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LOCAL GOVERNMENT ACT 1995

TOWN OF VICTORIA PARK

SIGNS LOCAL LAW 2006

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FIRST SCHEDULE

LOCAL GOVERNMENT ACT 1995

TOWN OF VICTORIA PARK

SIGNS LOCAL LAW 2006

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Victoria Park resolved to make the Town of Victoria Park Signs Local Law 2006 on the 12 December 2006.

PART 1—PRELIMINARY**Title**

1. This local law may be referred to as the *Town of Victoria Park Signs Local Law 2006*.

Commencement

2. This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

Purpose

3. The purpose of this local law is to provide for the regulation, control and management of signs within the district.

Repeal

4. The Municipality of the Town of Victoria Park By-Law Relating to Signs as published in the *Government Gazette* on 25 February 1983 and amended as published in the *Government Gazette* on 19 July 1996 is repealed.

Transitional

5. A sign which—

- (a) was displayed prior to the commencement date; and
- (b) immediately prior to the commencement date was the subject of a valid licence issued under the local laws repealed by clause 4,

is deemed to be the subject of a valid licence issued under this local law on the same terms and conditions as the licence issued under the local laws repealed by clause 4, for so long as the sign is not changed, but otherwise the provisions of this local law shall apply to the sign.

Application

6. This local law applies throughout the district.

Terms used in this Local Law

7. In this local law, unless the context requires otherwise—

“**Act**” the *Local Government Act 1995*;

“**advertisement**” means any word, letter, model, sign, placard, board; notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other object placed or located so as to serve the purpose of advertising;

“**aggregate area**” means the total, combined surface area of each instance of that type of sign on a site;

“**applicant**” means a person who applies for a licence;

“**application fee**” means the application fee referred to in subclause 10(2)(d) and which relates to the lodgement, assessment and determination of an application for a licence, but does not include the licence fee;

“**area of a sign**” means that portion contained within a polygon drawn around a text, graphics and/or image and not the entire background provided that the colour of the background of the sign does not substantially differ from the colour of the surface to which the sign is attached;

“**authorized person**” means a person authorized by the Town under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;

“**bill**” means—

- (a) any written, printed or illustrated message on paper or a similar material;
- (b) commonly produced in volume for either or both of the purposes of distribution to persons or for posting or attaching to any structure or thing; and
- (c) where the message advertises or promotes an event, person or thing,

which is not an exempted advertisement;

“**Council**” means the Council of the Town;

“**commencement**” date means the day on which this local law comes into operation;

“**display**” in relation to a sign, includes the erection, placement, use and maintenance of the sign;

“**display**” in relation to a bill, includes the posting, attachment, erection, placement, use and maintenance of the bill;

“**district**” means the district of the Town;

“**exempt advertisement**” mean an advertisement exempted from the requirement to obtain planning approval on the basis of compliance with the standard criteria in Part 4 of this local law;

“**land**” includes buildings, parts of buildings and other structures and land covered with water;

“**licence**” means a licence issued under this local law;

“**licensee**” means the person to whom a licence is issued, transferred or deemed to be transferred and includes the holder of a licence deemed to be issued under this local law;

“**licensed sign**” means a sign which is the subject of a valid licence;

“**local government property**” means any thing—

- (a) which belongs to the Town;
- (b) of which the Town is the management body under the *Land Administration Act 1997*;
- (c) which is an otherwise unvested facility within section 3.53 of the Act;

and includes a thoroughfare;

“**person**” does not include the Town;

“**policy**” includes a planning policy made under the Scheme;

“**Scheme**” means the Town of Victoria Park Town Planning Scheme No. 1;

“**Scheme Area**” means the Scheme area referred to in clause 4 of the Scheme;

“**sign**” has the same meaning as advertisement;

“**thoroughfare**” has the meaning given to it in section 1.4 of the Act;

“**Town**” means Town of Victoria Park;

“**vehicle**” includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden, driven or led, but excludes—
- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and
- (d) a pram, stroller or similar device.

PART 2—SIGNS TO BE LICENSED AND EXCLUSIONS

Signs to be licensed

8. A person shall not display a sign on any land unless—

- (a) the sign is the subject of a valid licence; and
- (b) the sign is displayed in accordance with the licence and any terms and conditions set out in, or applying in respect of the licence.

Exclusions

9. (1) Clause 8 does not apply to—

- (a) a temporary sign in compliance with Part 5 of this local law;

(2) Where a sign is the subject of a current development approval granted under the Scheme, then the grantee of the development approval is not required to make an application for a licence under clause 10, but clause 14 shall apply.

PART 3—APPLICATION FOR LICENCE AND ISSUE OF LICENCE

Application for licence

10. (1) Where a person is required under this local law to obtain or hold a licence to display a sign, that person shall apply for the licence in accordance with subclause (2).

- (2) An application for a licence under this local law shall—
- (a) be in the form of the First Schedule;
 - (b) be signed by the applicant and by the owner or occupier of the land where the sign is to be displayed;
 - (c) provide the information required by the form or by any other clause of this local law; and
 - (d) be forwarded to the Town together with the application fee.
- (3) The Town may refuse to consider or determine an application for a licence which is not in accordance with subclause (2), or any other clause relating to the requirements to be complied with when making an application for a licence.

Determination of application

11. (1) The Town may, in respect of an application for a licence—
- (a) refuse to approve the application; or
 - (b) approve the application on such terms and conditions as it sees fit.
- (2) In determining any application for a licence, the Town may have regard to—
- (a) any policy of the Town which applies to signs;
 - (b) the impact of the sign on the quality of the streetscape where it is to be displayed and more generally of the district;
 - (c) whether the size of the sign appropriately relates to the architectural style, design and size of a building on which the sign is to be displayed, and in measuring the size of a sign a polygon shall be taken immediately around the text, graphics or image of the sign and not the entire background, except where the finish or colour of the background differs substantially from the background against which the sign is to be displayed;
 - (d) whether the colour scheme and materials of the sign are compatible with the architectural style and design of a building on which the sign is to be displayed;
 - (e) whether the colour scheme and materials of the sign are compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed;
 - (f) how many signs are on the land where the sign will be displayed;
 - (g) whether the construction of the sign is sound;
 - (h) whether any insurance should be obtained in relation to the display of the sign; and
 - (i) the matters set out in subclause (3).
- (3) The Town may refuse to approve an application for a licence, where—
- (a) the application has not been made in accordance with clause 10 or any other clause of this local law, relating to the requirements to be complied with when making an application for a licence;
 - (b) the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the licence is sought;
 - (c) the sign may obstruct the sight lines of a person driving or riding a vehicle or a pedestrian;
 - (d) the sign may unreasonably distract persons driving or riding vehicles;
 - (e) the sign may detract from the quality of the streetscape or area where it is to be displayed;
 - (f) the size of the sign does not appropriately relate to the architectural style, design and size of a building on which the sign is to be displayed;
 - (g) the colour scheme and materials of the sign are not compatible with the architectural style and design of a building on which the sign is to be displayed;
 - (h) the colour scheme and materials of the sign are not compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed;
 - (i) the construction of the sign is not sound;
 - (j) the sign will be additional to other signs on the land where it will be displayed;
 - (k) in the opinion of the Town, the proposed content of the sign may be considered offensive; or
 - (l) the sign advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land where the sign is erected;
- (m) there are other grounds on which the Town considers the application should be refused.
- (4) If the Town refuses to approve an application for a licence, it is to give written reasons for that refusal to the applicant.

Licence issue

12. (1) Where the Town approves an application for a licence, then the Town shall issue to the applicant a licence in the form determined by the Town.
- (2) A licence may include plans or other documents other than the form of licence.
- (3) A licence shall not be valid until such time as any public liability insurance policy, if required as a condition of the licence, has been put into effect and a certificate of currency covering the period of the licence has been lodged with the Town.

Variation of sign licence

13. The Town may vary the terms or conditions of a licence on application by a licensee, and the licensee shall comply with the terms and conditions as varied on and from the date of the Town giving written notice of the variation to the licensee.

Deemed sign licence

14. (1) Where a sign is the subject of a development approval granted under the Scheme, then—
- (a) a licence to display the sign is deemed to have been issued under this local law to each of the grantee of the development approval and the current owner of the land where the sign is displayed—
 - (i) on the same conditions as those attaching to the development approval;
 - (ii) subject to a condition that the licence will be valid while the development approval remains valid; and
 - (iii) on the date of the notice of the grant of development approval; and
 - (b) the grantee of the development approval and the current owner of the land where the sign is displayed are each deemed to be a licensee.
- (2) A reference in this local law to—
- (a) a licence shall include a reference to a deemed licence under subclause (1); and
 - (b) a licensee shall include a reference to a deemed licence under subclause (1).

Term and validity of licence

15. A licence remains valid until—
- (a) a public liability insurance policy, where required as a condition of the licence, lapses, is cancelled or is no longer in operation; or
 - (b) the licence is cancelled by the Town,
- and the licensee, the owner or occupier of the land where the sign is displayed or any person displaying the sign, must immediately cease to display the sign and remove the sign from display.

Responsibilities of licensee

16. A licensee shall comply with the terms and conditions of the licence.

Cancellation of licence

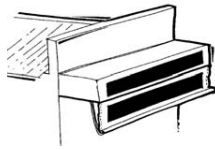
17. (1) The Town may cancel a licence if—
- (a) the licensee does not comply with a term or condition of the licence;
 - (b) the licensee does not comply with a provision of this local law;
 - (c) variations are made to the sign or to its content which have the effect that the sign is not that approved by the licence;
 - (d) the licensee is convicted of an offence against this local law;
 - (e) in the case of a licence deemed to be issued under clause 14(1), the licensee is convicted of an offence against the Scheme or the *Planning and Development Act 2005* in relation to the sign; or
 - (f) a licensed sign is so altered that it is determined by the Town to be detrimental to the interests of the public, any adjacent property owner or occupier.

Rights of objection and appeal

18. When the Town makes a decision as to whether it will—
- (a) grant a person a licence under this local law; or
 - (b) vary or cancel a licence that a person has under this local law,
- the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

PART 4—EXEMPT SIGNS**Standards for exempt advertising signs**

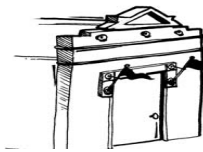
19. Advertising signs that—
- (a) meet the standards set out in this part;
 - (b) comprise no more than five individual advertising signs per tenancy; and
 - (c) where illuminated, are illuminated in a manner that does not flash or pulsate,
- are exempt from the requirement to obtain planning approval, but will require a sign licence.

Awning sign

20. (1) An awning sign is an advertising sign fixed to the outer or return fascia of an awning or verandah associated with a commercial building, and includes signs on blinds, sunshades and similar structures.

(2) An awning sign is an exempted sign where—

- (a) there is only one such sign per street frontage of the subject tenancy;
- (b) it has an area of 0.4m^2 per 1m of street frontage of the subject tenancy (up to a maximum area of 10m^2) and
- (c) it is contained within the width of the building.

Flag Sign

21. (1) A flag sign is an advertising sign that is printed onto a flag (typically flown from a pole) and associated with a commercial property.

(2) Flag signs are exempt advertisements where—

- (a) the aggregate area of surfaces that provide advertising is 0.2m^2 per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 2m^2);
- (b) they have a minimum ground clearance of 2.4m;
- (c) their maximum height is less than 3m above ground level; and
- (d) they project less than 0.6m from the facade of the building.

Public Authority Sign

22. A public authority sign is an advertising sign provided by a public authority to provide directions or information and is an exempt sign.

Sign Required by Law

23. A sign required by law is an advertising sign required under any Act or Statute and is an exempt sign.

Under Verandah Sign

24. (1) An under verandah sign is an advertising sign placed perpendicular to the façade of a commercial building and located under a verandah or awning.

(2) An under verandah sign is an exempt advertisement where—

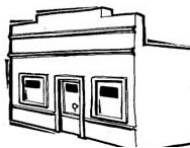
- (a) there is only one such sign per street frontage of the subject tenancy;
- (b) the aggregate area of all surfaces that provide advertising is 0.2m^2 per 1m of street frontage of the subject tenancy (up to a maximum area of 2m^2) and in cases where only one surface is provided with advertising the area is 0.1m^2 per 1m of street frontage of the subject tenancy (up to a maximum area of 1m^2); and
- (c) it has a minimum ground clearance of 2.7m.

Wall Sign

25. (1) A wall sign is an advertising sign attached or painted directly onto an external wall of a commercial building.

(2) A wall sign is exempt where it is an aggregate area of 0.4m² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m²).

Window Sign



26. (1) A window sign is a sign attached to a window of a commercial building, or which is located in the interior of a commercial building and up to 0.6m behind a window.

(2) One or more window signs are exempt advertisements where—

- (a) they cover no more than 50% of the window to which they are associated; and
- (b) they have an aggregate area of 0.4m² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m²).

Pylon Sign



27. (1) A pylon sign is a stand-alone advertising sign supported by one or more piers and not attached to a building.

(2) A pylon sign is an exempt advertisement where—

- (a) it is constructed so that no part of the sign is less than 2,700mm or more than 6,000mm above the level of the ground immediately under the sign;
- (b) it does not exceed 2,550mm measured in any direction across the face of the sign or have a greater superficial area than 4m²;
- (c) it does not project more than 900mm over any street, way, footpath or other public place;
- (d) it is supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
- (e) not have any part projecting over any street, way, footpath or other public place at a height of less than 2,700mm;
- (f) it will not be within 1,800mm of the side boundaries of the lot on which it is erected; and
- (g) no part will be less than 6m from any part of another sign erected on the same lot of land.

PART 5—TEMPORARY SIGNS

Standards for temporary advertising signs

28. Advertising signs that meet the standards set out in this part are exempt from the requirements to obtain development approval and do not require a sign licence.

Property Sale or Lease Sign

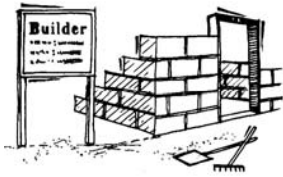


29. (1) A property sale or lease sign is an advertising sign that is placed on or in front of a commercial or residential building or site, with the intention of advertising the sale or lease of that building or site.

(2) A property sale or lease sign is an exempt advertisement where—

- (a) there is only one such sign per street frontage of the subject property;
- (b) it has an area of 0.1m² per 1m of street frontage of the subject property (up to a maximum aggregate area of 2m²);
- (c) it is mounted flush against the façade of the building or erected parallel to the street frontage;
- (d) Its maximum height is less than 3m above ground level; and

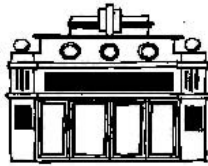
it is removed upon completion of the sale or lease agreement of the property to which it relates.

Construction Site Sign

30. (1) A construction site sign is an advertising sign that is erected at a building site and informs the public about the development and the various companies involved in the development.

(2) A construction site sign is an exempt advertisement where—

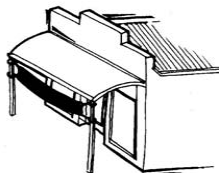
- (a) there is only one such sign per street frontage of the subject property;
- (b) it has a maximum area of 1m² where the subject site is less than 5,000m² in area;
- (c) it has a maximum area of 2m² on a site greater than 5,000m² in area; and
- (d) it is in place only during the course of construction at the subject site, and removed upon completion.

Entertainment Sign

31. (1) An entertainment sign is an advertising sign that is displayed at an entertainment venue to publicise a particular movie or performance.

(2) Entertainment signs are exempt advertisements where—

- (a) they have an aggregate area of 0.2m² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m²); and
- (b) they are removed upon completion of the event to which they relate.

Banner Sign

32. (1) A banner sign is a temporary advertising sign that is printed onto plastic sheeting, or similar material, and hung by ropes between posts, or hung from a verandah.

(2) A banner sign is an exempt advertisement where—

- (a) there is only one such sign per street frontage of the subject tenancy;
- (b) it has a maximum size of 4m²;
- (c) it has a minimum ground clearance of 2.1m; and
- (d) it is erected for a maximum period of 7 days unless otherwise granted approval in writing.

PART 6—SIGNS THAT REQUIRE PLANNING APPROVAL**Signs that do not meet the standards**

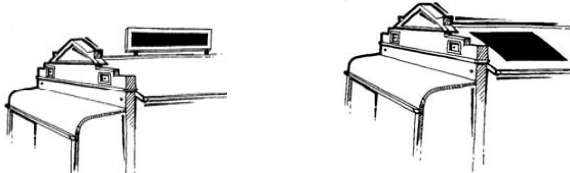
33. (1) Signs that do not meet the standards set out in Parts 4 and 5 require planning approval.

(2) The advertising signs in clauses 35, 36 and 37 require planning approval—

- (a) the Town will generally not approve the provision of any of the advertising signs in clauses 35, 36 and 37 to a commercial premise because they do not provide a positive contribution to the amenity and built form of the locality; and
- (b) in addition, the Town will not approve the provision of any of the advertising signs in clauses 35, 36 and 37 to a property used for residential purposes under any circumstances.

Signs on Places of Cultural Heritage Significance

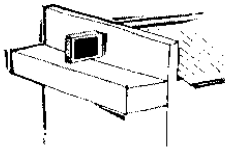
34. Any signs on land, buildings, objects, structures and places included on the Register of Places of Cultural Heritage Significance contained in Schedule 6 of the *Town of Victoria Park Town Planning Scheme No. 1* require planning approval.

Roof signs

35. A roof sign is an advertising sign that protrudes above the normal roofline of a building or is painted on or mounted flush to the roof of a building.

Balloon/Blimp Sign

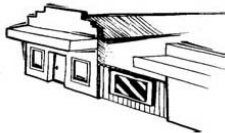
36. A balloon or blimp sign is an advertising sign printed on a balloon or similar device and flown above the advertised premises.

Signs Above Verandahs

37. A sign above a verandah or in excess of 3.4 metres above footpath level on a building without a verandah/awning is an advertising sign fixed or painted on the wall or perpendicular to the wall of a building and usually located above an awning or verandah. In some cases a building may not be provided with an awning or verandah.

PART 7—NON-PERMITTED SIGNS**Hoarding Signs**

38. A hoarding sign is a large freestanding advertising sign and is not permitted in the Town of Victoria Park.

Panel Sign

39. A panel sign is an advertising sign that is attached to a panel and mounted onto an existing vertical structure such as a side fence and is not permitted in the Town of Victoria Park.

Home occupation, home business or home office sign

40. A home occupation, home business or home office sign are advertising signs associated with a home occupation, home business or home office at a residential property and are not permitted in the Town of Victoria Park.

PART 8—NO BILL POSTING**No bill posting**

41. (1) A person shall not display a bill on any land or on any thing on any land.

(2) Where a person has contravened subclause (1), then in addition to that person, each of the following persons shall be deemed to have committed an offence against subclause (1)—

- (a) the owner or occupier of the land where the bill is displayed, except where that was not erected with the knowledge or consent of the owner or occupier as the case may be; and

- (b) where the bill advertises or promotes an event, person or thing—
 - (i) the promoter (who will include any person named on the bill as the promoter or as a person authorizing the bill);
 - (ii) the person, if any, promoted by the bill; and
 - (iii) the owner or occupier of the land where the event, person or thing as advertised or promoted by the bill is to be held or appear, as the case may be.

PART 9—NOTICES

Notice to repair, modify or remove sign

42. (1) Where a sign is not maintained in a good condition or is or becomes dilapidated, or in the Town's opinion the content of the sign is offensive, the Town may issue a notice to the—

- (a) owner or occupier of the land where the sign is displayed;
- (b) the grantee of any development approval issued for the sign; or
- (c) the licensee of the sign,

requiring that person to, as the Town considers appropriate—

- (d) repair or maintain the sign in the manner specified in the notice, or if not so specified, so that it is put into a good condition or so it is not dilapidated;
- (e) modify the content of the sign as specified in the notice; or
- (f) remove the sign from display,

within such time as may be specified in the notice or if no time is specified within 14 days of the Town giving the notice.

(2) Without limiting any other provision of this local law, this clause applies to the signs referred to in clause 9.

Notice to rectify breach

43. Where a person breaches a term or condition of a licence or a provision of this local law, the Town may give a notice to the person specifying the breach and requiring it to be rectified, and the person shall comply with the notice within the period indicated in the notice, or if no period is indicated, within 14 days of the Town giving the notice to the person.

PART 10—MISCELLANEOUS

Fees

44. All fees referred to in this local law shall be imposed and determined by the Town under and in accordance with sections 6.16 to 6.19 of the Act.

Public liability insurance

45. (1) Where, as a condition of a licence, the licensee is required to provide a public liability insurance policy, indemnifying the Town against all actions, suits, claims, damages, losses and expenses made against or incurred by the Town arising from any activity, action or thing performed or erected under the licence, the licensee shall—

- (a) take out a public liability insurance policy in the name of the licensee and the Town, for a minimum value of \$10,000,000 or such other amount as the Town considers appropriate to the risk involved;
- (b) keep that insurance policy current for the duration of the licence;
- (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the Town;
- (d) include a clause in the policy which requires both the licensee and the insurance company to advise the Town if the policy lapses, is cancelled or is no longer in operation; and
- (e) on the request of an authorized person, provide for inspection of the policy and a certificate of currency for the required insurance policy.

(2) A licensee who refuses or cannot provide a current certificate of insurance within 2 working days of a request under subclause (1)(e) commits an offence.

PART 11—OFFENCES AND PENALTIES

Offences

46. (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who fails to comply with a notice given under this local law commits an offence.

(3) A person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

First Schedule
Town of Victoria Park
SIGNS LOCAL LAW 2006
APPLICATION FOR A SIGN LICENCE

PROPERTY DETAILS:

Lot No.	House/Street No.	Location No.	Diagram or Plan No.
Certificate of Title			Lot Area (m2)
Street Name			Suburb
Nearest Street Intersection			Assessment No. (property rate no)

OWNER DETAILS:

Name		
Address		Post Code
Phone (work)	(home)	Fax
Contact Person		
Signature		Date
Signature		Date

OCCUPIER DETAILS:

Name		
Address		Post Code
Phone (work)	(home)	Fax
Contact Person		
Signature		Date
Signature		Date

The signature of the landowner or occupier is required for all applications. This application will not proceed without that signature.

APPLICANT DETAILS:

Name		
Address		Post Code
Phone (work)	(home)	Fax
Contact Person		
Signature		Date

The decision letter will be sent to the applicant.

SIGN:

Type of Sign _____

Location _____

Position at location _____ Materials Illumination—

Internal/External _____

Wording/Illustration _____

(Plan Design attached) _____

OFFICE USE ONLY

Acceptance Initials	Officer's _____	Date Received _____
Council Reference No	_____	
Application Fee	paid / unpaid *	Checking Inspector _____
Permit/Licence No	_____	Approval Date _____

* *delete as appropriate*

Dated this 20th day of December 2006.

The Common Seal of the Town of Victoria Park was affixed by authority of a resolution of the Council made on 12 December 2006 in the presence of—

J. A. M. (MICK) LEE, OAM JP, Mayor.
J. M. BONKER, Chief Executive Officer.

