and
- f. not emit a flashing light.

Information Panels

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

Pylon Signs

- a. A pylon sign shall:
  - i. not have any part more than 6 metres above the level of the ground immediately below it;
  - ii. not exceed 4m<sup>2</sup> in area unless approved by the Shire;
  - iii. be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
  - iv. not be within 2 metres of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right-of-way, where the Shire may authorise the erection of the sign at a distance less than 2 metres;
  - v. not have any part less than 6 metres from another sign erected on the same lot.
- b. Where pylon signs are to be erected on a lot on which a premise is erected or to be erected, the Shire may require all the pylon signs to be incorporated into one sign in which case:

- i. all of the constituent or infill signs are of an equal size; and
- ii. one constituent or infill sign is provided for each business, shop or unit on the lot.

Roof Signs

A roof sign shall comply with the following table:

Height of main building above ground level at point where sign is to be fixed	Maximum height of sign
4m and under 5m	1,250mm
5m and under 6m	1,800mm
6m and under 12m	3,000mm

Rural Producer Signs

A rural producer sign shall:

- a. not indicate or display any matter otherwise than for the purpose of indicating the products grown, reared or produced on the property on which the sign is erected;
- b. be erected within the boundaries of the property; and
- c. not exceed 2m<sup>2</sup> in area.

Service Station Signs

A maximum of 2 service station signs are permitted unless otherwise required by legislation. The signs shall:

- a. Not exceed 0.8m<sup>2</sup> each side;
- b. Be located wholly within the boundaries of the site, unless otherwise approved by Council; and
- c. Be located so as to not cause a traffic or safety hazard to either vehicles or pedestrians.

Service and Tourist Direction Signs

The CEO has delegated authority to approve applications for the erection and the removal of service and tourist signs subject to the sign meeting the current MRWA standards.

Tourist signs may be installed for tourist establishments endorsed by the WA Tourism Commission.

The Shire is responsible for the approval, installation and routine maintenance for service and tourist signs on all roads except those under the control of MRWA (such as Chapman Valley Road and the North West Coastal Highway). In all cases the Shire retains ownership of the signs and the right to relocate, modify or remove them as necessary.

Signs on Fences

A sign may be painted or erected on the inside of a side or rear fence of a lot situated within a commercial or industrial area (or other areas as approved by Council), if the lot is occupied and used for business or industrial purposes. Any such sign shall not exceed 1m in height, nor be within 3m of any street boundary, unless specifically approved by Council.

### Signs on Vehicles

No vehicle with a sign upon or inside, adapted and exhibited primarily to facilitate advertising, shall be permitted to park for any lengthy period of time, as determined by Council, on any thoroughfare (other than within an approved carpark) with the exception of directly in front of the owner's residence.

### Verandah Signs

- a. A sign fixed to the fascia of a verandah shall:
  - i. shall not exceed 600mm in depth; and
  - ii. shall not project beyond the fascia.
- b. A sign under a verandah shall:
  - i. not exceed 2.5 metres in length or 400mm in depth;
  - ii. 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; and
  - iii. 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.

### Vertical Signs

A vertical sign shall:

- a. not project more than 50mm from the face of the building to which it is attached;
- b. not be within 600mm of either end of the wall to which it is attached;
- c. be of a height of at least twice its width;
- d. not be placed on a corner of 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;
- e. not exceed 750mm in width exclusive of the back projection; and
- f. not exceed 2m<sup>2</sup> in total area on premises being a shop or office or both.

## **4.9 Unlawful Signage**

Where a sign has been erected, placed or displayed without Council approval and/or is contrary to the provisions of the Local Planning Scheme and/or this policy, the following will apply:

- a. The sign shall be removed by the owner upon a notice being served by the Council, with an appeal right for a period twenty eight (28 ) days from a notice being served being afford to the owner of the sign under the Act.
- b. Failure to remove the sign, or lodge an appeal, within the twenty eight (28) day period will constitute an offence under the Act, with the possibility of enforcement action being taken by the Council;
- c. If removed by the Council, the sign will be impounded at the Shire of Chapman Valley Depot in Nabawa for a maximum period of two (2) months, where:
  - i. the sign may be collected by the owner upon payment of an impoundment fee in accordance with the Council's Schedule of Fees to be paid at the Shire Administration Offices;

- ii. upon expiration of this time the Council may initiate proceedings to dispose of the sign and recover all costs from the owner in relation to this action;
- iii. The Council may continue with enforcement action/prosecution in relation to 8 b) above and in accordance with the provisions of the Act.

## **5. REFERENCES AND ADOPTION**

Shire of Chapman Valley Local Planning Scheme No.2  
*Planning & Development Act 2005.*

*Adopted at the 19 February 2014 Ordinary Meeting of Council*