

TOWN OF MOSMAN PARK
Amendment Local Law 2000

The Council of the Town of Mosman Park records having made the following local laws at a meeting of the Council held on 22nd February, 2000.

1. Citation:

These local laws may be cited as the *Town of Mosman Park Amendment Local Laws 2000*.

2. Repeal:

The Town of Mosman Park Local Laws Relating to Awnings over Streets which appeared in the *Government Gazette* on 29th December 1961 and amended from time to time are repealed.

3. Town of Mosman Park Signs Hoardings and Bill Posting Local Laws:

3.1 Clause 3.1 Amended:

In subclause 3.1.3, after paragraph (b) insert a new paragraph:
“(c) short term direction signs.”

3.2 Clause 3.6 Amended:

In subclause 3.6.3 delete the words “without assigning any reason for such revocation” and substitute the words “subject to compliance with Part 9 Division 1 of the Act.”

3.3 Clause 4.1 Amended:

In clause 4.1 delete paragraph (l).

3.4 Clause 5.2 Amended:

In clause 5.2 paragraph (c) delete the words “80 percent” and substitute the word “all”.

3.5 Clause 5.3 Amended:

In subclause 5.3.2 delete the words “without assigning any reason for such revocation of approval” and substitute the words “subject to compliance with Part 9 Division 1 of the Act.”

4. Town of Mosman Park Local Laws Relating to Beekeeping:

4.1 Clause 7 Amended:

“7(1) Without limiting the generality of clause 6, an application for a permit may be approved by the Council subject to the following conditions-

(a) the provision of a good and sufficient water supply on the land which is readily accessible by the bees on the land;

(b) each beehive shall be-

(i) kept at a distance specified by the Council from any thoroughfare, public place or boundary of the land; or

(ii) located near a screen or other barrier so as to prevent the bees flying over a thoroughfare, public place or adjoining land.

(2) In respect of a particular application for a permit, the Council may vary any of the conditions referred to in subclause (1).”

5. Town of Mosman Park Local Laws Relating to Fencing:

5.1 Schedule 2 Amended:

In schedule 2 – Industrial Zones, delete “(a)” and “(b)” and substitute “(b)” and “(c)” and insert a new paragraph.

“(a) Fences in industrial zones shall be constructed in accordance with Schedule 2, or in such other material and maximum height and other specification as the Council may from time to time in its discretion approve”.

T.J.HARKEN, Chief Executive Officer

Dated 24th of February, 2000.

TOWN OF MOSMAN PARK
AMENDMENTS TO LOCAL LAW

The Council of the Town of Mosman Park records having made the following amendments to its local laws as described hereunder at a meeting of the Council held on July 28, 1998.

Local Laws relating to Dogs

1 In these local laws the Local Laws Relating to Dogs which were published in the *Government Gazette* on 12 November 1993 as amended from time to time are referred to as the principal local laws.

2 Clause 4 and clause 5 of the principal local laws are amended by the deletion of "specified in the First Schedule hereto" and the substitution of "as determined by the Council from time to time".

3 The First Schedule to the principal local laws is deleted.

4 The Fourth Schedule to the principal local laws is amended by the addition of:
"Davis Oval being all that area of Reserve No a1840 north of the elongation east of the northern boundary of Reserve No 22633 except those times during which the area is being used for organised community or sporting events."

Signs, Hoardings and Bill Posting Local Laws

1 In these local laws the Town of Mosman Park Signs Hoardings and Bill Posting Local Laws which were published in the *Government Gazette* on 13 May 1994 are referred to as the principal local laws.

2 Clause 3.5.1 of the principal local laws is amended by the deletion of "as set out in the Second Schedule to these By-laws" and substituting "as determined by the Council from time to time".

3 The Second Schedule to the principal local laws is deleted.

Removal and Disposal of Obstructing Animals and Vehicles Local Laws

1 In these local laws the Model Local Laws (Removal and Disposal of Obstructing Animals or Vehicles) No 7 adopted by the Town of Mosman Park by notice appearing in the *Government Gazette* on 10 February 1966 are referred to as the principal local laws.

2 Clause 11 and clause 14 of the principal local laws are amended by the deletion of "of one dollar" and substituting "as determined by the Council from time to time".

Awnings Over Streets Local Laws

1 In these local laws the Town of Mosman Park Local Laws Relating to Awnings Over Streets which appeared in the *Government Gazette* on 29 December 1961 are referred to as the principal local laws.

2 Clause 5 (i) of the principal local laws is amended by the deletion of "prescribed in the Second Schedule hereto" and substituting "as determined by the Council from time to time".

3 Clause 5 (2) of the principal local laws is amended by deleting "prescribed"

4 The Second Schedule to the principal local laws is deleted.

Hawkers and Stalls Local Laws

1 In these local laws, the Town of Mosman Park Local Laws Relating to Hawkers and Stalls published in the *Government Gazette* on July 15, 1958 as amended from time to time are referred to as the principal local laws.

2 Clause 6 (1) of the principal local laws is amended by deletion of “set out in Schedule C hereto” and substituting “as determined by the Council from time to time”.

3 Schedule C to the principal local laws is deleted.

Dated this 30th day of July 1998.

T. J. HARKEN, Chief Executive Officer.

LG305

LOCAL GOVERNMENT ACT 1960

**MUNICIPALITY OF TOWN OF MOSMAN PARK 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 abovementioned Municipality hereby records having resolved on 27th July, 1993 to revoke the adoption of the draft *Model By-Laws (Signs, Hoardings and Bill Posting) No.13* published in the *Government Gazette* on the 29th February, 1980, as amended and to make and submit for confirmation by the Governor the following By-laws.

1. Citation

These By-laws may be cited as the *Town of Mosman Park Signs, Hoardings and Bill Posting By-laws*.

2. Interpretation

In these By-laws, unless the context otherwise requires:

“Act” means the *Local Government Act 1960* (as amended);

“Advertising Device” means any object or structure on which words or numbers or figures or drawings are written, placed, affixed, attached or painted for the purpose of advertising any business, function, operation, development, event undertaking or any product or thing whatsoever, and includes any vehicles of trailer or such other similar object or objects placed or located so as to serve the purpose of advertising any business, function, operation, development, event, undertaking or any product or thing whatsoever;

“Bill Posting” means the attaching, sticking, application, painting, stenciling or affixing of any bill, poster, placard, or advertisement on any building, structure, fence, wall, hoarding, signpost, pole, blind or awning whether erected upon private property or in or upon a public place so as to be visible to any person in a street, public place, private property, reserve or other land;

“Council” means the Council of the Town of Mosman Park

“Commercial Area” means an area where business or trade is conducted, to the exclusion of any purpose falling within the definition of industry defined in the District Zoning Scheme;

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

“Display Home sign” means a sign erected on a lot on which a house or other residential building is erected or is to be erected which house or other residential building has been approved by the Council as a display home under the District Zoning Scheme of the Council;

“District” means the whole of the Municipality of the Town of Mosman Park.

“District Zoning Scheme” means the Town of Mosman Park’s Town Planning Scheme No. 2 (District Zoning Scheme) published in the *Government Gazette* on the 15th June 1990 as amended from time to time or such other Town Planning Schemes or By-laws for the time being in force whereby the Town of Mosman Park or any part thereof is classified and zoned.

- “Fly Posting” without limiting the generality of the provisions of these By-laws relating to bill posting, means advertising by means of one or more poster placed or placard attached, applied, painted, stenciled or affixed on fences, walls, buildings, structure, trees, rocks and any like places, or things without authority and “fly post” has a like meaning;
- “Hoarding” means a detached or detachable structure including a poster panel, wall panel, or an illuminated panel other than a pylon sign that is erected for the sole purpose of displaying a sign or signs but excluding hoardings referred to in Section 377 of the Act;
- “Horizontal sign” means a sign affixed or attached parallel to the wall of a building or a structure 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 lit either from within or from without the sign by artificial lighting provided, or mainly provided for 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 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 the holder of a license issued by the Council pursuant to these By-laws;
- “Light Industrial Area” means an area classified as a light industry zone by Council’s District Zoning Scheme;
- “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;
- “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 infill may be added and, in the case of a Service Station site, may include a composite site identification sign which also displays details of products and services relating to the premises.
- “Residential Area” means an area classified as a residential zone by Council’s District Zoning Scheme;
- “Roof sign” means a sign erected on the roof of a building
- “Sale sign” means a sign indicating that the private property or premises whereon the sign is affixed, are for sale, for letting or to be auctioned;
- “Semaphore sign” means a sign attached or affixed to a structure or building which sign is affixed and supported at, or by, one of its ends only;
- “Service Station sign” means a sign solely used for the purpose of advertising the price of petrol, diesel or other products sold from land used as a motor vehicle service station; Service Station signs do not include pylon signs as may be approved under the provisions of these By-laws.
- “Sign” includes a signboard, a portable sign, a bunting sign, 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 and every other type or style of sign defined or referred to in these By-laws;
- “Sign Infill” means a panel which can be fitted into a pylon sign framework;
- “Surveyor” means the Council’s Building Surveyor appointed pursuant to the Act;
- “Tower Sign” means a sign affixed or placed on a chimney stack or an open structural mast or tower;
- “Verandah” for the purpose of these By-laws, includes cantilever awnings, cantilever verandahs and balconies whether in, or above a street, way, footpath, public place or private property;
- “Verandah signs” includes signs attached or affixed on or above verandah fascias and signs under verandahs;
- “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;
- “Wall Panel” means a panel used for displaying a bill poster or painted advertisement which panel is attached or affixed to the wall of a business premises or which panel erected in or about the forecourt of such business premises.

Where applicable, words and expressions used in by-law 2 hereof have the same respective meaning as is given to them in the Act.

3. Licenses

3.1 Licenses and Exemptions

- 3.1.1 A person shall not erect, attach, affix or maintain a sign, of whatsoever nature, and the owner or the occupier of premises or private property shall not suffer or permit a sign of whatsoever nature or advertising device to be erected, attached, affixed or maintained in, on or above such premises, or private property or within 100 meters of a street, way, footpath or other public place, except pursuant to a licence issued under these By-laws.
- 3.1.2 The following signs 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 private property or premises;
 - (d) advertisements affixed to or painted on a shop or business premises or wall by the occupier thereof and relating to the business carried on therein;
 - (e) signs within a building unless such signs are deemed to be objectionable by the Council;
 - (f) 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;
 - (g) building name signs on residential flats or home units when such signs are of a single line of letters not exceeding 300m in height, fixed to the facade of the building;

- (h) signs for the 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 and the sign is located wholly within the boundaries of a private property or premises owned by a person who erected or who has maintained the sign;
- (i) signs that are required by the Builders Registration Board or other Government bodies or authorities on building sites, provided the area of any such sign does not exceed 1.5m² and no part of the sign is of a distance greater than 2m above the ground directly below it, and that any such sign is removed within seven (7) days of completion of the building works on the building site;
- (j) signs erected by the Council of the Town of Mosman Park on land under the care, control and management of the Council.

3.1.3 Notwithstanding the provisions of sub by-law 3.1.1 the following signs are not required to have a licence issued under these By-laws, but are nevertheless to be erected and maintained so as to comply with the requirements of these By-laws and with Main Roads Departments regulations relating to main roads under the control and management of the Main Roads Department;

- (a) display centre directional signs;
- (b) service station Roster signs;
- (c) short term direction signs

GG 29.2.00

3.1.4 Every licence that is granted pursuant to these By-laws shall exist subject only to the provisions of these By-laws.

3.1.5 Notwithstanding that a sign or hoarding complies with the provisions of these By-laws the Council may refuse a licence if;

- (a) such sign or hoarding would, in its opinion, increase the number or variety of signs so as to become too numerous or various to the locality to be injurious to the amenity or natural beauty or safety of the locality;
or
- (b) such sign or hoarding advertises goods or services which are not produced, displayed or offered for sale or otherwise available to the public upon or from the premises where such sign or hoarding is erected, attached or affixed.

3.2 Revocation of Licenses

The Council may, without limiting its power to prosecute for any breach of these By-laws or to recover any penalty arising therefrom, by notice in writing to the licensee revoke any license granted by the Council pursuant to these By-laws where:

- (a) anything purporting to be done pursuant to a license issued under these By-laws is not done in conformity with the license or with these By-laws or a sign hoarding the subject of a license is so altered that, in the opinion of the Council, it is objectionable or contravenes by-law 3.1.5; or
- (b) the licensee is guilty of an offence against these By-laws in respect to such license

3.3 Inspection of Licenses

- 3.3.1 A licensee shall, on demand by an officer of the Council produce for inspection any license issued by the Council pursuant to these By-laws.
- 3.3.2 Every sign or hoarding the subject of a license issued by the Council pursuant to the By-laws shall bear on its face (bottom left hand corner as viewed) in clearly legible figures (minimum 25mm high) the number of the license applicable to the said sign or hoarding as provided by Council.
- 3.4 Applications for Licenses
 - 3.4.1 An application made to the Council for a license pursuant to 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 license in respect to a sign or hoarding shall be accompanied by duplicate plans, drawn to scale of not less than 1 to 50 showing the size, position, design and inscriptions to appear thereon, the method of construction and fixing of the sign or hoarding to a building or structure, setbacks of the sign or hoarding from a street, way, footpath or other public place, boundaries where applicable together with such further information as Council may require.
 - 3.4.3 Every application for a license pursuant to these By-laws shall furnish in writing such further particulars as to the sign or hoarding the subject of a license application as may be required by the Building Surveyor.
 - 3.4.4 If so required by the Council an applicant for a license in respect of an illuminated sign shall produce to the Council a written consent to the erection of the said sign, signed by or on behalf of the relevant person authority or body having for the time being the management of traffic control lights within the district of the Town of Mosman Park.
 - 3.4.5 Subject to by-law 3.2 and except where otherwise provided in these By-laws, a license issued pursuant to these By-laws remains valid until an alteration is proposed to be made to the structure or area of the sign or hoarding in respect of which a license has been issued and in such an event the licensee shall apply for a new license.
 - 3.4.6 The Council may impose any conditions it thinks fit to a license issued pursuant to these By-laws.
- 3.5 License Fees
 - 3.5.1 A license pursuant to these By-laws shall only be issued and valid upon payment of the appropriate fee as determined by the Council from time to time, but prior payment of a license fee pursuant to any By-laws that were in operation prior to the coming into operation of these By-laws shall be deemed to be a payment for the purpose of this By-law.
 - 3.5.2 A license under these By-laws shall be valid until the 30th day of June next after it is granted, unless otherwise cancelled or revoked.
- 3.6 Special Permits
 - 3.6.1 Notwithstanding anything contained or provided in these By-laws the Council may, by written permit issued by the Building Surveyor, allow the display of:
 - (a) advertisements at churches, theatres and other places of public entertainment, or of advertisements of meetings or other matters of public interest.

- (b) a sign or advertising device in the form of search lights, flood lights, pennants, flags, banners and the like used to call attention to, or for the purpose of advertising any service, business, function, operation, event of undertaking, upon such terms and for such period as the Council may in each case think fit.
- 3.6.2 Such terms and conditions imposed by the Council pursuant to by-law 3.6.1 hereof and the period of the permit shall be specified in the permit.
- 3.6.3 Council may revoke any such permit at any time subject to compliance with Part 9 Division 1 of the Act.
- 3.6.4 upon the expiration or revocation of a permit issued under this By-law the persons to whom the permit was issued shall forthwith remove the advertisement sign or advertising device to which the permit relates and failure by the holder of the permit to remove the advertisement within 14 days of the expiration or revocation of the permit commits an offence.

4. General

4.1 Restrictions

A sign or advertising device shall not be erected or maintained:

- (a) (i) so as to obstruct or impede all or part of the view which may be enjoyed from a street, way, footpath, public place or private property of a river, the sea or any other place or feature of natural beauty;
- (ii) so as to obstruct or impede the sight lines required for the free and safe movement of traffic in, to, or from any street, way, footpath, public place or private property.
- (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 *Main Roads Act 1982* or the Regulations made thereunder.
- (c) except with the 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 or structure.
- (d) on any land that is zoned in the District Zoning Scheme as residential or used for residential purposes other than a site of lawful non-confirming use other than residential, unless specifically permitted in these By-laws.
- (e) on or to any building or structure of which the stability of the building or structure is, in the opinion of the Building Surveyor, likely to be detrimentally affected by the sign or advertising device.
- (f) as a moveable or portable sign upon a carriageway, dividing strip or traffic island.
- (g) on a light or power pole without the approval of the relevant authority responsible for the erection of that pole.
- (h) upon or inside a vehicle adapted and exhibited primarily to facilitate advertising
 - (i) in the form of balloons or blimps
 - (j) so as to have all or any part thereof projected, flashing, animated, moving or rotating.
- (k) in or at any site, location or position where, in the opinion of the Council, the advertisement will not be harmonious with the surroundings in the locality in which the advertisement is proposed to be sited, located or

positioned or where Council considers it will be undersirable for reasons to be stated by the Council.

4.2 Inscriptions on Signs

Except in the case of a direction sign, sale sign, information panel or a development sign, signs attached or affixed to a premises, or building generally shall only display one or more of the following:

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

4.3 Existing Signs

Where an existing sign fails to conform to the requirements of these By-laws a person receiving a direction from the Council to remove the sign shall remove it within 14 days or upon receiving the direction, during which time a person receiving a direction may appeal in writing 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 Surveyor and shall be safely maintained.

4.5 Obstruction of Doors etc.

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

4.6 Glass in Signs

Glass shall not be used in any sign except for the purpose of illumination of an illuminated sign.

4.7 Readily Combustible Material

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

4.8 Signs to be Kept Clean

Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order and free of dilapidation.

4.9 Bill Posting

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

4.10 Fly Posting

A person shall not fly post at any site, place or location within the district of the Town of Mosman Park.

4.11 Design Principals

Any sign or advertising device erected and maintained in accordance with these By-laws shall:

- (a) be simple and provide for instant recognition;
- (b) in design, colour and location be sympathetic and harmonious with the surrounding street, way, footpath, public place or private property and environment and the building or structure to which it is attached or affixed.
- (c) be placed and constructed so as not to endanger public safety;
- (d) have all sign writing, design work, lettering and colouring thereto carried out in a competent and professional manner.

4.12 Road Reserves and Open Space Reserves Under the Care and Control of Council

4.12.1 Unless otherwise allowed pursuant to these By-laws or approved by Council, an advertising sign or hoarding shall not be permitted to be erected or maintained on road or open space reserves under the care and control of the Council.

4.12.2 The Council may grant approval for the erection of an advertising sign or hoarding on road or open space reserves under the care and control of the Council and impose any such conditions or enter into any such contract or agreement with the owner or licensee of the advertising sign or hoarding as it sees fit to ensure the proper control and maintenance of any such advertising sign and hoarding.

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, access way or footpath 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
2.75m and under 4m.....	300mm
4m and under 6m.....	750mm
6m and under 12m.....	1m
12m and over.....	1.5m

- (c) be affixed or attached either parallel or at right angles to the wall to which it is affixed or attached;
- (d) not project from the wall to which it is affixed or attached:
 - (i) if parallel to the wall, more than 300mm; or
 - (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 permitted to strike between midnight and 7.00am

5.2 Development Signs

Development signs shall:

- (a) only be erected where more than 10 subdivisional lots are to be created in the development or the stage of development being advertised.
- (b) only to be erected in the ratio of 1m² of area per hectare of the total land to be subdivided, up to a maximum aggregate area all development signs of 50m² with no individual sign exceeding 22m² in area;
- (c) be removed from the site within two years of the granting of a license for the same or when all of the lots by number in the subdivision or stage being advertised have been sold, whichever is the sooner.

5.3 Direction Signs on Street Poles

5.3.1 approval is required for the erection of any directional sign on a street pole and such approval shall only be granted by the resolution of the Council and where approval has been granted any directional sign on a street pole shall:

- (a) afford a minimum headway of 2.25m;
- (b) not exceed 150mm in depth or 1,200mm in length;
- (c) be securely affixed to and supported by one or more columns of steel of sufficient size and strength to support the sign under all conditions;
- (d) be erected and maintained so as not to cause interference or hazard to vehicular traffic or cause any interference or hazard to or impede pedestrians.

5.3.2 Council may revoke any such approval at any time subject to compliance with Part 9 Division 1 of the Act.

5.4 Display Centre Directional Signs

Each display centre may have a maximum of four direction signs on the verge at any one time and any such sign shall:

- (a) only be displayed during the times the display centre to which the signs are directed, is open to the public;
- (b) be sited as not to create a hazard to vehicular or pedestrian traffic;
- (c) not have directions exceeding 600mm x 450mm and not have a height exceeding 600mm.

5.5 Display Home Signs

Display home signs shall:

- (a) be provided in a ratio not exceeding 2m² per home in a centre with no individual sign exceeding 4m², the overall height of sign shall not exceed 4m;
- (b) not be illuminated after 9.00 pm;
- (c) be approved for a period not exceeding 12 months at any one time.

5.6 Hoardings

5.6.1 Hoardings shall not:

- (a) be erected in an area zoned residential pursuant to the District Zoning Scheme;
- (b) except with the approval of Council, be erected within 15m of any street, way, footpath or public place and in any case shall not be closer than its own height to a street, way, footpath or public place;
- (c) be of greater area than 22m²

5.7 Horizontal Signs

5.7.1 A horizontal sign shall

- (a) afford a minimum headway of 2.75m;
- (b) be affixed or attached parallel to the wall of the building or structure to which it is affixed or attached;
- (c) conform as to depth to the following table:

Minimum Distance from Bottom of Sign to Adjacent Street Level	Maximum Depth of sign
Less than 4.5m.....	600mm
4.5m to 7.5m.....	750mm
7.5m to 12m.....	1m

Any horizontal sign greater than 12m should be 150mm in depth for each 300mm in height to a maximum of 4.5m. All horizontal signs behind the 9m setback from the front boundary can be double the aforementioned approved depth of the sign providing the whole of the sign is within the fascia limits;

- (d) not project more than 600mm from the wall to which it is affixed or 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 25mm in front of and 75mm above and below the sign.
- (f) not project above the wall to which it is affixed or attached.

5.7.2 Notwithstanding the provisions of paragraph (c) of sub-by-law 5.7.1, the Council may permit an increase of not more than 50 per cent of the depth therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.

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

5.7.4 The name of the building or structure, owner or occupier may be shown on the façade of a building or structure provided that;

- (a) unless otherwise approved by the Council, only one such name shall be placed on any façade;
- (b) The letters of the name shall not exceed 1.2m in height;
- (c) the letters shall be of metal or non-combustible material; and
- (d) The letters shall not be lit or illuminated unless all illuminated lettering has been approved by Council.

5.8 Illuminated Signs

Every illuminated sign shall:

- (a) have any boxing or casing in which it is enclosed constructed of non-combustible 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 SAA Code 3000-1976;
- (c) be maintained to operate as an illuminated sign; and
- (d) not have or produce light of such intensity or colour which in the opinion of the Council is inappropriate for the location proposed and not interfere with traffic control lights.

5.9 Information Panels

The Council may provide information panels or bays of varying sizes.

5.10 Institutional Signs

Institutional signs shall not exceed 0.5m² in area except with the approval of the Council but in any case, no such sign shall exceed 2m² in area.

5.11 Portable Signs

5.11.1 A portable sign shall:

- (a) not exceed 1m in height;
- (b) not exceed 0.8m² double sided area;
- (c) not indicate or display any matter other than the name of the owner or occupier of the premises to which it relates and the nature of the business carried on therein;
- (d) not contain any letter of a size less than 120mm;
- (e) not contain the word "open"
- (f) be placed so as not cause interference or be hazardous to vehicular traffic or cause any interference or hazard or impede pedestrians;
- (g) be of sound construction, maintained in good condition, neatly sign written and be located in position to the satisfaction of the Surveyor.

5.11.2 A person shall not erect a portable sign in any position other than adjacent to the building to which the sign relates.

5.11.3 A person shall not erect more than one portable sign in relation to the one shop or business unit or premises.

5.11.4 A person who erects a portable sign shall be remove the same at the close of business each day and shall not erect the same again until the commencement of business on the following or a subsequent trading day.

5.12 Pylon Signs

5.12.1 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;
- (b) not exceed 2.6m measured horizontally across the face of the sign or have a greater superficial area than 4m²;
- (c) not project more than 900mm over any adjacent street;
- (d) be supported on one or more piers or columns of brick, stone, concrete, or steel of sufficient size, strength and construction to support the sign under all conditions;
- (e) where supported by two or more piers or columns, the space between the piers or columns not be wholly or partly filled in with any material below 2.75m above ground level;
- (f) not have any part thereof, projecting over any adjacent street at a height of less than 2.75m;
- (g) not be within 2m of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right of way in which case the Council may authorize the erection of a sign at a lesser distance than 2m;
- (h) not have any part thereof less than 6m from any part of another sign erected on the same lot.

- 5.12.2 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 in which event:
- (a) initial approval shall be given to the pylon sign framework together with one or more sign infills;
 - (b) an application is to be submitted and approval given for each additional infill;
 - (c) all infills are to be an equal size and space is to be provided to the sign for one infill for each shop or unit on the lot;
 - (d) the total area of the infill signs specified under sub-by-law 5.12.1(b) may be increased by up to 50 per cent (i.e. to a maximum of 6m²)
- 5.12.3 Notwithstanding the provisions of 5.12.1 and 5.12.2, approval for the erection of a pylon sign that does not meet the requirements of these By-laws may only be granted by a resolution of the Council.

5.13 Roof Signs

Roof signs are not permitted within the District.

5.14 Sale Signs

- 5.14.1 Any sale sign of any description shall be erected on the land to which it relates and not elsewhere,
- 5.14.2 A land sale sign advertising for sale lots created by a subdivision shall:
- (a) not exceed 10m² in area;
 - (b) not be erected or maintained for a period exceeding six (6) months without prior approval of the Council
 - (c) not be erected until:
 - (i) the plan of subdivision has been approved by the State Planning Commission
 - (ii) the land has been zoned for the appropriate use.
- 5.14.3 Notwithstanding the provisions of sub-by-law 5.14.1 land sale signs advertising for sale lots created by a subdivision may be erected on the road verge with approval from the Council, but in any event, any such sign shall not exceed 3,000mm x 2,400mm in size. This sub-by-law only applies to subdivisions containing a minimum of 25 residential lots. Special circumstances must apply before such approval will be granted by the Council.
- 5.14.4 A sale sign advertising an auction shall:
- (a) not exceed 2m² in area;
 - (b) not be erected more than 28 days before the proposed date of the auction
 - (c) be removed no later than 14 days after the subject property has been sold, or at the direction of the Council.
 - (d) where such sign is erected on land having a frontage to a road, that is a main road within the meaning of the *Main Roads Act 1982*, consist of letters not less than 150mm in size.
- 5.14.5 A sale sign advertising that flats and dwelling units in a building erected, or to be erected, are, or will be available for letting or purchase shall:
- (a) not exceed 2m² in area;

- (b) not be erected before the issue of a building license for any such building;
- (c) not be erected or maintained for a period exceeding three (3) months following the completion of any such building, without prior approval of the Council.

5.15 Semaphore Signs

5.15.1 A semaphore sign shall:

- (a) afford a minimum headway of 2.75m;
- (b) be affixed at right angles to the wall to which it is affixed or 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 erected under or over any verandah

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

5.16 Service Station Signs

5.16.1 a maximum of two (2) service station signs are permitted on service station sites, but only one sign shall relate the price of petrol. In addition to the aforementioned, a service station sign shall:

- (a) not exceed 0.8m² double sided area;
- (b) be located wholly within the boundaries of the site used as a service station;
- (c) be of sound construction, maintained in good condition, neatly signwritten and fixed in position to the satisfaction of the surveyor;

5.16.2 For each service station on roster a maximum of four signs may be erected or placed on the road verge at any one time and any such sign shall:

- (a) only be displayed during the times the service station to which they are directed is open on roster to the public;
- (b) be sited as not to create a hazard to vehicular or pedestrian traffic;
- (c) not have dimensions exceeding 600mm x 450mm and not have a height exceeding 600mm.

5.17 Short Term Directional Signs

a short term directional sign shall:

- (a) not exceed 1m in height;
- (b) not exceed 0.8m² double sided area
- (c) provide directions to a property which is the subject of sale or venue at which the infrequent sale of goods may take place or other purpose approved by the Surveyor
- (d) be removed forthwith by the applicant or owner when directed to do so by the Surveyor.

5.18 Signs on Fences

a sign may be painted or erected on the fence of a lot if the lot is occupied and used for business purposes only. Any such signs shall not exceed 1,000mm in height or 1.5m² in total area, nor be within one meter of any street boundary, unless specific approval is granted from the Council.

5.19 Tower Signs

Tower signs are not permitted within the District.

5.20 Verandah Signs

5.20.1 Signs Above Verandah Fascias

signs comprising free standing letters 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 the base of at least 75mm in width.

5.20.2 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.

5.20.3 Signs Under Verandahs

A sign under a verandah shall:

- (a) afford a head way of at least 2.75m or, only when approved by the Council, afford a headway of 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 600mm in width be within 1m) of the side wall of that building to which said sign is affixed or attached, measured along the front of the building in respect to 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 same verandah;
- (f) be fixed at right angles to the front wall of the building to 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 walls so as to be visible from both streets;
- (g) be placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and vertical plane of the shop front directly opposite the end of such sign;
- (h) not be constructed of shatterable material.

5.21 Vertical Signs

5.21.1 A vertical sign shall:

- (a) afford a minimum headway of 2.75m;
- (b) subject to sub-bylaw 5.21.2, not project more than 1m from the face of the building to which it is attached;
- (c) subject to sub-bylaw 5.21.3, not to be within 1.8m of either end of the wall to which it is affixed or attached;
- (d) be of a height of at least twice its width;
- (e) not project above the top of the wall to which it is attached;
- (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 the sign may be placed at an angle with the walls so as to be visible from both streets; and
- (h) except with prior approval of the Council, not exceed 1m in width

5.21.2 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 3m from the side wall of the first building, the sign may project 500mm further than the distance prescribed by paragraph (b) of sub-bylaw 5.21.1, or the distance by which the building to which it is affixed or attached is set back beyond the face of the other building, whichever distance is the lesser.

5.21.3 Where a building to which a vertical sign is affixed or attached is set back from the boundary or abuts intersecting streets or a right of way, the Council may approve the affixing of a vertical sign at a lesser distance from the end of the wall than that prescribed by paragraph (c) of sub-bylaw 5.21.1.

6. Offences

6.1 Every person who erects or authorizes or permits to be erected a sign, or a hoarding which does not comply with, or erects or authorizes 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 Whereby these By-laws, it is required that a person obtain a license to erect or maintain a sign or hoarding, every person who erects or maintains a sign or hoarding without a license or in respect of which the license has expired or been cancelled, commits an offence.

6.3 Neither the owner nor the occupier of any land, building or premises shall permit a sign or hoarding to remain affixed or attached thereto, or thereon, unless such sign or hoarding complies with these By-laws.

6.4 Without prejudice to the preceding provisions of these By-laws, the Council may serve on the owner or occupier of any land, building or premises on which a sign is erected, affixed, attached or maintained, contrary to these By-laws, notice to remove the sign within such a time as may be specified in the notice and a person neglecting or failing to comply with the terms of such a notice served on him pursuant to this sub-bylaw, commits an offence.

7. Removal and Disposal of Signs Unlawfully Displayed

7.1 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 under the care and control of Council, unless so placed or erected pursuant to these By-laws. the Council may without incurring any liability therefore, or be liable for damages or otherwise dispose of any sign, advertisement, advertising device, hoarding or signboard so removed and reinstate the street, way, footpath or public place under the care and control of 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.

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); and
- (b) a daily penalty, during the continuing breach, not exceeding fifty dollars (\$50)

Town of Mosman Park
First Schedule
APPLICATION FOR A LICENSE
Signs and Hoardings

Application No: _____ Date: _____ 19_____

I hereby apply for a license for a sign/illuminated sign/pylon sign/semaphore sign/directional sign/clock/hoarding as shown on the attached plan to be erected on the premises know as _____

_____ Subject to the By-laws of the Council.

Full name and address of the applicant: _____

Exact position of sign _____

Dimensions of signs _____

Materials and construction of sign and supports _____

Inspection of device on sign _____

Signature of Applicant

Fees Paid: _____

Approved: _____

Receipt No: _____

Building Surveyor

Town of Mosman Park
LICENSE

Permit No: _____ Date: _____ 19_____

This license is granted to: _____

on premises known as: _____

in accordance with Application No: _____ and subject to the By-laws of the Council. This license shall remain valid unless any alteration is made to the sign, then in such event the licensee must apply for a new license. This license expires on June 30, 19_____

Building Surveyor

Recommended –

PAUL D OMODEI, Minister for Local Government

Approved by His Excellency the Governor in Executive Council this 10th day of May 1994.

D. G. BLIGHT, Clerk of the Court.