

minutes

Policy Committee

MEETING HELD ON

MONDAY 19 FEBRUARY 2024

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

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Note:

Clause 15.10 of the City's *Meeting Procedures Local Law 2013* states:

This local law applies generally to committee meetings except for clause 7.1 in respect of members seating and clause 7.8 in respect of limitation on members speaking.

CITY OF JOONDALUP

MINUTES OF THE POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 19 FEBRUARY 2024.

ATTENDANCE

Committee Members:

Cr Daniel Kingston	<i>Presiding Member</i>	
Mayor Hon. Albert Jacob, JP		<i>from 7.13pm</i>
Cr Rebecca Pizze		
Cr Adrian Hill	<i>Deputising for Cr Hutton</i>	<i>absent from 7.18pm to 7.20pm</i>
Cr John Raftis		
Cr John Chester		<i>absent from 7.20pm to 7.22pm to 8.39pm</i>
Cr Phillip Vinciullo		

Observers:

Nil.

Officers:

Mr James Pearson	Chief Executive Officer	
Mr Jamie Parry	Director Governance and Strategy	
Mr Nico Claassen	Director Infrastructure Services	
Mr Chris Leigh	Director Planning and Community Development	<i>absent from 7.58pm to 8.00pm</i>
Mr Simon Brinkley	Acting Manager Community Safety	
Mrs Kylie Bergmann	Manager Governance	
Mrs Deborah Gouges	Senior Governance Officer	
Ms Avril Schadendorf	Governance Officer	

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

2 DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

2.1 DISCLOSURES OF INTEREST AFFECTING IMPARTIALITY

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member / employee is also encouraged to disclose the nature of their interest.

Name / Position	Mayor Hon. Albert Jacob, JP.
Meeting Type	Policy Committee.
Meeting Date	19 February 2024.
Item No. / Subject	Item 8.9 – Specified Area Rating Council Policy Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob is the joint owner of a property within the Iluka Specified Area Rating (SAR).

Name / Position	Cr Adrian Hill.
Meeting Type	Policy Committee.
Meeting Date	19 February 2024.
Item No. / Subject	Item 8.9 – Specified Area Rating Council Policy Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Hill lives in the Burns Beach Specified Area Rating area and owns the property. Cr Hill is a member of Burns Beach Residents Association and was formerly Chairperson when Specified Area Rating (SAR) was established.

Name / Position	Cr Phillip Vinciullo.
Meeting Type	Policy Committee.
Meeting Date	19 February 2024.
Item No. / Subject	Item 8.9 – Specified Area Rating Council Policy Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Members of the Harbour Rise Residence Association are known to Cr Vinciullo.

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Lewis Hutton	9 to 19 February 2024 inclusive.
Cr Russ Fishwick, JP	18 to 23 February 2024 inclusive.
Cr Nige Jones	12 to 19 March 2024 inclusive.

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE POLICY COMMITTEE HELD ON 20 NOVEMBER 2023

OFFICER'S RECOMMENDATION MOVED Cr Chester, **SECONDED** Cr Kingston that the Minutes of the Policy Committee held on 20 November 2023 be **CONFIRMED** as a true and correct record.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hill, Cr Pizzey, Cr Raftis and Cr Vinciullo.
Against the Motion: Nil.

5 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

6 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting is not open to the public.

7 PETITIONS AND DEPUTATIONS

Nil.

8 REPORTS

8.1 SETTING OF 2024 MEETING DATES - POLICY COMMITTEE (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	02153, 103963, 101515
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For the Policy Committee to consider the setting of committee meeting dates for 2024.

EXECUTIVE SUMMARY

In order to assist with forward planning for all Elected Members, management and staff, a schedule of meeting dates has been prepared for the Policy Committee, ensuring synergy between meeting dates and the flow of information and decision-making.

It is therefore recommended that the Policy Committee ADOPTS the following meeting dates and times for the Policy Committee of the City of Joondalup to be held at the Joondalup Civic Centre (Conference Room 1), Boas Avenue, Joondalup:

- 1 *Tuesday 30 April 2024, commencing at 6.00pm;*
- 2 *Monday 29 July 2024, commencing at 6.00pm;*
- 3 *Monday 2 September 2024, commencing at 6.00pm; and*
- 4 *Monday 4 November 2024, commencing at 6.00pm.*

BACKGROUND

The Policy Committee was established at the Special Council Meeting held on 6 November 2023 (CJ213-11/23 refers) and the Policy Committee's Terms of Reference were adopted at that time as follows:

- “1 *Make recommendations to Council on the development and review of the City's policies and overall policy framework.*
- 2 *Make recommendations to Council on the development and review of the City's local laws.*

-
- 3 *Oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual and Performing Arts Programs.*
 - 4 *Make recommendations to Council on strategic planning matters, including planning strategies, scheme amendments, structure plans, local development plans, and submissions on urban planning matters to government agencies requiring a Council decision."*

DETAILS

The Policy Committee oversees the development and review of the City's policies and local laws, as well as oversee the strategic direction of the City's Art Award events, Visual Art Collection and Visual Art Programs. In addition, makes recommendations to Council on strategic planning matters.

It has been previously requested that committee meetings not be held on the same week as Briefing Sessions and Council meetings (where possible) to reduce Elected Member fatigue in reading multiple meeting papers. This request has been incorporated into the Committee schedule where possible.

It is therefore suggested that the Policy Committee meets in 2024 as follows:

- Tuesday 30 April 2024, commencing at 6.00pm.
- Monday 29 July 2024, commencing at 6.00pm.
- Monday 2 September 2024, commencing at 6.00pm and
- Monday 4 November 2024, commencing at 6.00pm.

Issues and options considered

The Policy Committee can either:

- adopt the meeting dates as proposed in this Report
- or
- amend the meeting dates.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Meeting Procedures Local Law 2013.*
 Local Government (Administration) Regulations 1996.
 Local Government Act 1995.

10-Year Strategic Community Plan

Key theme	5. Leadership.
Outcome	5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.
Policy	Not applicable.

Risk management considerations

Should forward planning of committee meetings not be identified, then there is a risk for meetings to be held on an ad-hoc basis, lacking coordination with other key meetings and corporate planning processes.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The proposed dates have been prepared based on the expected demand and timeframes associated with policy and local law reviews, oversight of the City's art collections, art awards and programs, as well as the broader monthly meeting cycle of Council, other committee meetings and civic events.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr Chester, SECONDED Cr Vinciullo that the Policy Committee ADOPTS the following meeting dates and times for the Policy Committee of the City of Joondalup to be held at the Joondalup Civic Centre (Conference Room 1), Boas Avenue, Joondalup:

- 1 Tuesday 30 April 2024, commencing at 6.00pm;**
- 2 Monday 29 July 2024, commencing at 6.00pm;**
- 3 Monday 2 September 2024, commencing at 6.00pm;**
- 4 Monday 4 November 2024, commencing at 6.00pm.**

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hill, Cr Pizzey, Cr Raftis and Cr Vinciullo.
Against the Motion: Nil.

ATTACHMENTS

Nil

8.2 2024 POLICY REVIEW SCHEDULE (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	110327, 101515
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

PURPOSE

For the Policy Committee to note the 2024 Policy Review Schedule.

EXECUTIVE SUMMARY

The 2024 Policy Review Schedule is provided as Attachment 1 to this report. The schedule details the following for the policies identified for review in 2024:

- Policy name.
- Policy type.
- Last date reviewed.
- Scheduled date for five-year review.
- Planned date for review in 2024.

It is therefore recommended that the Policy Committee NOTE the 2024 Policy Review Schedule, as detailed in Attachment 1 to this Report.

BACKGROUND

Policies at the City of Joondalup are reviewed in three ways as follows:

- Policy repealed/revoked — a policy is deemed no longer required or has been subsequently superseded by another policy.
- Requiring minor amendments — a policy requires changes to language, style and/or formatting, that do not impact on the application of the policy.
- Requiring major amendments — a policy requires changes that significantly alter the City's position on an issue or change the strategic intent of the policy.

Policies are generally scheduled for review every five years; however, policies may be reviewed at an earlier date as a result of the following:

- Legislative changes which have a bearing on a particular policy.
- Council decisions which affect the continued validity or applicability of a policy.
- Important technological, industry or social changes.
- Any other such circumstance that would justify an earlier review.

DETAILS

At the Policy Committee meeting held on 31 October 2022, following a review of the City of Joondalup Policy Manual, it was noted that an annual Policy Review Schedule would be presented at the first Policy Committee meeting every year.

The 2024 Policy Review Schedule is provided as Attachment 1 to this report, which details the following for the policies identified for review in 2024:

- Policy name.
- Policy type.
- Last Date Reviewed.
- Scheduled date for five-year review.
- Planned date for review in 2024.

It should be noted that any revisions to the schedule throughout the year will be reflected in the Upcoming Reports to Council, Committees and Executive Leadership Team Calendar which is distributed to Elected Members via the Desk of the CEO each month.

Issues and options considered

The Policy Committee can either do the following:

- note the 2024 Policy Review Schedule, as detailed in Attachment 1 to this Report or
- provide direction with regard to the priority of policy reviews, recognising that this may have an impact on resourcing and community consultation (if required).

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-4 Responsible and financially sustainable - you are provided with a range of City services which are delivered in a financially responsible manner.

Policy Not applicable.

Risk management considerations

To fulfil the Council's governance requirements, the City's Policy Manual enables the documentation, maintenance and review of its current policies. Regular reviews of the City's policies are required to ensure their continued relevance and applicability.

Financial / budget implications

There are currently no financial implications associated with the Policy Review Schedule. However, should the Council choose to prioritise the review of policies not currently listed, this may impact the budget in relation to any additional external expertise and/or community consultation activities required.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

COMMENT

In accordance with the need for periodic reviews of policies to ensure good governance principles are maintained, it is proposed that the Policy Committee note the 2024 Policy Review Schedule and the proposed timeframes for policy reviews.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr Pizzey, SECONDED Cr Hill that the Policy Committee NOTES the 2024 Policy Review Schedule, as detailed in Attachment 1 to this Report.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hill, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Nil.

ATTACHMENTS

1. Schedule for 2024 Policy Committee Meetings FINAL [8.2.1 - 2 pages]

8.3 ELECTED MEMBERS' ENTITLEMENTS POLICY (WARD – ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	101269, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to review the *Elected Members' Entitlements Policy* with regard to continuing professional development, and to identify any amendments that may be required.

EXECUTIVE SUMMARY

As part of the *Local Government Legislation Amendment Act 2019* introduced in September 2019, section 5.128 was inserted into the *Local Government Act 1995* (the Act), requiring local governments to prepare a policy in relation to the continuing professional development of elected members and that the policy must be reviewed after each local government election.

The last local government election took place on 21 October 2023. A report was presented to the Policy Committee on 20 November 2023 (Item 8.7 refers), with regard to continuing professional development. The report was referred back to the Chief Executive Officer to consider the following matters:

- "1 Amending new clause 7.4 – Approval – to require both sub-clauses (a) and (b) to be considered in an application for attendance at overseas conferences;
- 2 Amending new clause 8 – Attendance at overseas conferences to require that both sub-clauses (a) and (b) are required;
- 3 Reviewing the numbering of the Policy;
- 4 Amending new clause 7.6.1 – Payment from conference and training expense allocation to remove the ability to transfer training funds between Elected Members;
- 5 The type of air travel (business class or economy class)."

It is therefore recommended that Council:

- 1 NOTES a review of the *Elected Members' Entitlements Policy* has been undertaken in accordance with section 5.128(5)(a) of the *Local Government Act 1995*, with regard to continuing professional development;
- 2 BY AN ABSOLUTE MAJORITY ADOPTS the revised *Elected Members' Entitlements Policy*, as provided in Attachment 2 to this Report.

BACKGROUND

The current *Elected Members' Entitlements Policy* (the policy) was last significantly reviewed in September 2013 (CJ185-09/13 refers), with a number of minor amendments subsequently made in March 2015 (CJ050-03/15 refers), April 2017 (CJ051-04/17 refers), May 2021 (CJ072-05/21 refers) and May 2022 (CJ077-05/22 refers). The policy details, amongst other things, payments and entitlements for Elected Members, including:

- the equipment issued to elected members
- the payment of statutory fees and allowances as determined by the Salaries and Allowances Tribunal
- provisions around the attendance at conferences and training events and associated requirements
- reimbursement of expense provisions and other entitlements.

On 16 September 2019 and as part of the *Local Government Legislation Amendment Act 2019* a new section 5.128 was inserted into the Act as follows:

"5.128. Policy for continuing professional development

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*

** Absolute majority required.*

- (2) *A local government may amend* the policy.*

** Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

- (5) *A local government —*

(a) must review the policy after each ordinary election; and

(b) may review the policy at any other time."

In addition, recent amendments to the *Local Government (Administration) Regulations 1996* require that Continuing Professional Development is either relevant to an Elected Member's role as defined under the Act, or the Council's role. The amendments also stipulate that payment shall not be made for training or continuing professional development that is scheduled to occur within the last three months of an Elected Member's term of office or upon delivery of a notice of resignation to the CEO, specifying a later day from which the resignation will take effect. These regulations came into effect on 19 October 2023, and the Policy has been updated to reflect these changes.

At the Policy Committee meeting held on 20 November 2023, a revised *Elected Members' Entitlements Policy* was presented following a review with regard to continuing professional development. At that meeting, the following procedural motion was moved, with Officer comments provided against each part:

"That Item 8.7 Elected Members' Entitlements policy – BE REFERRED BACK to the Chief Executive Officer to consider:

1 Amending new clause 7.4 – Approval – to require both sub-clauses (a) and (b) to be considered in an application for attendance at overseas conferences;

- New clause 7.4 has been amended by removing the word 'or' between sub-clauses (a) and (b) and inserting the word 'and'.

2 Amending new clause 8 – Attendance at overseas conferences to require that both sub-clauses (a) and (b) are required;

- New clause 8 has been amended by adding the word 'and' at the end of sub-clause (a).

3 Reviewing the numbering of the Policy;

- Numbering has been reviewed and changes made where required.

4 Amending new clause 7.6.1 – Payment from conference and training expense allocation to remove the ability to transfer training funds between Elected Members; and

- New clause 7.6.1 has been amended by removing the words 'or receive funds from another Elected Members' conference and training expense allocation (see 6.8(f)).'

5 The type of air travel (business class or economy class)."

- New clause 8(c) – Attendance at overseas conferences – provides that "*Air travel overseas may be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.*"
- If the Council chooses, it may amend the Policy so that any travel overseas is to be by Economy Class.
- No changes have been made to the Policy with regard to this request, however changes can be made should the Council choose to amend.

In addition, the following questions were asked at the Policy Committee meeting held on 20 November 2023, and responses provided below:

1 If an Elected Member attends training within 3 months of an election, can they pay for the training themselves, and then get reimbursed should they be re-elected to Council?

In accordance with regulation 37(3) of the *Local Government (Administration) Regulations*, a Council Policy which provides for the payment or reimbursement of an amount in relation to the participation of a council member in continuing professional development, must not allow for payment or reimbursement, if the participation occurs during the period of three months ending on the day on which the term for which the council member was elected.

In this case, the Council Member may choose to undertake the training at their own costs, but regulation 37(3) explicitly prohibits a reimbursement, if their participation occurs in the three months leading up to the election.

2 With regard to the Mayoral conference and training allowance versus other Elected Members allowance, what do other local governments do? It is usual practice for there to be a difference between the Mayor's allowance and other Elected Members?

A survey was conducted of the following local governments, and the results provided:

Local Government	Mayor	Councillors
Stirling	Each Councillor gets a biennial Conference Allowance which is \$21,406 for the period of 1 November 2023, to 31 October 2025. Separately, costs associated with other professional development opportunities are to be met from the Elected Member's Training Allocation, which <i>"means a Council adopted budget allocation for the purposes of attending a training course, to support the role of an Elected Member."</i>	
	The Mayor receives the same conference allowance amount. There is no difference between the two.	
Cockburn	No allowance. There is a budget allocation which can be accessed for professional development which meets the intent of the policy. It was \$7,000 for Councillors and \$14,000 for the Mayor. However, following a Council decision it is now a budget pool that any elected member can access without limitation (provided it meets the intent of the policy).	
Wanneroo	Conference allowance: \$10,000 per annum	Conference allowance: \$5,000 per annum
Bayswater	Conference/training/seminar allowance: \$7,500 per annum	Conference/training/seminar allowance: \$3,750
Swan	Council members are not provided with an allowance for attendance at conferences and seminars but are provided with a budget of \$5,000 per annum. This budget covers the cost of their travel, registration fees and accommodation. An additional budget pool of \$17,500 per annum is available to Council members who've exhausted their individual allocation but conditions apply. No additional budget is available to the Mayor.	

DETAILS

There is no legislative prescription as to the form that this policy is to take. While it is considered the conference, training and event provisions detailed in the *Elected Members' Entitlements Policy* (parts 6 and 7) satisfies the intent of section 5.128 of the Act, the following additional clause has been included for clarity (Attachment 1 refers):

- Add a new clause 6 – Mandatory Elected Member Training – as follows:

“Elected Members are required to complete the Council Member Essentials Course within 12 months from the day on which they are elected, unless exempt under Regulation 36 of the Local Government (Administration) Regulations 1996. Elected Members should confirm with the Chief Executive Officer whether they are eligible for an exemption.

All costs associated with mandatory Elected Member training will be paid for by the City. The Annual Budget will include an allocation for Council as a whole, to be used for this purpose.

The City of Joondalup will provide new Elected Members with information on training options from which the Elected Member may select according to their preferred delivery mode and availability. The City will make the necessary arrangements for enrolment.”

- Renumber the following clauses so that the numbering is consecutive.
- Rename the new clause 7 from ‘Attendance at conferences and training within Australia’ to ‘Continuing Professional Development within Australia.’
- Amend new clause 7.1 – Objective – as follows:

“To enable Elected Members to develop and maintain skills and knowledge relevant to either their role as an Elected Member or the Council’s role, as defined under the Act.
- Add an additional sentence to new clause 7.2 – Statement – as follows:

“In accordance with Regulation 37(2) of the Local Government (Administration) Regulations 1996, Continuing Professional Development must be relevant to the Elected Member’s role as defined under the Act, or the Council’s role as defined under the Act.
- Add an additional paragraph to new clause 7.4 – Approval – as follows:

“In accordance with Regulation 37(3) of the Local Government (Administration) Regulations 1996, approval will not be granted for training or continuing professional development that is scheduled to occur within the last three (3) months of an Elected Member’s term of office or upon delivery of a notice of resignation to the CEO.”
- Amend new clause 7.4 by removing the word ‘or’ between sub-clauses (a) and (b) and inserting the word ‘and’.
- Amend new clause 7.6.1 by removing the words ‘or receive funds from another Elected Members’ conference and training expense allocation (see 6.8(f)).
- Amend new clause 8 by adding the word ‘and’ at the end of sub-clause (a).

Issues and options considered

The following options are available to Elected Members:

- retain the current *Elected Members' Entitlements Policy* as is
- make amendments to the *Elected Members' Entitlements Policy*, as provided in Attachment 2 to this Report
or
- Make further amendments to the *Elected Members' Entitlements Policy* of which further guidance would need to be provided.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Local Government (Administration) Regulations 1996.
 Salaries and Allowances Determination on Local Government Chief Executive Officers and Elected Members.

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy *Elected Members' Entitlements Council Policy.*

Risk management considerations

That the *Elected Members' Entitlements Policy* does not adequately meet the intent of section 5.128 of the *Local Government Act 1995*.

The *Elected Members' Entitlements Policy* has been reviewed and it is considered that the conference, training and event provisions detailed in the Policy (parts 6 and 7) satisfy the intent of section 5.128 of the Act.

Financial / budget implications

Sufficient budget provisions are made in the City's annual budget to cover the elected member allowances, expenses and entitlements that are detailed under the policy.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

An opportunity was provided to Elected Members through the Policy Committee held on 20 November 2023.

COMMENT

The *Elected Members' Entitlements Policy* provides a framework to support an elected member's training and development needs as well as clarity around the entitlements, allowances and fees as stipulated in the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER'S RECOMMENDATION MOVED Cr Vinciullo, SECONDED Cr Pizzey that Council:

- 1** NOTES a review of the *Elected Members' Entitlements Policy* has been undertaken in accordance with section 5.128(5)(a) of the *Local Government Act 1995*, with regards to continuing professional development;
- 2** BY AN ABSOLUTE MAJORITY ADOPTS the revised Elected Members' Entitlements Policy, as provided in Attachment 2 to this Report.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hill, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Nil.

ATTACHMENTS

1. Elected Members Entitlements Policy updated February 2024 - Tracked Changes [8.3.1 - 19 pages]
2. Elected Members Entitlements Policy updated February 2024 - Clean Copy [8.3.2 - 19 pages]

8.4 COUNCIL MEMBERS LIBRARY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	101175, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For the Council to give consideration to the proposal to develop a policy to create a Council Members Library.

EXECUTIVE SUMMARY

At the Policy Committee meeting held on 1 August 2022, Cr Kingston requested a report for a policy to create a Council Members Library. The request provided as follows:

“Cr Kingston requested a report for a policy to create a Council Members Library for the easy and central access of local government records to assist Council Members performing their roles and functions under the act and to facilitate informed decision making.”

The CEO's Key Performance Indicators for 2023-24 include a KPI to 'show progress on improving organisational efficiency and effectiveness', of which one of the deliverables is an updated Elected Member information portal.

A large number of the documents referenced by Cr Kingston are already available to Elected Members either through the Elected Member Portal or the City's website. A key component of the upgrade to the Elected Member Portal is to improve the layout, functionality and offering of the Elected Member Portal, and to provide links to relevant documents (where possible). It is important that documents/information are not duplicated so there is only one source of information (and to reduce risk of errors and outdated documents).

Given the operational nature of creating and maintaining a Council Members Library (or Elected Member Portal), it is not considered that the development of a policy meets the intent of the Council's policy framework, being to endorse policies which strategically set governing principles and guide the direction of the organisation to align with the vision, goals and outcomes of the City's *10-Year Strategic Community Plan*.

It is therefore recommended that the Council:

- 1 *NOTES the City will deliver an updated Elected Member information portal within the 2023-24 financial year as indicated in the CEO's Key Performance Indicators for 2023 - 24;*
- 2 *NOTES that the updated Elected Member portal will aim to improve engagement and communication with Elected Members through a user friendly and accessible communications portal which will include:*

-
- 2.1 *A redesigned layout and pages, including document libraries;*
 - 2.2 *Links to relevant documents and other information;*
 - 2.3 *Elected Member dashboard;*
 - 2.4 *Integrated Elected Member request app (through Project Axiom).*
- 3 *Does NOT SUPPORT the development of a policy to create a Council Members Library.*

BACKGROUND

At the Policy Committee meeting held on 1 August 2022, Cr Kingston requested a report for a policy to create a Council Members Library. The request provided as follows:

“Cr Kingston requested a report for a policy to create a Council Members Library for the easy and central access of local government records to assist Council Members performing their roles and functions under the act and to facilitate informed decision making.

The Policy would define the following:

- *The requirement for the CEO to create and maintain an up-to-date accessible library of records held by the Local Government or others.*
- *The methods of access for each record including whether the accessible record would be by electronic or physical copy.*
- *The records to be maintained relating to the performance and function of the Council having regard to suggested list.*
- *That all current and previous records for each suggested record be made available.*
- *That all electronic copies would be text searchable.”*

The City has a basic Elected Member Portal on Sharepoint where Elected Members can access information such as meeting papers and other relevant documentation. The existing portal, developed in 2018, has limited functionality and is underutilised. Analytics demonstrate that the Portal is used primarily for access to meeting papers and Desk of the CEO.

It has been identified that engagement and communication with Elected Members could be improved by upgrading the Elected Member Portal, including revising the structure of the Portal and the documents/information available to Elected Members.

DETAILS

With regard to the suggested records to be contained in the library, the following commentary is provided:

2.1 Council Agendas and Minutes

- **Council Agendas and Minutes (City of Wanneroo from 1980 to June 1998)**
Agendas and minutes of Council meetings of the City of Wanneroo are available on its website back to 2001. For this action to be fulfilled, the City of Joondalup would be required to request copies of the City of Wanneroo's Agendas and Minutes of meetings for the previous 21 years (1980-2001). It is considered that accessing and loading 21 years of another Council's minutes onto the Portal would require significant resourcing and the benefits limited. As such, provision of this information on the portal is not supported.

- **Council Agendas and Minutes (City of Joondalup from July 1998)**
Council agendas and minutes are on the City's website from 2001 onwards. Where possible copies of the Council agendas and minutes from July 1998 –2001 can be uploaded to the website, although electronic copies may not be text searchable depending on the manner in which the files were created. A link to the City's website can be provided on the Portal.
- **Committee Agendas and Minutes (City of Wanneroo from 1980 to June 1998)**
Refer comments above.
- **Committee Agendas and Minutes (City of Joondalup from July 1998)**
Committee agendas and minutes are on the City's website from 2001 onwards. Where possible, Committee agendas and minutes from July 1998 - 2001 can be uploaded to the website, although electronic copies may not be text searchable depending on the manner in which the files were created. A link to the City's website can be provided on the Portal.

2.2 Council Resolutions

- **Register of Council resolutions**
A report was presented to the Policy Committee on 8 May 2023 regarding a Register of Resolutions where it was advised that the City will implement a Register of Resolutions in Quarter 1 of 2023/24 through the implementation of Doc Assembler. Doc Assembler was rolled out on 1 July 2023, with the functionality of a Register of Resolutions available within the software. The Council and Committee resolutions from July 2023 onwards are currently in the register.

There are some administrative issues with making the Resolutions Register publicly available at this time. The service provider, Harbour Software, are in discussion with the City to resolve these matters.
- **Register of Council Committee resolutions**
Refer comments above which also include Committee resolutions.
- **Register of use of the common seal**
A Register of Use of the Common Seal will be considered as part of the City's review of registers. If the register is developed and placed on the website, a link to the City's website can be provided on the Portal.

2.3 Registers of Local Laws, Policy and Procedures

- **Register of Local Laws**
A current register of local laws is already available on the City's website and as such would be duplication if placed on the Portal. A link to the City's website can be provided on the Portal.
- **Register of Policies**
A current register of policies is already available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.

- **Register of Protocols and Procedures**

A register of those protocols and procedures relevant to Elected Members would be of benefit to be placed on the Portal. This will be examined as part of the upgrade to the Elected Member Portal.

2.4 Records of delegations and appointed persons

- **Register of delegations**

A current register of delegations is already available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website will be provided on the Portal.

- **Schedule of employment positions/roles which are office holders, appointments, or any authorised persons under any written law or regulation**

The intent of this proposal and the information to be published is unclear. Further clarity is required and has been requested from the Councillor proposing this inclusion.

2.5 Records regarding Integrated Planning and Reporting and Strategic Planning

- **Resourcing plans**

Resourcing plans are already available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal. Where plans are not available on the City's website, a copy can be provided on the Portal.

- **Strategic plans (Strategic Community Plan and the like)**

Strategic plans are already available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.

- **Corporate Business Plan (5 year)**

Corporate Business Plans are already available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.

- **Issue specific plans**

Issue specific plans are already available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.

- **Any other plan required by written law or regulation (Recordkeeping plan, Public Health Plan and the like)**

Other plans (as required by law) are already available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.

2.6 Records regarding allocation of the finances and resources of the Local Government

- **Current and Previous Annual Budgets**
Current and previous annual budgets are already provided on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided. Documents and presentations related to the annual budget process are already published on the Portal.
- **Current and Previous Corporate Business Plan Quarterly Reports**
Current and previous corporate business plan quarterly reports are available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.
- **Organisational Chart**
An organisational chart is already provided to Elected Members and would be of benefit to be placed on the Portal.
- **Five Year Capital Works Program**
The five-year capital works program is already provided to Elected Members and would be of benefit to be placed on the Portal.

2.7 Contracts and agreements

- **Register of contracts**
A register of contracts is proposed to be implemented under the Local Government reforms. The register will be placed on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.
- **Schedule of leases**
A schedule of leases is proposed to be implemented under the Local Government reforms. The register will be placed on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.
- **Service agreements for Specified Area Rates (SARS)**
Service agreements for Specified Area Rates (SARS) can be provided on the Portal, on a confidential basis.
- **Agreements with other local governments**
Agreements with other local governments could be provided if not commercially confidential. This will be examined as part of the upgrade to the Elected Member Portal.
- **Agreements, Memorandums of Understanding and the like**
Further clarification is sought with regard to this request.

- **All other agreements (Sister City Agreements, Economic Exchange Agreement with Jinan and the like)**
Other agreements, such as Sister City Agreements, could be provided if not commercially confidential. This will be examined as part of the upgrade to the Elected Member Portal.

2.8 Advice

- **Register of Legal Advice (All previous and current legal advice held by the City from other sources)**
Legal advice is, by its nature, legally privileged and confidential. As the legal privilege attached to legal advice can be waived by even referring to the existence of the advice, as such, provision of this information on the portal is not supported, subject to the below exceptions:
 - where a specific piece of legal advice has been sought by or specifically for the Council; and/or
 - a Councillor being able to demonstrate that a document such as legal advice is relevant to the statutory functions of the council member under the *Local Government Act 1995* or any other Act further to section 5.92 of the *Local Government Act 1995*.
- **Register of Consultant Reports**
It is considered that providing a register of consultant reports would be far too extensive and require significant resourcing to maintain. All relevant consultant reports are attached to Council reports and contained within the Agendas/Minutes. As such, provision of this information is not supported.
- **Register of Valuation Advice and reports**
The intent of this proposal and the information to be published is unclear. Further clarity is required and has been requested from the Councillor proposing this inclusion.
- **Register of DLGSC advice regarding the role and functions of the Council**
A register of DLGSC advice, as specific to the City of Joondalup, could be provided. This will be examined as part of the upgrade to the Elected Member Portal.
- **Register of DLGSC Guidance Notes, Circulars and the like**
Departmental guidance notes and circulars are already available on the Department of Local Government website. WALGA also provide guidance notes and circulars relevant to local government. As they regularly change there is a risk information will become outdated quickly. A link to the Department's website can be provided on the Portal, together with that of WALGA.
- **Local Government Inquiry Reports**
Local Government Inquiry reports can be made available. This will be examined as part of the upgrade to the Elected Member Portal.

- **Register of Departmental Advice (DLGSC, DWER, DBCA and the like)**
The City receives numerous circulars and advice notes from State Government entities and these are provided in the Desk of the CEO where relevant. A register of Departmental advice would be far too extensive and require significant resources to maintain. As such, provision of this information is not supported. Elected Members might consider subscribing to email lists of Departments they have an interest in to keep informed.

2.9 Grants and Sponsorship

- **Register of all grants previously made or administered**
A register of grants is proposed to be implemented under the Local Government reforms. The register will be placed on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.
- **Register of Affiliations and Memberships**
The intent of this proposal and the information to be published is unclear. Further clarity is required and has been requested from the Councillor proposing this inclusion.
- **Patrons and Sponsorships entered by the Local Government**
The City reports on sponsorship annually (within its Annual Report) whilst also seeking Council endorsement for sponsorship of events/activities throughout the year (applications available in Council minutes). Agreements with sponsors could be provided on request if not commercially confidential. Given the resources that would be required to maintain this information its proposed addition to the Portal is not supported.

2.10 Advocacy

- **Advocacy Framework**
The advocacy framework is available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.
- **Register of Current Advocacy Positions**
A list of current advocacy positions is available on the City's website and as such would be a duplication if placed on the Portal. A link to the City's website can be provided on the Portal.
- **Strategic Position Statements**
The Strategic Position Statements are available on the City's website and as such would be duplication if placed on the Portal. A link to the City's website can be provided on the Portal.
- **Stakeholder Management Plan**
A stakeholder management plan is no longer undertaken.

Elected Member Portal

The CEO's Key Performance Indicators for the 2023-24 review period were adopted by Council at its meeting held on 12 December 2023 (CJ289-12/23 refers). KPI #2 requires the CEO to show progress on improving organisational efficiency and effectiveness, of which one of the deliverables is an updated Elected Member information portal. This project will upgrade the existing Elected Member portal with the aim of improving engagement and communication with Elected Members through a user-friendly and accessible communications portal which will include:

- redesigning the layout and pages, including document libraries
- providing links to relevant documents and other information
- providing an Elected Member dashboard
- providing an integrated Elected Member request app (as part of Project Axiom).

The current timeline for the project is as follows:

Key Tasks	By When
Review and map current Elected Member portal.	Completed
Create project site in SharePoint.	Completed
Stakeholder engagement: <ul style="list-style-type: none"> • Review suggested improvements from Elected Members. • Review suggested changes from internal stakeholders. 	Completed
Review and map proposed improvements.	Completed
Develop Elected Member dashboard to embed within portal.	Completed
Design new layout and functionality of Elected Member Portal.	Completed
Develop new Elected Member Portal: <ul style="list-style-type: none"> • Build pages and test functionality. • Conduct internal testing. • Review and set security on pages and document libraries. 	In progress
Preview new Elected Member Portal to CEO.	March 2024
Present new Elected Member Portal to a Strategy Session for Elected Member feedback.	April 2024
Review and make changes to Elected Member Portal following feedback from Elected Members.	May 2024
Go-live with new Elected Member Portal	June 2024

Issues and options considered

The Council may choose to:

- not progress development of a policy for the creation of a Council Members Library or
- recommend to the Council to progress development of a policy for the creation of a Council Members Library.

Option 1 is the preferred option. Should the Council wish to progress with the development of a policy for the creation of a Council Members Library, advice is sought with regard to the content and intent of the policy.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme Leadership.

Outcome Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy Not applicable.

Risk management considerations

There is a risk that Elected Members do not engage with the new upgraded Portal. This risk is low as a change management plan and communications plan will be developed to highlight the benefits of the upgraded portal and how it will work.

Financial / budget implications

An assessment of the resources required to maintain all requested elements of the Council Members Library as proposed has not been undertaken, however, it is likely that it would be significant in order to ensure collection of information and ensuring it was maintained and current. Should the Council agree to include all, or the majority of items proposed, on the Portal, a human resource cost will need to be considered.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City has developed a project plan and created a project team to implement the upgrade of the Elected Member Portal. The aim of the project is to improve engagement and communication with Elected Members by providing a user-friendly and accessible communications portal. This will include:

- meeting papers, including agendas and minutes
- a diary of events
- protocols and procedures (as relevant to Elected Members)
- financial information
- an Elected Member Request app (being delivered through Project Axiom)
- an Elected Member dashboard comprising corporate key performance measures
- relevant local government publications aimed at assisting elected members in the undertaking of their roles and responsibilities.

It is intended that the upgraded portal will function like the City's internal intranet. It would provide a landing page for Elected Members delivering the latest news and communications, while providing a platform for comprehensive document libraries, links to relevant sites and documents and dashboard reports.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the City will deliver an updated Elected Member information portal within the 2023-24 financial year as indicated in the CEO's Key Performance Indicators for 2023 - 24;
- 2 NOTES that the updated Elected Member portal will aim to improve engagement and communication with Elected Members through a user friendly and accessible communications portal which will include:
 - 2.1 A redesigned layout and pages, including document libraries;
 - 2.2 Links to relevant documents and other information;
 - 2.3 Elected Member dashboard;
 - 2.4 Integrated Elected Member request app (through Project Axiom);
- 3 DOES NOT SUPPORT the development of a policy to create a Council Members Library.

PROCEDURAL MOTION - THAT THE ITEM BE DEFERRED

MOVED Cr Kingston, SECONDED Cr Pizzey that Item 8.4 - Council Members Library BE DEFERRED to the Policy Committee meeting to be held on 29 July 2024, as per clause 10.1(a) of the *City of Joondalup Meeting Procedures Local Law 2013*.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hill, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Nil.

ATTACHMENTS

Nil

MOTION – THAT THE ORDER OF BUSINESS BE SUSPENDED

MOVED Cr Kingston, **SECONDED** Cr Vinciullo that, in accordance with clause 14.1 of the *City of Joondalup Meeting Procedures Local Law 2013*, suspends the operation of clause 4.3 – Order of Business of the *City of Joondalup Meeting Procedures Local Law 2013*, to enable the consideration of Item 8.5 – Parking Local Law 2023 - Adoption, to be discussed after “Item 8.9 - Specified Area Rating Council Policy Review”.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hill, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Nil.

8.5 PARKING LOCAL LAW 2023 - ADOPTION (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	05885, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

This Item was dealt with later in the meeting, after Item 8.9 – ‘Specified Area Rating Council Policy Review’, page 61 refers.

8.6 PEST PLANT AMENDMENT LOCAL LAW 2023 - ADOPTION (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	05885, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to note the submissions received following public advertising of the proposed City of Joondalup Pest Plant Amendment Local Law 2023 and resolve to make the local law in accordance with section 3.12 of the *Local Government Act 1995* (the Act).

EXECUTIVE SUMMARY

At its meeting held on 20 November 2012. (CJ232-11/12 refers), Council adopted the *City of Joondalup Pest Plant Local Law 2012*. The purpose of the *City of Joondalup Pest Plant Local Law 2012* is to prescribe pest plants within the City of Joondalup district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district. The effect of this local law is to require the owner or occupier of private land within the City of Joondalup district to destroy, eradicate or otherwise control pest plants on and in relation to that land in a manner and within a time specified in a notice given by the local government and served on the owner or occupier of the land.

In accordance with section 3.12(3) of the *Local Government Act 1995* (the Act) the City is to give local public notice and advertise the proposed local law for a period of six weeks and forward a copy to the Minister for Local Government and Minister for Agriculture for comment.

At the close of the public consultation period the City received eight submissions in relation to the proposed Pest Plant Amendment Local Law 2023. The Community Consultation Outcomes Report is provided in Attachment 1 to this Report. Details of the submissions are provided in Attachment 2 to this Report.

It is therefore recommended that Council:

- 1 *NOTES the submissions received at the close of the public submissions period for the proposed Pest Plant Amendment Local Law 2023, as detailed in Attachment 2 to this Report;*
- 2 *BY AN ABSOLUTE MAJORITY ADOPTS the City of Joondalup Pest Plant Amendment Local Law 2023, as detailed in Attachment 4 to this Report;*
- 3 *AUTHORISES the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted City of Joondalup Pest Plant Amendment Local Law 2023;*

-
- 4 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the Local Government Act 1995;*
 - 5 *ADVISES all submitters of Council's decision.*

BACKGROUND

At its meeting held on 20 November 2012 (CJ232-11/12 refers), Council adopted the *City of Joondalup Pest Plant Local Law 2012*.

At its meeting held on 28 March 2023 (CJ040-03/23 refers), Council considered the outcomes of community consultation for the draft *Weed Management Plan 2023-2023* and resolved in part, that:

- "11 *NOTES a report will be presented to the August Policy Committee to consider adding Golden Crownbeard (*Verbesina encelioides*) as a pest plant within the City of Joondalup's Pest Plant Local Law;*
- 12 *SUPPORTS the City engaging with neighbouring local governments to identify Golden Crownbeard (*Verbesina encelioides*) as a pest plant within their boundaries."*

The City has liaised with the neighbouring local governments of City of Wanneroo and City of Stirling in regard to the management of Golden Crownbeard within their boundaries and on 22 August 2023 (CJ156-08/23 refers) a report was presented to Council to make the proposed Pest Plant Local Law 2023 for the purposes of public advertising. The resolution presented as follows:

"That Council:

- 1 *NOTES that the City currently undertakes the control of known infestations of Golden Crownbeard on City managed land;*
- 2 *NOTES that the City will continue to raise awareness of Golden Crownbeard and other environmental weeds through the Environmental Education Program;*
- 3 *NOTES that the City continues to work with the WALGA Local Government Integrated Weed Management Working Group to raise broader awareness of weed management on private property;*
- 4 *NOTES that the City will continue to manage soil hygiene and soil movement through the Pathogen Management Plan 2018-2028;*
- 5 *BY AN ABSOLUTE MAJORITY MAKES the proposed City of Joondalup Pest Plant Amendment Local Law 2023, as detailed in Attachment 2 to this Report, for the purposes of public advertising;*
- 6 *in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*

6.1 *the City of Joondalup proposes to make the City of Joondalup Pest Plant Amendment Local Law 2023, and a summary of its purpose and effect is as follows:*

Purpose: The purpose of this local law is to amend the City of Joondalup Pest Plant Local Law 2012.

Effect: The effect of this local law is to better clarify the provisions and requirements within the City of Joondalup Pest Plant Local Law 2012.

6.2 *copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;*

6.3 *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*

7 *in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government and Minister for Agriculture;*

8 *in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*

9 *the results of the public consultation be presented to Council for consideration of any submissions received."*

A notice advising of Council's intention to make the proposed local law, and of the purpose and effect of the proposed local law, was published in accordance with section 3.12 of the Act in the following places for a period of six weeks:

- Webpage linked through the "Community Consultation" section of the City's website visible from 2 November 2023 to 14 December 2023.
- Public Notice newspaper advertisement published in *PerthNow Joondalup* community newspaper on 2 November 2023.
- Item published in the Public Notice eNewsletter emailed to subscribers on 2 November 2023.
- Public Notice post on Facebook through the City's Facebook account on 2 November 2023.
- Public Notice posters on display at the City's administration building and the City's libraries.
- Item published in the Joondalup Voice insert of the *PerthNow Joondalup* community newspaper on 16 November 2023 and emailed to subscribers of the Joondalup Voice eNewsletter on 16 November 2023.
- E-screen displays visible on the electronic display boards at the City administration building, libraries, and Craigie Leisure Centre from 2 November 2023 to 14 December 2023.
- Item published in the Community Engagement Network eNewsletter emailed to subscribers on 30 November 2023.

In accordance with the requirements of the Act, a copy of the proposed local law was also submitted to the Minister for Local Government on 3 November 2023 and Minister for Agriculture on 14 November 2023 for consideration.

The timeframe for making public submissions closed on 14 December 2023.

DETAILS

At the close of the public submission period, the City received eight submissions in relation to the proposed Pest Plant Amendment Local Law 2023, including one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC), and one from the Minister for Agriculture. A schedule of submissions is provided at Attachment 2 to this Report.

Where suggested changes have been supported, they have been included in the local law and submitted to Council for adoption. A copy of the amended local law showing the marked-up changes is provided at Attachment 3 to this Report. The amended local law to be adopted and submitted to the State Law Publisher for publication in the *Government Gazette* is provided at Attachment 4 to this Report.

In the event that Council resolves to make the *City of Joondalup Pest Plant Amendment Local Law 2023* as presented, the following sequence of events will commence:

- 1 The local law will be published in the *Government Gazette* and a copy provided to the Minister for Local Government.
- 2 After gazettal, local public notice will be given stating the title of the local law, the purpose and effect of the local law (including the date when it comes into operation) and advising where copies of the local law may be inspected at or obtained.
- 3 A copy of the local law, together with the accompanying explanatory memoranda, will then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny. The local law will come into effect two weeks after gazettal.

Council should be aware that it is possible that the Joint Standing Committee on Delegated Legislation (JSCDL), after reviewing the local law, may require certain amendments to be made. If this is the case, the Council will be required to recommence the process of advertising for public comment, resolving again to make the local law, gazettal and re-submission to the JSC for further consideration.

Issues and options considered

Council may choose to:

- adopt the proposed *City of Joondalup Pest Plant Amendment Local Law 2023* as advertised
- adopt the local law with minor modifications following the public submission period, subject to the modifications not being significantly different to what was advertised or
- not adopt the proposed local law.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Local Government (Functions and General) Regulations 1996.
 City of Joondalup Pest Plant Local Law 2012.

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy Not applicable.

Risk management considerations

The proposed local law is yet to be considered by the Joint Standing Committee on Delegated Legislation (JSCDL), which review local laws created by local governments (including amendments) as well as other subsidiary legislation.

Should the City not follow the local law creation process as detailed in the Act, the JSCDL may recommend disallowance of the local law.

Financial / budget implications

The costs associated with the local law-making process is approximately \$2,500 being public advertising costs to publish the local law in the *Government Gazette*. Funds are available in the 2023-24 Annual Budget for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

In accordance with section 3.12 of the Act, public consultation occurred as follows:

- 1 By giving local public notice for a period of not less than six weeks from the date of advertising, including:
 - Webpage linked through the "Community Consultation" section of the City's website visible from 2 November 2023 to 14 December 2023.
 - Public Notice newspaper advertisement published in *PerthNow Joondalup* community newspaper on 2 November 2023.
 - Item published in the Public Notice eNewsletter emailed to subscribers on 2 November 2023.

- Public Notice post on Facebook through the City's Facebook account on 2 November 2023.
 - Public Notice posters on display at the City's administration building and the City's libraries.
 - Item published in the Joondalup Voice insert of the *PerthNow Joondalup* community newspaper on 16 November 2023 and emailed to subscribers of the Joondalup Voice eNewsletter on 16 November 2023.
 - E-screen displays visible on the electronic display boards at the City administration building, libraries, and Craigie Leisure Centre from 2 November 2023 to 14 December 2023.
 - Item published in the Community Engagement Network eNewsletter emailed to subscribers on 30 November 2023.
- 2 Providing a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government and Minister for Agriculture).

COMMENT

The proposed *City of Joondalup Pest Plant Amendment Local Law 2023* was publicly advertised in accordance with the Act, and subsequently minor amendments were made taking into account the submissions received.

Should Council proceed with the making of the local law, the remaining actions as specified in the Act will progress which, in summary, involves the publishing of the local law in the *Government Gazette* and submission of the local law to the JSCDL.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER'S RECOMMENDATION MOVED Cr Chester, SECONDED Cr Kingston that Council:

- 1 **NOTES** the submissions received at the close of the public submissions period for the proposed *Pest Plant Amendment Local Law 2023*, as detailed in Attachment 2 to this Report;
- 2 **BY AN ABSOLUTE MAJORITY ADOPTS** the City of Joondalup *Pest Plant Amendment Local Law 2023*, as detailed in Attachment 4 to this Report;
- 3 **AUTHORISES** the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted City of Joondalup *Pest Plant Amendment Local Law 2023*;
- 4 **NOTES** the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the *Local Government Act 1995*;
- 5 **ADVISES** all submitters of Council's decision.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Hill, Cr Pizzey, Cr Raftis and Cr Vinciullo.

Against the Motion: Nil.

ATTACHMENTS

1. Community Consultation Outcomes Report [**8.6.1** - 44 pages]
2. Schedule of Submissions Pest Plant Amendment Local Law 2023 [**8.6.2** - 3 pages]
3. Pest Plant Amendment Local Law 2023 - Marked-up with Changes [**8.6.3** - 4 pages]
4. Pest Plant Amendment Local Law 2023 - Final [**8.6.4** - 4 pages]

8.7 PROPOSED ANIMALS LOCAL LAW 2024 - CONSENT TO ADVERTISE (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	05885, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to make the proposed City of Joondalup Animals Local Law 2024 for the purpose of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 16 February 2021 (CJ006-02/21 and Attachment 1 refers), Council received a report on the statutory review of its local laws, and resolved in part, that amendments were required to the *City of Joondalup Animals Local Law 1999*.

In view of this resolution, and to put it into effect, the City of Joondalup Amendment Local Law 2021 (Amendment Local Law) was developed for Council's consideration.

At its meeting held on 15 February 2022 (CJ014-02/22 and Attachment 2 refers), Council resolved, in part, to:

That Council:

- "1 *MAKES the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising...*
- 7 *NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the Dog Act 1976 and the Cat Act 2011 are better known, and in addition NOTES that an additional review of the City of Joondalup Animals Local Law 1999 will be progressed in 2022, in relation to additional measures being incorporated for the control of cats."*

A notice advising of Council's intention to make the proposed local law, and of the purpose and effect of the proposed local law, was published in accordance with section 3.12 of the *Local Government Act 1995* (the Act) for a period of six weeks.

In accordance with the requirements of the Act, a copy of the proposed local law was also submitted to the Minister for Local Government on 7 April 2022 for consideration.

The time for making public submissions closed on Friday 20 May 2022. At the Council meeting held on 16 August 2022 (CJ124-08/22 and Attachment 3 refers), Council considered the public submissions received following the public advertising period and resolved:

“That item CJ124-08/22 – Amendment Local Law 2021 – Adoption BE REFERRED BACK to the Policy Committee for further consideration so that each local law can be considered separately.”

It is therefore recommended that Council:

- 1 *NOTES the review undertaken by the City in relation to the City of Joondalup Animals Local Law 1999.*
- 2 *BY AN ABSOLUTE MAJORITY MAKES the proposed City of Joondalup Animals Local Law 2024, as detailed in Attachment 6 to this Report, for the purposes of public advertising;*
- 3 *in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*
 - 3.1 *the City of Joondalup proposes to make the City of Joondalup Animals Local Law 2024, and a summary of its purpose and effect is as follows:*

Purpose: to provide for the regulation, control and management of the keeping of animals within the City of Joondalup.

Effect: to establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local law.
 - 3.2 *copies of the proposed local law may be inspected at or obtained from the City’s Administration office, public libraries of the City’s website;*
 - 3.3 *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*
- 4 *in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;*
- 5 *in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*
- 6 *the results of the public consultation be presented to Council for consideration of any submissions received.*

BACKGROUND

As part of a local government’s legislative functions under the Act, the City has created a number of local laws with the purpose of protecting amenity and regulating (with an appropriate enforcement regime) certain activities throughout the City of Joondalup district.

Section 3.16 of the Act requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether the local law should be repealed, retained or amended and involves a public consultation period.

At its meeting held on 16 February 2021 (CJ006-02/21 and Attachment 1 refers), Council received a report on its most recent statutory review of its local laws, and in view of the information presented, resolved that amendments were required to the *City of Joondalup Animals Local Law 1999*.

DETAILS

The *City of Joondalup Animals Local Law 1999* provides a centralised local law framework for the regulation, control and management of the keeping of animals within the City of Joondalup district. In August 2020, the City commenced an eight-year review process of its local laws, involving local public notices and other consultation processes to seek public comment and opinion on the contents and suitability of the City's local laws. The City sought public comment again in April 2022 with the advertising of the City of Joondalup proposed Amendment Local Law 2021.

With regard to the Animals Local Law, a number of the submissions received focused around the need for better cat control measures by the City, including but not limited to restricting the number of cats; designating prohibited areas to protect fauna; and the prevention of urban nuisances caused by cats.

Following the Council decision in August 2022 (CJ124-08/22 and Attachment 3 refers), to refer the Amendment Local Law 2021 back to the Policy Committee so that each local law could be considered separately, the City undertook a further review of the *City of Joondalup Animals Local Law 1999*.

A copy of the review is attached (Attachment 4 refers), which includes a summary of the current situation, review of other local governments and provision for the management of cats, and recommendations. The review recommends that:

- Additional provisions be added to the City's Animals Local Law for the provision of designated cat prohibited areas.
- Additional provisions be added to the City's Animals Local Law to prohibit cats in private places.

The Animals Local Law is an old historic local law that is no longer conducive to modern day drafting standards and contains a mixture of provisions relating to public health and land use requirements in relation to certain animals. Since this local law was originally adopted back in 1999, the knowledge, requirements and constraints around local laws has evolved and become clearer, more so as a result of the various findings and reports of the WA Parliament's Joint Standing Committee on Delegated Legislation.

With the local law eight-year review report that was submitted to Council on 16 February 2021 (CJ006-02/21 and Attachment 1 refers), it was highlighted that the local law framework around health-related matters is under review as a result of the implementation of the *Public Health Act 2016*. Public health matters are complex, and the legislation is being changed in stages and overtime. It is still unknown when the creation of model local laws around health, and/or supporting regulations will be implemented. For this reason, it is considered that the Animals Local Law should remain largely unchanged (apart from the changes highlighted below), with a further review to be undertaken when regulations or model health local laws are implemented.

In addition, in the report to Council on 16 February 2021 (CJ006-02/21 and Attachment 1 refers), it was also suggested that the City investigate the creation of two new local laws; one relating to cats and another for dogs. Any new local law around these types of animals will be guided by the local law-making requirements under the *Cat Act 2011* and the *Dog Act 1976*, and created under specific heads of power. In the report to Council on 15 February 2022 (CJ014-02/22 and Attachment 2 refers), it was noted that the Department of Local Government, Sport and Cultural Industries had completed a review of both *Cat Act 2011* and the *Dog Act 1976*, the purpose of which was to gather feedback and information about how effective the legislation has been, and whether they should continue and whether there is the need for a full review of both Acts. Following analysis of the issues raised during the consultation period, a number of findings were made which are highlighted in an outcomes report detailed on the Department's website (see [Statutory review of the Cat Act 2011 and Dog Amendment Act 2013 \(dlgsc.wa.gov.au\)](https://www.dlgsc.wa.gov.au)).

Relevant to this matter is a formal resolution of the WALGA State Council, at its 2021 July meeting, where it was agreed to seek a commitment from the State Government:

- For the conduct of comprehensive review of both the *Cat Act 2011* and the *Dog Act 1976*; and
- That the reviews incorporate local government specific consultation processes, coordinated in discussion with WALGA and local government stakeholders.

In view of the above it is prudent to withhold any formal consideration of a cat and dog local law by Council until the legislative framework, and possible amendments (if any) are known, and progressed. This City has been monitoring the progress of these matters and there has been no further consultation or action taken with regard to a full review of the *Cat Act 2011* and *Dog Act 1976*.

In view of this, a proposed new City of Joondalup Animals Local Law 2024 has been drafted for Council's consideration, taking into account the comments received from the Department of Local Government when the Amendment Local Law 2021 was advertised for public comment. See an extract as follows:

"It appears that all of the local laws impacted by this amendment have been previously amended several times. While the City keeps consolidated versions of its local laws on its website, the official version of the local law is contained in the Government Gazette. As a result, everyone seeking to consult the definitive version of the local law must consult multiple gazettes, with each amendment adding to the number of gazettes involved. Next time the City's local laws are due for review, the City may wish to consider repealing each local law and replacing it with a new, consolidated version."

A summary of the major changes to the Animals Local Law is provided below as follows:

- Clause 6 – deleting, inserting or amending various definitions used throughout the Animals Local Law.
- Clause 13(3) – deleting clause 13(3) in the Animals Local Law which relates to fencing requirements for dogs in rural areas. There are no rural areas within the City's district and therefore the clause is no longer relevant.
- Clause 14 – replacing clause 14 in the Animals Local Law relating to the maximum number of dogs that can be kept. The only reason it has been replaced is to remove the references to the number of dogs in rural areas.
- Clause 15 – amend clause 15 in the Animals Local Law by correctly referencing the City's local planning scheme.

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- Clause 24(2) – delete clause 24(2) in the Animals Local Law which relates to the fencing requirements for livestock in rural or special rural areas. There are no rural or special rural areas in the City’s district, and any fencing requirements for livestock throughout land in the district are still detailed in clause 24(1), which is to remain.
 - Clause 27 – delete clause 27 in the Animals Local Law which relates to fouling in public places by a horse. Similar provisions are now included in the City’s *Local Government and Public Property Local Law 2014* (clause 10.2) and therefore this clause is redundant and a repeat of a new provision.
 - Clause 28A – include a new clause 28A in the Animals Local Law in relation to restrictions for pigeons and doves nesting or perching. The provision allows an environmental health officer to order an owner or occupier of a premises to take steps to prevent the perching or nesting of pigeons or doves, due to a general health risk such activity can have.
 - Clause 30 – replace clause 30 in the Animals Local Law by requiring the City to seek the written opinion of adjacent land owners and occupiers, where an application is made for a person to keep pigeons (clause 28). Clause 30 currently places that onus on the applicant to seek such opinion, not the City.
 - Clause 34(1)(a) – amend clause 34(1)(a) in the Animals Local Law by removing the prescriptive construction requirements for the base floor of a loft used to house pigeons (currently 50mm thick concrete), and replacing it with a suitable impervious material standard that is approved by an environmental health officer.
 - Part 6 – replace Part 6 in the Animals Local Law which relates to the keeping of bees. The new Part provides more detail in relation to the needs for permits; permit application requirements; how the City will determine applications; the circumstances where a permit will be cancelled; the general conditions for keeping beehives; and removal notices.
 - Clause 40 – amends clause 40 in the Animals Local Law (relating to keeping miniature horses) by removing the references to special residential and special rural areas, as these areas are no longer exist within the City’s district.
 - Clause 41 – amend clause 41 in the Animals Local Law that prevents a person from keeping a pig within the district. It removes references to licenced piggeries as well as the references to special residential areas and special rural areas in terms of keeping miniature pigs, in which one can be kept by a person in a residential area. There are a number of miniature pigs kept in the City’s district (although classed as runts not bona fide miniature pigs, which are prevented from importation into Australia).
 - Clause 45(3) – amend clause 45(3) in relation to the keeping of cats through the removal of references to particular land use zonings within the City of Joondalup.
 - Clause 46 – delete clause 46 in the Animals Local Law in respect of the burial of animals for commercial poultry farms, licensed piggeries or other intensive animal or bird farming activities. There are no land uses of the description within the City’s district and is a restricted land use under the City’s local planning scheme.

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- Clause 47 – amend clause 47 in the Animals Local Law by preventing the keeping of ostriches or emus completely throughout the district. Under the current provision a person was able to keep up to three adult pairs of ostrich or emu under certain land conditions in a special rural area (which do not exist in the City’s district).
 - Clause 48 – amend clause 48 in the Animals Local Law by clarifying the circumstances around the keeping of poultry in the district. The amendments include the following:
 - That a person cannot keep a rooster, turkey, goose or geese, peacock or peahen on any land throughout the district.
 - The removal of the requirement preventing poultry being kept in an open yard (thereby allowing poultry to free range, roam and scratch throughout a person’s land).
 - Inserting a provision restricting poultry approaching premises and boundary lines to protect possible residue accumulation of certain termite treatments in both the poultry itself and their eggs.
 - Poultry being provided a shed or hut as opposed to being kept in a structure (again allowing poultry to free range).
 - Reducing the number of poultry that can be kept on land from 12 to six.
 - Removing the diagram for the specification for a domestic deep litter poultry shed, which is more appropriately placed in guiding documents and advice from the City and relevant associations, as opposed to the local law.
 - Clause 49 – delete clause 49 in the Animals Local Law in relation to the keeping of poultry in special rural areas as these land areas do not exist under the City’s local planning scheme.
 - Clause 50 - delete clause 50 in the Animals Local Law in relation to the keeping of poultry in rural areas as these land areas do not exist under the City’s local planning scheme.
 - Schedule 1 – this clause replaces the First Schedule of the Animals Local Law which provides a list of modified penalties through the local law, in which an infringement notice can be issued by an authorised person. There are no changes to the modified penalty levels within the local law, however it was more conducive to replace the schedule in its entirety due to the number of amendments that are being recommended throughout the local law.
 - Add a new Part 4 – Cats – to provide for the management and regulations of cats within a stand-alone section. This will require the re-numbering of all Parts following the insertion of this new Part 4.
 - Clause 45 – Remove clause 45 from Part 7 – Animals, Birds and Poultry, and move to the new Part 4 – Cats. This will require the re-numbering of all clauses following the insertion of clause 45 under the new Part 4 – Cats.
 - New Clause – adding a new clause under the new Part 4 – Cats – for the designation of cat prohibited areas. It should be noted, however, that a further report will be presented to Council (following the adoption of this local law), to designate certain areas as cat prohibited areas in accordance with the local law, as they are not contained within the local law itself.

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- New Clause – adding a new clause under the new Part 4 – Cats – to prohibit cats in private places, unless consent is given by the occupier or person authorised by the occupier of the private property. If the cat is found in contravention of this section, the keeper of the cat commits an offence and may be impounded or infringed.
 - Rename Part 9 to Enforcement.
 - Clause 59 – Remove clause 59 – Records to be kept.
 - Remove Footnote: Right of Appeal. This will now be included in a new clause under Part 8 – Miscellaneous.
 - Add in new Part 10 – Determinations. This is to provide a procedure for the making of a determination.

A marked-up version of the *City of Joondalup Animals Local Law 1999* is provided at Attachment 5 which cross-references the changes as presented in the proposed new Animals Local Law 2024.

A final version of the proposed City of Joondalup Animals Local Law 2024 is provided at Attachment 6.

Local law-making procedure

The procedure for making local laws is detailed in the *Local Government Act 1995* (the Act). There is a specific legislative process that must be adhered to in order for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

In the event that Council makes this local law, the following sequence of events will commence:

- 1 A public submission period of at least six weeks must be allowed, during which a copy of the proposed local law must also be submitted to the Minister for Local Government.
- 2 At the close of advertising, Council must consider any submissions received and then resolve to make the local law either as proposed, or in a form that is not significantly different from what was proposed. If, as a result of public submissions, Council wishes to make substantial changes to the local law, then a further public submission period will be required.
- 3 Once the final version of the local law has been approved, it must be published in the Government Gazette, and a further copy provided to the Minister for Local Government.
- 4 After gazettal, local public notice must be given stating the title of the local law, its purpose and effect (including the date it comes into operation) and advising where copies of the local law may be inspected at or obtained.
- 5 A copy of the local law, together with an accompanying explanatory memorandum, must then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* also requires that, in commencing to make a local law, the person presiding at a Council meeting is to give notice of the purpose and effect of the local law by ensuring that:

- 1 the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- 2 the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In view of this, the purpose of the proposed City of Joondalup Animals Local Law 2024 is to provide for the regulation, control and management of the keeping of animals within the City of Joondalup.

The effect of the proposed City of Joondalup Animals Local Law 2024 is to establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local law.

Issues and options considered

Council may choose to:

- Make the proposed City of Joondalup Animals Local Law 2024 as presented, for the purposes of public advertising
- Make the proposed City of Joondalup Animals Local Law 2024 with amendments or
- Not recommend the making of the proposed City of Joondalup Animals Local Law 2024 and retain the existing local law.

The creation of the City of Joondalup Animals Local Law 2024 puts into effect the decision of Council at its meeting held on 16 August 2022.

Legislation / Strategic Community Plan / Policy implications

Legislation	<i>Local Government Act 1995.</i> <i>City of Joondalup Animals Local Law 1999.</i> Proposed City of Joondalup Animals Local Law 2024.
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10-Year Strategic Community Plan

Key theme	5. Leadership.
Outcome	5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.
Policy	Not applicable.

Risk management considerations

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the JSCDL.

Financial / budget implications

The costs associated with the local law-making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds have been made available in the *2023-24 Annual Budget* for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

In August 2020, the City commenced an eight-year review process of its local laws, involving local public notices and other consultation processes to seek public comment and opinion on the contents and suitability of the City's local laws. The City sought public comment again in April 2022 with the advertising of the City of Joondalup proposed Amendment Local Law 2021.

Should Council wish to make the proposed City of Joondalup Animals Local Law 2024, public consultation will be required in accordance with section 3.12 of the *Local Government Act 1995*, as follows:

- Giving local public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including the following:
 - Advertising in a newspaper circulating throughout the district.
 - Displaying public notices at the City of Joondalup Administration Centre and public libraries.
 - Advertising on the City's website.
 - Advertising through the City's social media platforms.
- Providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government).

COMMENT

Local laws are created under the powers of the *Local Government Act 1995*. The proposed new local law is recommended to ensure that the local law remains current and reflects operational requirements as well as legislative constraints.

VOTING REQUIREMENTS

Absolute Majority.

Mayor Jacob entered the Room at 7.13pm.

Cr Hill left the Room at 7.18pm and returned at 7.20pm.

Cr Chester left the Room at 7.20pm and returned at 7.22pm.

OFFICER'S RECOMMENDATION MOVED Cr Kingston, SECONDED Cr Raftis that Council:

- 1** **NOTES** the review undertaken by the City in relation to the *City of Joondalup Animals Local Law 1999*.
- 2** **BY AN ABSOLUTE MAJORITY MAKES** the proposed City of Joondalup Animals Local Law 2024, as detailed in Attachment 6 to this Report, for the purposes of public advertising;
- 3** in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:
 - 3.1** the City of Joondalup proposes to make the City of Joondalup Animals Local Law 2024, and a summary of its purpose and effect is as follows:

Purpose:	to provide for the regulation, control and management of the keeping of animals within the City of Joondalup.
Effect:	to establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local law.
 - 3.2** copies of the proposed local law may be inspected at or obtained from the City's Administration office, public libraries of the City's website;
 - 3.3** submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 4** in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
- 5** in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 6** the results of the public consultation be presented to Council for consideration of any submissions received.

The Motion was Put and

CARRIED (6/1)

In favour of the Motion: Cr Kingston, Mayor Jacob, Cr Chester, Cr Hill, Cr Raftis and Cr Vinciullo.

Against the Motion: Cr Pizzey.

ATTACHMENTS

1. Council Minutes-16 February 2021 [8.7.1 - 10 pages]
2. Council Minutes-15 February 2022 [8.7.2 - 20 pages]
3. Council Minutes-16 August 2022 [8.7.3 - 8 pages]
4. Animals Local Law COJ Review Jan 2024 [8.7.4 - 8 pages]
5. Animals Local Law 1999 marked up with changes [8.7.5 - 45 pages]
6. Animals Local Law 2024 [8.7.6 - 32 pages]

8.8 GROUNDWATER USE COUNCIL POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	78616, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt the Groundwater Use Council Policy provided as Attachment 1 to this Report.

EXECUTIVE SUMMARY

At the Policy Committee meeting held on 31 October 2022, Item 2 under the 'Request for Reports for Future Consideration' section was the following request by Cr Raftis:

"That the City develop a groundwater use policy to cover all aspects of the City's use of that resource, noting that:

- *groundwater is a precious resource vital to the cost-effective delivery of City facilities, parks and reserves*
- *there are annual usage limits imposed on the City by the state government authorities*
- *the likely impact of climate change on future groundwater usage limits*
- *the opportunity costs of all groundwater utilisation, particularly given the City is now utilising paid scheme water in some City parks and reserves*
- *the additional higher usage for sporting fields as against other parks/reserves*
- *a detailed reporting structure to Council of the water usage across all aspects of the City*
- *the costs of infrastructure required to deliver the groundwater for the City, e.g. bore establishment and maintenance costs, applicable employment costs, utility costs (power)."*

At the Council meeting held 23 May 2023 (CJ078-05/23 refers and shown in Attachment 2), it was resolved:

"That Council SUPPORTS the development of a Groundwater Use Policy, and REQUESTS annual reports on the City's water use and sustainable practices to conserve its use."

The City has a responsibility to ensure that groundwater is managed and used appropriately to protect environmental, social and economic values.

It is therefore recommended that Council ADOPTS the Groundwater Use Council Policy as shown in Attachment 1 to this Report.

BACKGROUND

At the Policy Committee meeting held on 31 October 2022, Item 2 under the 'Request for Reports for Future Consideration' section was the following request by Cr Raftis:

"That the City develop a groundwater use policy to cover all aspects of the City's use of that resource, noting that:

- *groundwater is a precious resource vital to the cost-effective delivery of City facilities, parks and reserves*
- *there are annual usage limits imposed on the City by the state government authorities*
- *the likely impact of climate change on future groundwater usage limits*
- *the opportunity costs of all groundwater utilisation, particularly given the City is now utilising paid scheme water in some City parks and reserves*
- *the additional higher usage for sporting fields as against other parks/reserves*
- *a detailed reporting structure to Council of the water usage across all aspects of the City*
- *the costs of infrastructure required to deliver the groundwater for the City, e.g. bore establishment and maintenance costs, applicable employment costs, utility costs (power)."*

At the Council meeting held 23 May 2023 (CJ078-05/23 refers), it was resolved:

"That Council SUPPORTS the development of a Groundwater Use Policy, and REQUESTS biannual reports on the City's water use and sustainable practices to conserve its use."

DETAILS

Draft Groundwater Council Policy

A draft Groundwater Use Council Policy has been developed in response to the Council resolution. The draft Policy applies to all aspects of the City's groundwater usage across public open spaces.

The draft Council Policy recognises that groundwater is an important resource which is relied upon to provide quality public open spaces to the community and that sustainable use of water resources is required due to environmental needs of groundwater and the impacts of a drying climate.

The draft Groundwater Use Council Policy also acknowledges that whilst there are some costs associated with infrastructure required for its delivery, groundwater is the lowest cost source of water available to the City.

Reporting and monitoring

The City collects groundwater usage data on a monthly basis and reports groundwater use data to Council and the community through the following:

- Annual Report.
- State of the Environment Report which is developed annually and summarises the City's groundwater use against targets.

Under Regulation 41C of the *Rights in Water and Irrigation Regulations 2000* (Metering Regulations) and in line with the statewide policy – Measuring the taking of water (DoW 2016), all licensees in the plan area with an annual water entitlement equal to or greater than 10,000 kilolitres a year (kL/year) must meter their water use and submit metering data to Department of Water and Environmental Regulation through their Water Online system.

The City's groundwater use data is analysed, monitored and reported regularly to the Department of Environmental Regulation and Water to ensure the City's groundwater use complies with the licence conditions and any high-water use sites are identified and investigated.

Issues and options considered

With regard to the attached draft Groundwater Use Policy, Council may choose to:

- adopt the *Groundwater Use Council Policy* without amendments
- adopt the *Groundwater Use Council Policy* with amendments as outlined by Council or
- recommend that a *Groundwater Use Council Policy* is not required.

Legislation / Strategic Community Plan / Policy implications

Legislation *Rights in Water and Irrigation Act 1914.*

10-Year Strategic Community Plan

Key theme 2. Environment.

Outcome 2-3 Responsible and efficient - you benefit from a responsible and efficient use of natural resources.
2-4 Resilient and prepared - you understand and are prepared for the impacts of climate change and natural disasters.

Policy *Sustainability Council Policy.*

Risk management considerations

The City's groundwater licence is issued with conditions, including the maximum volume of water that may be abstracted annually, and any metering, monitoring, and reporting requirements. Failure to comply with the licence conditions may result in penalties, which can include the issue of an infringement notice, the cancellation, suspension or amendment of the licence, or prosecution action.

Financial / budget implications

The draft Groundwater Use Council Policy also acknowledges that whilst there are some costs associated with infrastructure required for its delivery, groundwater is the lowest cost source of water available to the City.

The operational expenditure for labour, contractors, electricity, fleet, materials and equipment to provide programmed maintenance and repairs to irrigation infrastructure in 2022/23 was \$2,277,483 exclusive of GST.

Regional significance

Groundwater resources are managed by State government and provide approximately 70% of all the water used in the Perth and Mandurah area, including water for drinking, industry and horticulture, almost all water used to irrigate recreational green spaces and water for gardens through domestic garden bores. Groundwater also supports the natural environment including wetlands and vegetation communities.

Sustainability implications

Over the past two decades, the impacts of climate change have significantly affected water resources in the south-west of Western Australia. A 15 per cent decline in long-term average annual rainfall has meant less rainfall runoff into Perth's dams (on average 80 per cent less than in the 1970s), but it has also reduced rainfall recharge to groundwater aquifers. Perth's rainfall is projected to continue to decline, with recent global climate change models strongly indicating that south-west Western Australia will be warmer and drier in the future.

Consultation

Not applicable.

COMMENT

The City recognises the importance of the sustainable use of water within its operations and facilities, and the need to promote water conservation and water efficiency within the community. Sustainable water management is an important issue for the City and the need to balance provision of water services for the community with the protection of water resources is becoming even more vital as we adapt to climate change.

The City has a responsibility to ensure that groundwater is managed and used appropriately to protect environmental, social and economic values. Groundwater use is managed in accordance with State government groundwater licence allocations to ensure sustainable water management.

Whilst there are State-level strategic programs in place to monitor, manage and improve efficiencies of the City's groundwater use, the adoption of the City's Groundwater Use Council Policy will ensure that the City continues to monitor and manage groundwater responsibly.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council ADOPTS the Groundwater Use Council Policy provided as Attachment 1 to this Report.

PROCEDURAL MOTION - THAT THE ITEM BE DEFERRED

MOVED Cr Raftis, SECONDED Cr Kingston that Item 8.8 - Groundwater Use Council Policy, BE DEFERRED to further consider the inclusion of detailed reporting that would be provided through to the Council on a six monthly basis on all aspects of usage including public open space and all other usage.

The Motion was Put and

CARRIED (4/3)

In favour of the Motion: Cr Kingston, Cr Chester, Cr Pizzey and Cr Raftis.

Against the Motion: Mayor Jacob, Cr Hill and Cr Vinciullo.

The Director Planning and Community Development left the Room at 7.58pm and returned at 8.00pm.

ATTACHMENTS

1. Groundwater Use Council Policy **[8.8.1 - 2 pages]**
2. Council Meeting Minutes May 2023 - Groundwater Use Policy **[8.8.2 - 9 pages]**

Disclosures of interest affecting Impartiality

Name / Position	Mayor Hon. Albert Jacob, JP.
Meeting Type	Policy Committee.
Meeting Date	19 February 2024.
Item No. / Subject	Item 8.9 – Specified Area Rating Council Policy Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Mayor Jacob is the joint owner of a property within the Iluka Specified Area Rating (SAR).

Name / Position	Cr Adrian Hill.
Meeting Type	Policy Committee.
Meeting Date	19 February 2024.
Item No. / Subject	Item 8.9 – Specified Area Rating Council Policy Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Cr Hill lives in the Burns Beach Specified Area Rating area and owns the property. Cr Hill is a member of Burns Beach Residents Association and was formerly Chairperson when Specified Area Rating (SAR) was established.

Name / Position	Cr Phillip Vinciullo.
Meeting Type	Policy Committee.
Meeting Date	19 February 2024.
Item No. / Subject	Item 8.9 – Specified Area Rating Council Policy Review.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Members of the Harbour Rise Residence Association are known to Cr Vinciullo.

8.9 SPECIFIED AREA RATING COUNCIL POLICY REVIEW (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Nico Claassen Director Infrastructure Services
FILE NUMBER	101278, 101515
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider and adopt the revised *Specified Area Rate Council Policy* (Attachment 2 refers).

EXECUTIVE SUMMARY

The *Specified Area Rate Council Policy* guides the circumstances under which a specified area rate may be established, managed and terminated.

The City currently has four specified area rates in place at Iluka, Woodvale Waters, Harbour Rise and Burns Beach which are negotiated through the following representative bodies:

- Iluka Homeowner's Association Inc.
- Woodvale Waters Land Owners Association Inc.
- The Harbour Rise Association Inc.
- Burns Beach Residents' Association Inc.

A significant revision of the policy was undertaken in 2015 and a minor review was considered by Council at its meeting held on 18 May 2021 (CJ067-05/21 refers).

At the Policy Committee meeting held on 31 October 2022 and 7 November 2022, under the 'Request for Reports for Future Consideration' section, the following was requested by Cr Raftis:

"That the CEO undertake a review of the Specified Area Rating Council Policy with specific requests for the inclusion of:

- *A statement specifying that the service agreement and each annual service arrangement agreed with each specified area is to be made freely available on the City's website, noting that commercial in confidence information may be obfuscated.*
- *The recognition of all additional costs incurred in the delivery of the specified area rate service arrangement, including but not limited to, the additional City staff costs in managing the additional services delivered and opportunity costs such as the value of groundwater utilised that is in excess of the standard utilised in City parks and reserves."*

While the *Specified Area Rating Council Policy* provided as Attachment 1 has been operating effectively for a number of years, the recent review undertaken has identified further opportunities to refine and improve the policy including the following:

- Simplification of the policy's language to provide greater clarity for the Council, City, and community members living in areas where specified area rates are applied.
- Articulating the Council's position more clearly on establishing, managing and terminating specified area rates.
- Updating the name of the policy from "Specified Area Rating" to "Specified Area Rate" to more directly align with the frequently used acronym "SAR" which refers to "Specified Area Rate" (rather than "Rating").

The revision also considered the two specific requests for additions to the policy as follows:

- Provision of SAR information on the City's website.
- The recognition of all additional management costs incurred.

The City has also revised the *Specified Area Rate Guidelines*, previously known as *Specified Area Rate — Capital Infrastructure Guidelines* (Attachment 3 refers) which is a supporting document to the Policy. The scope of information in the guidelines has been expanded to include more detailed information on establishing, managing and terminating a specified area rate, as well as cover some of the more operational information considered not appropriate for the revised policy.

It is therefore recommended that Council:

- 1 *ADOPTS the revised Specified Area Rate Council Policy provided as Attachment 2 to this Report.*
- 2 *NOTES the revised Specified Area Rate Guidelines provided as Attachment 3 to this Report.*

BACKGROUND

At its meeting held on 21 July 2009 (C63-07/09 refers), Council requested "a report on the advantages and disadvantages of a Specified Area Rates Council Policy being developed by the City — a policy that would guide other areas of the City that might wish to pay a specified area rate for additional landscaping services".

In response to this request, a draft policy was presented to the Policy Committee in February 2010 and was subsequently adopted by Council on 16 March 2010 (CJ039-03/10 refers). The policy was based on the knowledge and experience attained in the management of existing specified area rates operating within the City of Joondalup, (namely Iluka, Woodvale Waters and Harbour Rise).

Since the policy was adopted, the City also established the Burns Beach specified area rate in 2015. At that time, the provisions of the policy were tested and reviewed, and the policy was updated to reflect that review. This followed from the results of a community consultation process undertaken with ratepayer and residents' groups after a request from the Burns Beach Residents' Association to establish a specified area rate for Burns Beach. No further specified area rates have been added since 2015.

All specified area rates are currently managed in accordance with the parameters established within the policy and the *Specified Area Rate — Capital Infrastructure Guidelines*.

The current policy considers three key issues as follows:

- The circumstances under which the Council may consider approving a specified area rate (either by request from a developer in a new land development area or a representative property owners' group of an established area).
- The management arrangements for a specified area rate once introduced (providing broad management parameters in relation to interactions with representative property owners' groups for the portion of land covered by the specified area rate, the timing of agreement negotiations and the collection and expenditure of funds).
- The termination arrangements for a specified area rate (including the circumstances under which a specified area rate should no longer apply, the expectations for reverting or maintaining levels of service and the effective timing of termination).

Portions of land in the following areas are currently covered by specified area rates:

- Iluka.
- Woodvale Waters.
- Harbour Rise.
- Burns Beach.

Significant changes were affected to the policy at the review in 2015, following consultation with the representative property owners' groups in the existing specified areas. In 2021, a minor review of the policy was undertaken which recommended only two changes to the policy, both of which served to enhance clarity.

DETAILS

At the Policy Committee meetings held on 31 October 2022 and 7 November 2022, under the 'Request for Reports for Future Consideration' section, the following was requested by Cr Raftis:

"That the CEO undertake a review of the Specified Area Rating Council Policy with specific requests for the inclusion of:

- *A statement specifying that the service agreement and each annual service arrangement agreed with each specified area is to be made freely available on the City's website, noting that commercial in confidence information may be obfuscated.*
- *The recognition of all additional costs incurred in the delivery of the specified area rate service arrangement, including but not limited to, the additional City staff costs in managing the additional services delivered and opportunity costs such as the value of groundwater utilised that is in excess of the standard utilised in City parks and reserves."*

Disclosure of Annual Service Review Agreements

Under the management arrangements for a specified area rate, the City's representatives must consult with the relevant representative property owners' group regularly. It is further required that the program of works and services proposed to be funded by a specified area rate in a financial year be agreed between the City's representatives and the representative property owners' group prior to the adoption by Council of the City's Annual Budget. To facilitate this requirement, the City enters into the following two agreements with the representative property owners' group:

- Service Level Agreement — A three-year agreement which defines the expected level of service of enhanced landscaping.
- Annual Service Review Agreement — A one-year agreement which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and costs of administering the specified area rate.

Previously, both agreements were entered into on a confidential basis and could only be made available to residents with agreement from both parties being the City and the representative property owners' group.

In early August 2022, the City received a request from a resident of Harbour Rise for a copy of the Annual Service Review Agreement for that area. As this document was, at the time, a confidential agreement between the City and The Harbour Rise Association (Inc) (HRA), the City contacted the HRA to seek their agreement prior to releasing the document. The HRA sought an alternate by agreeing to make the confidential document available to the resident, upon receipt of a request to them directly. They requested this so that they could answer any questions, provide clarity, or address any issues the resident might want to raise in relation to the document.

Since this time, the Chief Executive Officer has requested that future agreements between the City and representative property owners' group not be confidential to enable the City to share the information more easily with landowners of properties in portions of land covered by a specified area rate. This has already been actioned, with the 2023-24 Annual Service Review Agreements now available on the City's website with commercially sensitive information removed.

Recognition of additional costs incurred in the delivery of the specified area rate agreement

The current management and administration of specified area rates amounts to approximately one half of a Level 7 employee (\$48,500), the cost of which is borne by the City. This cost comprises the following:

- Oversight of the maintenance contracts and management agreements.
- Attendance at meetings outside of normal working hours.
- Negotiation of landscaping upgrade projects with the representative property owners' groups, including plans, costing, tendering and construction contract administration.

If this cost was to be recouped, the City could consider apportioning a fee structure based on the landscaped areas within the specific boundaries of the specified area as detailed in the annual service review contract. The costs incurred per annum are detailed in the financial/budget implications section of this Report.

The groundwater irrigation allocation for parks within specified rate areas is as per the allocation applied to all City areas as follows:

- Sports parks (regional, district and neighbourhood) and regional recreation parks are irrigated to 70% of the evapotranspiration rate.
- All other recreation parks and other irrigated areas are irrigated to 50% of the evapotranspiration rate.

The City's water use records show that the parks covered by specified area rates receive no more or less water than other City irrigated parks. The turf in these areas generally presents at a higher level than non-specified areas due to a higher level of maintenance, which includes additional mowing (with catchers), fertilising, and soil-wetter applications, amongst others. All of which are covered by the specified area rate.

All costs for the additional levels of service are borne by the specified area rate as detailed in the Service Level Agreements and Annual Service Review Agreements. For example, the mowing of turf in a recreation park every three weeks is a standard City service provision; in a specified area the agreement might be to mow the park weekly complete with catching and disposal of grass cuttings, the cost difference in providing this service over the City's standard service is borne by the Specified Area Rate.

Review of the Specified Area Rating Council Policy

While the *Specified Area Rating Council Policy* provided as Attachment 1 has been operating effectively for a number of years, the recent review undertaken has identified further opportunities to refine and improve the policy including the following:

- Simplification of the policy's language to provide greater clarity for the Council, City, and community members living in areas where specified area rates are applied.
- Articulating the Council's position more clearly on establishing, managing and terminating specified area rates.
- Updating the name of the policy from "Specified Area Rating" to "Specified Area Rate" to more directly align with the frequently used acronym "SAR" which refers to "Specified Area Rate" (rather than "Rating").

The revision also considered the two specific requests for additions to the policy as follows:

- Provision of SAR information on the City's website.
- The recognition of all additional management costs incurred.

The improvements and additions to the policy are summarised as follows:

- The policy was renamed to maintain consistency in terminology regarding legislation and other City documentation, from Specified Area RATING Council Policy to Specified Area RATE Council Policy.
- The policy objective and statement have been slightly reworded to align with the three principal areas that the policy addresses (i.e., establishment, management and termination of specified area rates). It should be noted that the intent of the policy has not been changed.
- Addition of a "Definitions" section to clarify terms and make the policy more legible and easier to follow.
- Removal of detailed operational information. This information is now contained within the more specific and practical *Specified Area Rate Guidelines* which will remain publicly available on the City's website.
- The simplified version of the policy aims to clearly set out the Council's criteria for establishment and termination of a specified area rate. It should be noted that none of the criteria have changed, with the exception of a requirement for community consultation added to process for termination to make this consistent with the process for establishment.
- Additional of a statement at 3.2(c) noting that "All Service Level Agreements and Annual Service Review Agreements will be made available on the City's website, with any commercial-in-confidence information removed."
- Modification of wording in the policy to include "costs of administering the specified area rate" within the definition of the Annual Service Review Agreement, as well as under 3.2(b).

Issues and options considered

With regard to the attached revised *Specified Area Rate Council Policy*, Council may choose to:

- adopt the revised *Specified Area Rate Council Policy* without amendments (this is the recommended option)
- or
- adopt the revised *Specified Area Rate Council Policy* with amendments as determined by Council.

Legislation / Strategic Community Plan / Policy implications

Legislation Section 6.37 of the *Local Government Act 1995*.

10-Year Strategic Community Plan

Key theme 3. Place.

Outcome 3-3. Attractive and leafy - you have access to quality public open spaces and enjoy appealing streetscapes.

Policy *Specified Area Rating Council Policy*.

Risk management considerations

Not applicable.

Financial / budget implications

The current management and administration of the portions of land covered by specified area rates equates to approximately one half of a Level 7 employee (\$48,500). Based on the revised policy, the additional cost would be apportioned based on the landscaped areas within the SAR and detailed in the annual service review contract. The indicative costs per annum are provided below:

SAR (Specified Area Rate)	Size (square metres)	Cost
Woodvale Waters	28,107	\$4,422
Harbour Rise	47,921	\$7,539
Iluka	143,778	\$22,618
Burns Beach	88,486	\$13,921

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City liaises with the SAR representative groups to develop the Annual Service Review document which details each coverage area and the associated annual cost based on the contractors commercial rates.

The Annual Service Reviews for the four SAR areas for 2024-25 have been completed and signed which informs the draft 2024-25 operational budget. Should Council adopt the revised *Specified Area Rate Council Policy* which incorporates the additional cost to manage the SAR, this will be included in the discussions with the SAR representative groups in 2024-25 to inform the 2025-26 operational budget.

COMMENT

The agreements, processes, and liaison with the representative property owners' groups currently in place are functioning well, with minimal issues arising from the implementation of specified area rate agreements on an annual basis.

The proposed changes to the *Specified Area Rate Council Policy* are considered to provide greater clarity and understanding of its application. Whilst the policy and the City's *Specified Area Rate Guidelines* have been subject to significant redrafting, the proposed changes, including the recovery of the City's administrative cost to manage the SAR area, do not alter the City's approach or criteria for approving, managing or terminating specified area rates.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 ADOPTS the revised Specified Area Rate Council Policy provided as Attachment 2 to this Report;
- 2 NOTES the revised Specified Area Rate Guidelines provided as Attachment 3 to this Report.

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK TO THE CHIEF EXECUTIVE OFFICER

MOVED Mayor Jacob, SECONDED Cr Vinciullo that Item 8.9 - Specified Area Rating Council Policy Review BE REFERRED BACK to the Chief Executive Officer to undertake targeted consultation on the proposed revised Policy and cost allocation model.

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Cr Kingston, Mayor Jacob, Cr Chester, Cr Hill, Cr Pizzey, Cr Raftis and Cr Vinciullo.
Against the Motion: Nil.

ATTACHMENTS

1. Current Specified Area Rating Council Policy [8.9.1 - 4 pages]
2. Revised Specified Area Rate Council Policy [8.9.2 - 4 pages]
3. Revised Specified Area Rate Guidelines [8.9.3 - 10 pages]

8.5 PARKING LOCAL LAW 2023 - ADOPTION (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	05885, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to note the submissions received following public advertising of the proposed *City of Joondalup Parking Local Law 2023* and resolve to make the local law in accordance with section 3.12 of the *Local Government Act 1995* (the Act).

EXECUTIVE SUMMARY

At its meeting held on 22 August 2023 (CJ153-08/23 refers), Council resolved to make the proposed *City of Joondalup Parking Local Law 2023* for the purpose of public advertising. The purpose of the *City of Joondalup Parking Local Law 2023* is to provide for the regulation, control and management of parking within the district. The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

In accordance with section 3.12(3) of the *Local Government Act 1995* (the Act) the City is to give local public notice and advertise the proposed local law for a period of six weeks and forward a copy to the Minister for Local Government for comment.

At the close of the public consultation period the City received 23 submissions in relation to the proposed Parking Local Law 2023. The Community Consultation Outcomes Report is provided in Attachment 1. Details of the submissions, with officer responses, are provided in Attachment 2.

It is therefore recommended that Council:

- 1 *NOTES the submissions received at the close of the public submissions period for the proposed Parking Local Law 2023, as detailed in Attachment 2 to this Report;*
- 2 *BY AN ABSOLUTE MAJORITY ADOPTS the City of Joondalup Parking Local Law 2023, as detailed in Attachment 4 to this Report;*
- 3 *AUTHORISES the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted City of Joondalup Parking Local Law 2023;*
- 4 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the local Government Act 1995;*
- 5 *ADVISES all submitters of Council's decision.*

BACKGROUND

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on the statutory review of its local laws, and resolved, in part, that amendments were required to the *City of Joondalup Parking Local Law 2013*.

In view of this resolution, and to put it into effect, the *City of Joondalup Amendment Local Law 2021* (Amendment Local Law) was developed for Council's consideration.

At its meeting held on 15 February 2022 (CJ014-02/22 refers), Council resolved, in part, to:

"1 MAKES the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising subject to the following amendments..."

A notice advising of Council's intention to make the proposed local law, and of the purpose and effect of the proposed local law, was published in accordance with section 3.12 of the *Local Government Act 1995* (the Act) for a period of six weeks.

In accordance with the requirements of the Act, a copy of the proposed local law was also submitted to the Minister for Local Government on 7 April 2022 for consideration.

The time for making public submissions closed on Friday 20 May 2022. At the Council meeting held on 16 August 2022 (CJ124-08/22 refers), Council considered the public submissions received following the public advertising period and resolved:

"That item CJ124-08/22 – Amendment Local Law 2021 – Adoption BE REFERRED BACK to the Policy Committee for further consideration so that each local law can be considered separately."

A subsequent report was presented to Council on 22 August 2023 (CJ153-08/23 refers) where Council resolved as follows:

"That Council:

1 BY AN ABSOLUTE MAJORITY MAKES the proposed City of Joondalup Parking Local Law 2023, as detailed in Attachment 6 to this Report, for the purposes of public advertising;

2 in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:

2.1 the City of Joondalup proposes to make the City of Joondalup Parking Local Law 2023, and a summary of its purpose and effect is as follows:

Purpose: The purpose of this local law is to provide for the regulation, control and management of parking within the district.

Effect: The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

-
- 2.2 *copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;*
 - 2.3 *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*
 - 3 *in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;*
 - 4 *in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*
 - 5 *the results of the public consultation be presented to Council for consideration of any submissions received."*

A notice advising of Council's intention to make the proposed local law, and of the purpose and effect of the proposed local law, was published in accordance with section 3.12 of the Act in the following places for a period of six weeks:

- Webpage linked through the "Community Consultation" section of the City's website visible from 2 November 2023 to 14 December 2023.
- Public Notice newspaper advertisement published in *PerthNow Joondalup* community newspaper on 2 November 2023.
- Item published in the Public Notice eNewsletter emailed to subscribers on 2 November 2023.
- Public Notice post on Facebook through the City's Facebook account on 2 November 2023.
- Public Notice posters on display at the City's administration building and the City's libraries.
- Item published in the Joondalup Voice insert of the *PerthNow Joondalup* community newspaper on 16 November 2023 and emailed to subscribers of the Joondalup Voice eNewsletter on 16 November 2023.
- E-screen displays visible on the electronic display boards at the City administration building, libraries, and Craigie Leisure Centre from 2 November 2023 to 14 December 2023.
- Item published in the Community Engagement Network eNewsletter emailed to subscribers on 30 November 2023.

In accordance with the requirements of the Act, a copy of the proposed local law was also submitted to the Minister for Local Government on 3 November 2023 for consideration.

The time for making public submissions closed on 14 December 2023.

DETAILS

At the close of the public submission period, the City received 23 submissions relating to the proposed Parking Local Law 2023 including one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). A schedule of submissions, and officer responses, is provided at Attachment 2 to this Report.

The submissions received are summarised as follows:

- One submission received from the DLGSC providing comment in relation to Clause 2.15 event parking, and minor edits. The comments are noted and an Officer's response provided.
- Two submissions received in support of the proposed Parking Local Law 2023.
- Two submissions received objecting to the proposed Parking Local Law 2023.
- Two submissions received in relation to electric vehicles.
- One submission received in relation to bus stops.
- Two submissions received in relation to resident parking permits.
- One submission received in relation to parking on the yellow lines.
- Five submissions received in relation to verge parking.
- One submission received in relation to parking at Lakeside Shopping Centre.
- One submission received in relation to parking at schools and local sporting fields.
- One submission received in relation to parking for commercial vehicles.
- One submission received in relation to overnight vehicles.
- One submission received in relation to free parking.
- One submission received in relation to e-parking.

Where suggested changes have been supported, they have been included in the local law and submitted to Council for adoption. A copy of the amended local law showing the marked-up changes is provided at Attachment 3. The amended local law to be adopted and submitted to the State Law Publisher for publication in the *Government Gazette* is provided at Attachment 4.

In the event that Council resolves to make the *City of Joondalup Parking Local Law 2023* as presented, the following sequence of events will commence:

- 1 The local law will be published in the *Government Gazette* and a copy provided to the Minister for Local Government.
- 2 After gazettal, local public notice will be given stating the title of the local law, the purpose and effect of the local law (including the date when it comes into operation) and advising where copies of the local law may be inspected at or obtained.
- 3 A copy of the local law, together with the accompanying explanatory memoranda, will then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny. The local law will come into effect two weeks after gazettal.

Council should be aware that it is possible that the Joint Standing Committee (JSC), after reviewing the local law, may require certain amendments to be made. If this is the case, the Council will be required to recommence the process of advertising for public comment, resolving again to make the local law, gazettal and re-submission to the JSC for further consideration.

Issues and options considered

Council may choose to:

- Adopt the proposed *City of Joondalup Parking Local Law 2023* as advertised.
- Adopt the local law with minor modifications following the public submission period, subject to the modifications not being significantly different to what was advertised.
or
- Not adopt the proposed local law.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Local Government (Functions and General) Regulations 1996.
 City of Joondalup Parking Local Law 2013.

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy Not applicable.

Risk management considerations

The proposed local law is yet to be considered by the Joint Standing Committee on Delegated Legislation (JSCDL), which review local laws created by local governments (including amendments) as well as other subsidiary legislation.

Should the City not follow the local law creation process as detailed in the Act, the JSCDL may recommend disallowance of the local law.

Financial / budget implications

The costs associated with the local law-making process is approximately \$2,500 being public advertising costs to publish the local law in the *Government Gazette*. Funds are available in the 2023-24 Annual Budget for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

In accordance with section 3.12 of the Act, public consultation occurred as follows:

- 1 By giving local public notice for a period of not less than six weeks from the date of advertising, including:
 - Webpage linked through the "Community Consultation" section of the City's website visible from 2 November 2023 to 14 December 2023.
 - Public Notice newspaper advertisement published in *PerthNow Joondalup* community newspaper on 2 November 2023.
 - Item published in the Public Notice eNewsletter emailed to subscribers on 2 November 2023.

- Public Notice post on Facebook through the City's Facebook account on 2 November 2023.
 - Public Notice posters on display at the City's administration building and the City's libraries.
 - Item published in the Joondalup Voice insert of the *PerthNow Joondalup* community newspaper on 16 November 2023 and emailed to subscribers of the Joondalup Voice eNewsletter on 16 November 2023.
 - E-screen displays visible on the electronic display boards at the City administration building, libraries, and Craigie Leisure Centre from 2 November 2023 to 14 December 2023.
 - Item published in the Community Engagement Network eNewsletter emailed to subscribers on 30 November 2023.
- 2 Providing a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government).

COMMENT

The proposed *City of Joondalup Parking Local Law 2023* was publicly advertised in accordance with the Act, and subsequently minor amendments were made taking into account the submissions received.

Should Council proceed with the making of the local law, the remaining actions as specified in the Act will progress which, in summary, involves the publishing of the local law in the *Government Gazette* and submission of the local law to the JSCDL.

VOTING REQUIREMENTS

Absolute Majority.

Cr Chester left the Room at 8.39pm.

OFFICER'S RECOMMENDATION MOVED Mayor Jacob, SECONDED Cr Kingston that Council:

- 1 **NOTES** the submissions received at the close of the public submissions period for the proposed Parking Local Law 2023, as detailed in Attachment 2 to this Report;
- 2 **BY AN ABSOLUTE MAJORITY ADOPTS** the City of Joondalup Parking Local Law 2023, as detailed in Attachment 4 to this Report;
- 3 **AUTHORISES** the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted City of Joondalup Parking Local Law 2023;
- 4 **NOTES** the progression of the remaining actions to finalise the local law adoption process as detailed in section 3.12 and 3.15 of the *Local Government Act 1995*;
- 5 **ADVISES** all submitters of Council's decision.

CARRIED (5/1)

The Motion was Put and

In favour of the Motion: Cr Kingston, Mayor Jacob, Cr Hill, Cr Raftis and Cr Vinciullo.
Against the Motion: Cr Pizzey.

ATTACHMENTS

1. Community Consultation Outcomes Report [**8.5.1** - 44 pages]
2. Schedule of Submissions Parking Local Law 2023 [**8.5.2** - 11 pages]
3. Parking Local Law 2023 - marked-up with changes [**8.5.3** - 38 pages]
4. Parking Local Law 2023 FINAL [**8.5.4** - 37 pages]

9 URGENT BUSINESS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Cr Kingston requested the following reports:

- 1 Record Management Council Policy.
- 2 Charity and Donations Policy.

12 CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 9.00pm the following Committee Members being present at that time:

CR DANIEL KINGSTON
MAYOR HON. ALBERT JACOB, JP.
CR REBECCA PIZZEY
CR ADRIAN HILL
CR JOHN RAFTIS
CR PHILLIP VINCIULLO

19 FEBRUARY 2024 - POLICY COMMITTEE - MINUTES ATTACHMENTS

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2024 Policy Review Schedule

February 2024 meeting:

Policy name	Policy type	Last reviewed	Scheduled review	Planned review
Elected Members' Entitlements Council Policy	Council	May-23	Dec-28	Feb-24
Groundwater Use Council Policy NEW	Council	NA	NA	Feb-24
Specified Area Rating Council Policy	Council	May-21	May-26	Feb-24

April 2024 meeting:

Policy name	Policy type	Last reviewed	Scheduled review	Planned review
Data Breach Council Policy NEW	Council	NA	NA	Apr-24
Development in Housing Opportunity Areas Local Planning Policy (proposed approach)	Planning	Mar-21	Mar-26	Apr-24
Privacy Council Policy NEW	Council	NA	NA	Apr-24
Residential Development Local Planning Policy (proposed approach)	Planning	Mar-21	Mar-26	Apr-24
Subdivision and Dwelling Development Adjoining Areas of Public Space Local Planning Policy (proposed approach)	Planning	Nov-12	Nov-17	Apr-24

July 2024 meeting:

Policy name	Policy type	Last reviewed	Scheduled review	Planned review
Alfresco Local Planning Policy	Planning	Aug-20	Aug-25	Jul-24
Buy Local Council Policy NEW	Council	NA	NA	Jul-24
Civic Centre Council Policy	Council	Mar-12	Mar-17	Jul-24
Joondalup Design Review Panel Local Planning Policy	Planning	May-21	May-26	Jul-24
Naming of Public Facilities Council Policy	Planning	Feb-18	Feb-23	Jul-24
Public Art Council Policy	Council	Apr-17	Apr-22	Jul-24
Purchasing Council Policy	Council	May-20	May-25	Jul-24
Records Management Council Policy	Council	Aug-19	Aug-24	Jul-24
Short-term Accommodation Local Planning Policy	Planning	Mar-20	Mar-25	Jul-24

September 2024 meeting:

Policy name	Policy type	Last reviewed	Scheduled review	Planned review
Disposal of Minor Surplus Assets Council Policy	Council	Aug-19	Aug-24	Sep-24
Home Business Local Planning Policy	Planning	May-22	May-27	Sep-24
Private Community Purposes Zone Local Planning Policy	Planning	Oct-18	Oct-23	Sep-24
Visual Arts Collection Council Policy	Council	Dec-22	Dec-27	Sep-24

November 2024 meeting:

Policy name	Policy type	Last reviewed	Scheduled review	Planned review
Community Consultation Council Policy	Council	Aug-19	Aug-24	Nov-24
Investment of Available Funds Council Policy	Council	Oct-20	Oct-25	Nov-24



Elected Members' Entitlements Council Policy

Responsible directorate: Governance and Strategy

Objective: To set out the support and allowances available to the City's Elected Members.

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1. Definitions:

“annual period” means the third Saturday in October to the third Saturday in October in the following year.

“conferences and training” means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions and events related to the industry of local government and held within Australia.

“fair value” means the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date (AASB 13).

“ICT expenses” means:

- a. rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996*; or
- b. any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

2. Statement:

This policy has been prepared to comply with the provisions relevant to Elected Members' entitlements under the *Local Government Act 1995* and supporting Regulations.

3. Provision of support:**3.1. Objective:**

To provide Elected Members with appropriate facilities, equipment, material and information to support them in performing their duties of Office.

3.2. Mayor:

- a. The Mayor shall, in carrying out the duties and responsibilities of that Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances approved by Council under section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:
 - i. The provision of a luxury sedan type motor vehicle with unrestricted use for all official and civic duties connected to the Office of Mayor and for personal private use. This vehicle will be changed over in accordance with the City's general management of its light vehicles fleet. The Mayor may elect to have City of Joondalup vehicle licence number plates fitted to the vehicle at the City's expense for their term of Office (i.e. COJ 1, COJ 001, COJ 001 etc.).
 - ii. Where the Mayor is provided with a vehicle as detailed in 3.2(a)(i) above, the costs associated with the Mayor's private use of the vehicle are to be reimbursed by the Mayor.

The calculation of the reimbursement for the private use is by way of a Log Book in accordance with the requirements of the Australian Taxation Office.

- iii. Membership of the Qantas Club.
 - iv. The registration cost or ticket cost for the Mayor to attend a pre-approved event or non-approved event under the City's Attendance at Events Council Policy, provided the event does not fall into the category of a conference and training event (as defined in section 1 of this policy).
 - v. The registration cost or ticket cost of the Mayor's accompanying person (such as a spouse, family member or relative) to an event, where the Mayor is attending, or been invited to attend in an official capacity (as prescribed in clause 4(a) of the City's Attendance at Events Council Policy).
 - vi. Suitable contemporary office accommodation within the Civic Centre.
 - vii. Administrative support associated with the role of Mayor in accordance with the provisions of the *Local Government Act 1995*.
 - viii. Access to the Elected Member Lounge and refreshments.
- b. All equipment and facilities subject of this policy are provided to the Mayor on the absolute understanding that they will not be used for any election purposes.

3.3. Deputy Mayor and Councillors:

- a. The Deputy Mayor and Councillors shall, in carrying out the duties and responsibilities of their Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances under section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:
- i. Access to the Elected Member Lounge and refreshments.
 - ii. Access to suitably equipped shared office accommodation, reading room, ward meeting and conference rooms within the Civic Centre with photocopying, printing, facsimile, internet and telephone facilities.
 - iii. Some secretarial support as resources allow including limited word processing, photocopying, and postage.
 - iv. The registration cost or ticket cost for the Deputy Mayor or Councillor to attend a pre-approved event or non-approved event under the City's Attendance at Events Council Policy provided the event does not fall into the category of a conference and training event (as defined in section 1 of this policy).
 - v. The registration cost or ticket cost of the Deputy Mayor's or Councillor's accompanying person (such as a spouse, family member or relative) to an event, where the Deputy Mayor or Councillor is attending, or been invited to attend in an official capacity (as prescribed in clause 4(a) of the City's Attendance at Events Council Policy).
- b. All equipment and facilities subject of this policy are provided to the Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

4. Issue and return of Council equipment:**4.1. Objective:**

To enable Elected Members to be accessible to the community, their colleagues and the City's staff.

4.2. Equipment:

The following equipment, documents, stationery and other items will be issued to Elected Members:

- a. Either a Macbook Air, Macbook Pro or an iMac (or similar Microsoft Windows based device); an Apple iPhone; an Apple iPad; and all-in-one printer.
- b. A file backup device and a Wi-Fi capable broadband modem (such as a Time Capsule device for Mac, or an external USB device and a Wi-Fi modem for non-Mac).
- c. Elected Member Lounge key.
- d. Security card/building access card.
- e. Satchel or briefcase (optional).

Computer equipment supplied (if required) will be issued new and replaced following each local government election where the Elected Member is elected (that is every four years). Apple iPhones will be issued new and replaced following each local government election (that is every two years). Notwithstanding, equipment issued under 4.2(a) and 4.2(b) will be replaced on failure if this occurs prior to its scheduled replacement.

At the end of each two and four year period (for mobile phones and computer equipment respectively), Elected Members will have the option to either return or purchase the devices provided by the City, at fair value. The CEO is authorised to approve the purchase of devices at a value to be determined by the CEO.

The specification of the equipment supplied under 4.2(a) and 4.2(b) shall be the highest specification for the model proposed. Elected Members will be consulted prior to the provision of the equipment and have the opportunity to make requests for changes to the equipment supplied.

4.3. Other items:

- a. The following items will be issued to Elected Members:
 - i. Two name badges, and one name badge for their partner.
 - ii. Business cards.
 - iii. City of Joondalup Elected Members' letterhead.
 - iv. Christmas cards or a Christmas e-card.
 - v. Elected Member uniform (optional) (one jacket, two trousers/skirts and three shirts/blouses) and two casual City of Joondalup polo-shirts (or similar).

- b. Each Elected Member is entitled to be reimbursed to a maximum amount of \$1,500 (**July 2023**) following their inaugural election and every second ordinary election thereafter in which they are elected, or where an Elected Member is elected as a result of an extraordinary election, for the purchase of relevant home office furniture/equipment to assist them to perform their role as an Elected Member and to be used for Council-related purposes.

The amount allocated for reimbursement will be inflated annually as from 1 July based on the Consumer Price Index (All Groups Perth) Rate, rounded to the nearest \$10.

4.4. Return of equipment issued:

- a. An Elected Member must return the following equipment to the City within 14 days of ceasing to be an Elected Member:
 - i. Any mobile phone or computer equipment issued by the City (unless otherwise negotiated to purchase, at fair value). The CEO is authorised to approve the purchase of devices at a value to be determined by the CEO.
 - ii. All equipment leased by the City and provided to the Elected Member.
 - iii. Security card/building access card.
 - iv. Elected Member Lounge key.
 - v. City of Joondalup vehicle licence number plates (to be returned and exchanged at the Department of Transport Licensing Centre at the cost of the City).
- b. The value of any equipment retained by an Elected Member on retirement cannot be more than the limits set under regulation 34AC of the *Local Government (Administration) Regulations 1996*. This value will also be deducted from the value of any retirement gift given by the City under 119.2 of this policy.

5. Payment of fees and allowances:

5.1. Objective:

To detail the amount of fees and allowances to be paid to Elected Members and the conditions under which those fees and allowances shall be paid.

5.2. Annual meeting attendance fees in lieu of Council meeting and committee meeting attendance fees:

- a. In lieu of paying the Mayor and Councillors a meeting attendance fee for each prescribed meeting, the City will pay the maximum amount within the range set by the Salaries and Allowances Tribunal through a determination published from time to time that may be paid annually for meeting attendance fees for the Mayor and Councillors (see Item CJ128-07/13).
- b. Payments will be made monthly in arrears on a pro-rata basis throughout the annual period.

5.3. Annual local government allowances — Mayor and Deputy Mayor:

- a. The City will pay the maximum annual local government allowance within the range set by the Salaries and Allowances Tribunal through a determination published from time to time that may be paid to the Mayor and Deputy Mayor (see Item CJ128-07/13).
- b. Payments will be made monthly in arrears on a pro-rata basis throughout the annual period.

5.4. Annual allowance for ICT expenses:

- a. The City will pay all Elected Members the maximum annual allowance for ICT expenses as set by the Salaries and Allowances Tribunal through a determination published from time to time that may be paid to Elected Members (see Item CJ128-07/13). Additional to the annual allowance for ICT expenses, a mobile telephone is provided to Elected Members under 4.2 of this policy.
- b. Any claims by Elected Members for expenses incurred over the maximum annual allowance for ICT expenses detailed in 5.4(a) above are to be submitted on the form provided for the purpose. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit plus the additional amounts claimed. Where an Elected Member reaches the limit, all claims for reimbursement shall be referred to Council for approval.
- c. Subject to 5.4(d) full payment of the annual allowance for ICT expenses will be made in advance at the commencement of the financial year.
- d. Where an Elected Member's term of Office ceases at a local government election in a financial year, the Elected Member will be paid the annual allowance for ICT expenses on a pro-rata basis up until the local government election day. Should that Elected Member be re-elected at the local government election the remainder of the annual allowance for ICT expenses will be paid following the local government election day.
- e. Where an Elected Member commences their term of Office at a local government election, the annual allowance for ICT expenses will be paid on a pro-rata basis following the local government elections (end of October) and for the period between the local government election day and the end of the financial year in which the local government election occurred.

5.5. Conditions of payment:

- a. All allowances and fees shall be paid automatically unless an Elected Member has advised the Chief Executive Officer, in writing, that he/she does not want to claim any or part of those fees and allowances.
- b. If an Elected Member advises that he/she does not want all or part of the fees and allowances to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrue from the date of the Chief Executive Officer receiving such a request.
- c. The taxation liability arising from these payments is the individual responsibility of each Elected Member.

6. Mandatory Elected Member Training

Elected Members are required to complete the Council Member Essentials Course within 12 months from the day on which they are elected, unless exempt under Regulation 36 of the *Local Government (Administration) Regulations 1996*. Elected Members should confirm with the Chief Executive Officer whether they are eligible for an exemption.

All costs associated with mandatory Elected Member training will be paid for by the City. The Annual Budget will include an allocation for Council as a whole, to be used for this purpose.

The City of Joondalup will provide new Elected Members with information on training options from which the Elected Member may select according to their preferred delivery mode and availability. The City will make the necessary arrangements for enrolment.

6.7. ~~Attendance at conferences and training within Australia:~~ Continuing Professional Development within Australia

6.4.7.1. Objective:

To enable Elected Members to develop and maintain skills and knowledge relevant to either their role as an Elected Member or the Council's role as defined under the Act, representative of the City.

6.2.7.2. Statement:

Elected Members are encouraged to attend ~~any~~ conferences and training relating to the business of the City and to enable them to be more informed and better able to fulfil their duties of Office. In accordance with Regulation 37(2) of the *Local Government (Administration) Regulations 1996*, Continuing Professional Development must be relevant to the Elected Member's role as defined under the Act, or the Council's role as defined under the Act.

6.3.7.3. Annual conference and training expense allocation:

- a. The following conference and training expense allocation shall be made available to Elected Members during an annual period:
 - i. The Mayor shall be entitled to \$18,400 (**July 2023**) inflated by the Consumer Price Index (All Groups Perth) Rate on 1 July each year and rounded to the nearest \$100.
 - ii. All Councillors shall be entitled to \$8,400 (**July 2023**) inflated by the Consumer Price Index (All Groups Perth) Rate on 1 July each year and rounded to the nearest \$100.
- b. In addition to the conference and training expense allocation detailed in 76.3(a) above, the Mayor shall be entitled to attend the following conferences, at the City's cost:
 - i. Annual Western Australian Local Government Association.
 - ii. Annual National Australian Local Government Association.
 - iii. Annual National Congress of the Local Government Professionals Australia.

- c. In addition to the conference and training expense allocation detailed in 76.3(a) above, Councillors shall be entitled to attend the Annual Western Australian Local Government Association conference, at the City's cost.

6.4.7.4. Approval:

Subject to Section 87 of this policy for overseas travel, Elected Members may attend conferences and training:

- a. following approval by the Council where such approval is required; ~~or~~ and
- b. by informing the Chief Executive Officer in advance of attendance.

In accordance with Regulation 37(3) of the *Local Government (Administration) Regulations 1996*, approval will not be granted for training or continuing professional development that is scheduled to occur within the last three (3) months of an Elected Member's term of office or upon delivery of a notice resignation to the CEO.

6.5.7.5. Conferences and training that may be attended:

The conferences and training to which this policy applies shall generally be limited to the following:

- a. West Australian Local Government Association and Australian Local Government Association conferences.
- b. Special 'one off' conferences called for or sponsored by the West Australian Local Government Association and/or Australian Local Government Association on important issues.
- c. Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- d. Australian Sister Cities Conferences.
- e. West Australian Local Government Association Elected Members' training and development.
- f. Training relating to the role of Elected Members.
- g. Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.

6.6.7.6. Payment of conference and training expenses:

6.6.4.7.6.1. Payment from conference and training expense allocation:

The City will pay conference or training expenses where the Elected Member has been authorised to attend and there are sufficient funds remaining within the Elected Member's annual conference and training expense allocation. Should sufficient funds be unavailable, the Elected Member may meet the difference between the actual cost and their remaining conference and training expense allocation themselves ~~or receive funds from another Elected Member's conference and training expense allocation (see 6.8(f)).~~

6.6.2.7.6.2. Booking arrangements:

Registration, travel and accommodation for Elected Members will normally be arranged by the City with the appropriate City discount for travel and accommodation being provided. In general, all costs including airfares, registration fees and accommodation will be paid direct by the City. Alternatively, Elected Members may make their own booking arrangements.

6.6.3.7.6.3. Support activities:

The City will pay all costs for Elected Members that are charged by organisers for support activities, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the conference and training event.

6.6.4.7.6.4. Accommodation:

- a. The City will pay reasonable accommodation costs for Elected Members including the night before and/or after the conference and training event where this is necessary because of travel and/or the conference and training event timetables which make it unreasonable to arrive at or return home in normal working hours.
- b. Accommodation shall normally be booked at the conference and training venue or, where unavailable, at a similar-rated accommodation in the vicinity of the conference and training venue.
- c. Only accommodation costs for hotels, motels or accommodation of a similar type will be paid utilising an Elected Member's annual conference and training expense allocation. Accommodation provided by relatives or friends at a private address will not be reimbursed by the City although a meal and refreshment costs can be offered in return to the hosts under 76.6.6(e).

6.6.5.7.6.5. Travel:

- a. Where travel is involved, the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the conference and training venue. All reasonable travel costs for Elected Members to and from the venue/accommodation will be met by the City.
- b. Where air travel is involved, approval to attend should ideally be sought two months prior to departure to facilitate booking arrangements.
- c. All air travel within Australia shall be by Economy Class.
- d. If accommodation is at the conference or training venue, or in close proximity, taxis (or similar type service) should be used for reasonable travel requirements. Where necessary, a hire car may be arranged for the conduct of Council business. Costs of taxi fares (or similar type service), vehicle hire and parking, which are reasonable, required and incurred in attending conferences and training, will be reimbursed by the City.
- e. Where, in particular circumstances, Elected Members desire to travel interstate or intrastate by private motor vehicle, they will be reimbursed for vehicle costs in accordance with the local government kilometre allowance up to an equivalent amount that would have been expended had arrangements been made to travel by air.

6.6.6.7.6.6. Extent of expenses to be reimbursed:

- a. An Elected Member attending a conference and training event is entitled to be reimbursed for 'normally accepted' living costs while travelling. Such living costs would include, but are not limited to:
 - i. meals and refreshments for the Elected Member (that are not covered by the conference and training registration costs);
 - ii. dry-cleaning and laundry expenses; and
 - iii. reasonable telephone, internet and facsimile charges.
- b. Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people. The main exception is where it is indicated that the meal or refreshment provided to another person is in response to a meal or refreshments previously received.
- c. Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home. Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:
 - i. for the days of the conference and training event only; and
 - ii. for the cost of travel to and from the airport to the accommodation to be used for the conference and training.
- d. Where a visit is extended, as discussed in 76.6.6(c), an Elected Member may stay for the period of the extension in different accommodation to that used for the attendance at the conference and training event. In such situations, the reimbursement of taxi fares (or similar type service) will be to the estimated cost of travel between the conference and training event's accommodation and the airport. The Elected Member will be required to pay any greater amount.
- e. Where an Elected Member does not require paid accommodation for a conference and training event because the Elected Member is able to source accommodation from another party (the hosts), the Elected Member is entitled to be reimbursed for meal and refreshment costs provided to the hosts up to the amount that would have been incurred had paid accommodation been used.
- f. Where an Elected Member attends two conference and training events and there is a gap of no more than three days between the conclusion of the first event and the start of the second event, the Elected Member shall be entitled to reasonable accommodation expenses and the reimbursement of 'normally accepted' living costs during that 'gap' period. If the gap is greater than three days, only three days reimbursement can be claimed.

6.6.6.7.6.7. Payment of expense reimbursements:

- a. The extent to which an Elected Member can be reimbursed for intrastate and interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the Regulations is as set by the Salaries and Allowances Tribunal through a determination published from time to time.

- b. Nothing prevents an Elected Member from being reimbursed expenses for intrastate and interstate travel and accommodation costs above the levels set in 76.6.7(a) where an Elected Member produces receipts or other sufficient information for the total cost to support their claim.

6.6.8.7.6.8. Cash advances associated with interstate and overseas travel:

- a. A cash advance of \$160 per day (**July 2023**) for interstate travel and \$250 per day (**July 2023**) for overseas travel shall be made available to Elected Members for each day the Elected Member is travelling. The cash advances per day will be inflated annually from 1 July based on the Consumer Price Index (All Groups Perth) Rate and rounded to the nearest \$10.
- b. Payments will be made by Electronic Funds Transfer into the Elected Member's nominated bank account. Any other administrative arrangements for managing this will be the most appropriate to the circumstances in the view of the Chief Executive Officer.
- c. The cash advance shall be paid to cover all reasonable incidental expenses associated with attending conference and training events attendance such as:
 - i. hotel/motel charges other than accommodation, such as dry-cleaning and laundry expenses;
 - ii. reasonable telephone, or facsimile or internet use;
 - iii. meals and refreshments for the Elected Member that are not covered by the conference and training registration cost; and
 - iv. any optional activity in a conference and training program.
- d. Documentary evidence, in the form of original invoices and receipts, must be provided for the acquittal of all cash advances. All cash advances must be acquitted within two weeks of the Elected Member returning to Perth. Amounts not acquitted shall be refunded to the City or, where agreed by the Elected Member, deducted from their annual attendance meeting fee.

6.7.7.7. Elected Member/delegate accompanying person:

- a. Subject to 76.7(d) where an Elected Member is accompanied at a conference and training event, all costs for or incurred by the accompanying person, including, but not limited to, travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member/accompanying person and not by the City. The exception to the above being the cost of attending any official conference and training event dinner where partners would normally attend as well as accommodation costs associated with a shared room with the Elected Member where such costs are not above a room rate for the Elected Member alone.
- b. An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at time of registration. The City will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the City in advance for the accompanying person.
- c. Where the City meets an account containing any expenditure or cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the

City by the Elected Member/accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the conference and training event.

- d. Where an Elected Member is attending a conference and training event and has a 'disability' as defined in the *Disability Services Act 1993*, the City will meet the travel, accommodation, and registration costs for a carer (as defined by section 3A of the *Disability Services Act 1993*) to accompany that Elected Member where that carer is a person who provides ongoing care or assistance. Costs paid by the City will not be deducted from the relevant Elected Member's annual conference and training expense allocation.

6.8.7.8. Guidelines for conference and training attendance:

Subject to the provisions of 7.6.3 of this policy the guidelines detailed in this section shall apply to all conference and training under this policy:

- a. An Elected Member is only entitled to attend up to two interstate conference and training events per financial year.
- b. Generally, no more than two Elected Members may attend a particular conference or training event outside Western Australia at the same time. The Chief Executive Officer or Council may, however, approve attendance by more than two Elected Members if a particular purpose or need arises.
- c. All unspent funds within an Elected Member's conference and training expense allocation shall be carried forward at the completion of each annual period.
- d. Following each ordinary local government election, Elected Members will forfeit any unspent funds, and commence their annual Elected Member's conference and training expense allocation as detailed in 7.6.3 of this policy.
- e. Elected Members will only be registered for conference and training events itemised in this policy if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs.
- f. The cost of training that is specifically arranged for attendance by all Elected Members (e.g. team-building) shall be paid from a separate allocation for the purpose and not considered as part of, and debited to, the individual Elected Member's conference and training expense allocation referred to in this policy.

7.8. Attendance at overseas conferences:

- a. An Elected Member may, with Council approval, attend an overseas conference. The Council report must include details of the anticipated benefits to the City and the Elected Member in attending the requested overseas conference. The specific Council resolution must state the authorised travel period that would include sufficient time to travel to and from the conference location (including a reasonable acclimatisation period) and attendance at the conference; ~~and~~.
- b. An Elected Member may attend an overseas conference if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet the cost of the registered overseas conference or training in the Elected Member's conference and training expense allocation, Council approval must be obtained before costs are incurred in keeping with 6.8(d) above or the Elected Member agrees to meet the additional costs personally.

- c. Air travel overseas may be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.
- d. Cash advances are payable for overseas conferences (see [76.6.8](#)).

8.9. Report:

Upon return from any interstate or overseas conference and training event as detailed within this policy, where registration and other associated costs are met by the City of Joondalup, the attending Elected Member is required to:

- a. prepare a detailed written report on their attendance and benefits to them and the City, to be circulated to all Elected Members within one month; or
- b. present a verbal report on their attendance and benefits to them and the City, at the next available Strategy Session.

9-10. Reimbursement of expenses:**9-1-10.1. Objective:**

To provide for the reimbursement of expenses necessarily incurred by Elected Members while performing their duties so that no Elected Member should be unreasonably disadvantaged financially due to meeting the requirements of their Office.

9-2-10.2. Child care:

- a. In accordance with regulation 31 of the *Local Government (Administration) Regulations 1996*, child care costs will be paid at the rate set by the Salaries and Allowances Tribunal through a determination published from time to time for an Elected Member's attendance at a Council meeting or a meeting of a committee of which he or she is a member and the expense is to be claimed on the form provided.
- b. Where an Elected Member attends any other meeting, reception, citizenship or other Council function, or Council-related activity and incurs child care costs, such costs may be claimed at the rate set by the Salaries and Allowances Tribunal through a determination published from time to time, provided they are substantiated with details of the date, activity attended, the actual costs incurred and original receipts being provided and attached to the claim form.
- c. Child care costs are applicable for children, either of natural birth or guardianship determined by legal process.
- d. Child care costs will not be paid for where the care is provided by a relative living in the same premises as the Elected Member. For this purpose "relative" means a spouse, de facto partner, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, cousin, lineal descendant of the Elected Member or a relative of the Elected Member's spouse or de facto partner.
- e. Child care costs shall be debited to a separate account in the budget and not be debited to or form part of an Elected Member's annual expense reimbursement limit as referred to in 109.4 of this policy.

9-3-10.3. Travel:

- a. The payment of travel costs is covered under regulations 31 and 32 of the *Local Government (Administration) Regulations 1996*.
- b. Travel costs incurred and paid by Elected Members will be reimbursed for the following:
 - i. Travel and parking expenses incurred by an Elected Member using a private motor vehicle or bicycle to, from and attending:
 - meetings of the Council or a committee of the Council and civic or Council-related functions;
 - as a delegate of the Council to statutory and other boards and committees, community organisations, conferences, local government association or industry groups or committees of them;
 - a specific request or instruction of the Council and/or including inspection, ratepayer/electors' requests or other Council duty; and

- social functions where the Elected Member is representing the Mayor or is attending by resolution of Council or where the function is an otherwise authorised activity.
- ii. The amount payable in respect of travelling expenses shall be paid from when a Councillor-Elect makes their declaration of Office.
- iii. Travel expenses claimed for motor vehicles under this policy are to be calculated in accordance with the rate set by the Salaries and Allowances Tribunal through a determination published from time to time.
- iv. Travel expenses claimed for bicycles under this policy are to be calculated in accordance with the rate of \$0.10 per kilometre.
- v. A claim for reimbursement of expenses form indicating the date, particulars of travel, nature of business, distance travelled, vehicle displacement and total travelled in kilometres, is to be completed by members to ensure that the transport expense can be verified.
- c. Where an Elected Member deems it is more appropriate to attend a Council-related commitment without a motor vehicle or bicycle, a taxi or similar type service may be used and the costs incurred reimbursed.
- d. Should an Elected Member travel by a motor vehicle or bicycle which is not his or her own, the reimbursement will be calculated in accordance with [109.3\(b\)](#) above.

9.4.10.4. Other specified expenses:

Outside of child care and travel costs an annual reimbursement Limit of \$1,370 (**July 2023**) shall be available to Elected Members during an annual period for reimbursement of costs incurred as a result of performing their duties as an Elected Member. Other specified expenses include:

- a. business attire, including footwear;
- b. dry-cleaning;
- c. stationery; and
- d. paid tickets to events where the Elected Member has been invited and attendance is approved under the City's Attendance at Events Council Policy, including costs of tickets for accompanying persons to events under 3.2(v) and 3.3(v) of this policy.

The amount allocated for reimbursement of other specified expenses will be inflated annually from 1 July, based on the Consumer Price Index (All Groups Perth) Rate, and rounded to the nearest \$10.

Costs incurred and paid by Elected Members will be reimbursed by the City up to the reimbursement limit in each annual period. When an Elected Member reaches the limit, all claims for reimbursement shall be referred to the Council for approval. All expenses claimed must have been incurred and substantiated with provision of original invoices/receipts attached to the claim form, prior to being reimbursed on a monthly basis.

9.5.10.5. Time limit on claims and approval process:

Members electing to receive reimbursement of expenses in accordance with the provisions of this policy should submit the appropriate claim form to the Chief Executive Officer, together with supporting documentation, within two calendar months after the month in which the expenses were incurred, and by 15 July of the next financial year, in order to facilitate the finalisation of the City's annual financial statements.

9.6.10.6. Allowances and limits are exclusive of G.S.T:

Unless otherwise specified in this policy, all allowances and limits set out in this policy are exclusive of G.S.T.

Where an Elected Member does not provide appropriate documentary evidence to enable G.S.T to be claimed, the full amount of the expense incurred by the City, inclusive of G.S.T, will be applied to the relevant allocation.

9.7.10.7. Supporting documentation:

Documentary evidence is required for all expenses claimed. Original tax invoices and receipts are required for audit purposes and to enable G.S.T to be claimed.

10.11. Other entitlements:**10.1.11.1. Elected Member dinners:**

- a. To provide an avenue to facilitate networking possibilities and for Elected Members to undertake discussions with various representatives of the community, the Council has agreed to host Elected Member dinners.
- b. The Mayor is entitled to host six dinners per calendar year, and each Ward a total of 12 each year, based on six dinners per Ward Councillor.
- c. Each table will allow for the Elected Member as host, plus up to a maximum of nine guests. Except for the Elected Member's spouse or partner, all guests invited are to have a relationship with the City or be a stakeholder of the City. Prior to an Elected Member dinner, Elected Members are to advise the City the details of their invited guests and their relationship with the City. Details of invited guests that attend Elected Member dinners are to be reported to the Audit and Risk Committee on a quarterly basis.

10.2.11.2. Acknowledgement of service:

On retirement, Council will acknowledge the service of Elected Members through the provision of an appropriate memento, which will take the form of an engraved plate (or plaque) commemorating the Elected Member's service and a suitable gift.

The value of any gift provided to a retiring Elected Member plus the residual value of any furniture and/or office equipment retained by a retiring Elected Member is limited to the prescribed amount (excluding GST) as set out in Regulation 34AC of the *Local Government (Administration) Regulations 1996*.

Creation date:	June 2002 (CJ121-06/02)
Formerly:	<ul style="list-style-type: none"> • Elected Member — Allowances • Elected Member Training • Elected Members' Attendance Fees • Issue and Return of Council Related Equipment to Elected Members • Members of Council — Reimbursement of Expenses • Travel/Accommodation — Elected Members and Staff
Amendments:	CJ121-06/02, CJ206-10/05, CJ007-02/07, CJ052-04/08, CJ007-02/09, CJ094-06/10, CJ174-10/10, CJ041-03/11, CJ032-03/12, CJ185-09/13, CJ050-03/15, CJ051-04/17, CJ072-05/21, CJ077-05/22.
Last reviewed:	May 2023 (CJ067-05/23)
Related documentation:	<ul style="list-style-type: none"> • Annual Budget • Code of Conduct for Employees, Elected Members and Committee Members • Information Technology Service Agreement for Elected Members • Local Government (Administration) Regulations 1996 • Local Government Act 1995 • Public Service Officers Award • Salaries and Allowances Tribunal Determination for Local Government Chief Executive Officers and Elected Members • Register of Delegation of Authority • Attendance at Events Council Policy
File reference:	101269

2020–2021 CPI (1.6%)	Existing (July 2020)	New (July 2021)	Rounded (July 2021)
Office Equipment	\$1,310.89	\$1,331.86	\$1,330
Conference	(Mayor) \$16,098.63 (Councillors) \$7,359.36	\$16,356.21 \$7,477.11	\$16,400 \$7,500
Cash Advance	(Interstate) \$137.96 (International) \$218.49	\$140.16 \$221.99	\$140 \$220
Other Specified Exp.	\$1,195.89	\$1,215.02	\$1,200

2021-2022 CPI (6.0%)	Existing (July 2021)	New (July 2022)	Rounded (July 2022)
Office Equipment	\$1,331.86	\$1,411.77	\$1,410
Conference	(Mayor) \$16,356.21 (Councillors) \$7,477.11	\$17,337.58 \$7,925.73	\$17,300 \$7,900
Cash Advance	(Interstate) \$140.16 (International) \$221.99	\$148.56 \$235.30	\$150 \$230
Other Specified Exp.	\$1,215.02	\$1,287.92	\$1,290

2022-2023 CPI (6.2%)	Existing (July 2022)	New (July 2023)	Rounded (July 2023)
Office Equipment	\$1,411.77	\$1,499.29	\$1,500
Conference	(Mayor) \$17,337.58 (Councillors) \$7,925.73	\$18,412.50 \$8,417.12	\$18,400 \$8,400
Cash Advance	(Interstate) \$148.56 (International) \$235.30	\$157.77 \$249.88	\$160 \$250
Other Specified Exp.	\$1,287.92	\$1,367.77	\$1,370



Elected Members' Entitlements Council Policy

Responsible directorate: Governance and Strategy

Objective: To set out the support and allowances available to the City's Elected Members.

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1. Definitions:

“annual period” means the third Saturday in October to the third Saturday in October in the following year.

“conferences and training” means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions and events related to the industry of local government and held within Australia.

“fair value” means the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date (AASB 13).

“ICT expenses” means:

- a. rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996*; or
- b. any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

2. Statement:

This policy has been prepared to comply with the provisions relevant to Elected Members' entitlements under the *Local Government Act 1995* and supporting Regulations.

3. Provision of support:**3.1. Objective:**

To provide Elected Members with appropriate facilities, equipment, material and information to support them in performing their duties of Office.

3.2. Mayor:

- a. The Mayor shall, in carrying out the duties and responsibilities of that Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances approved by Council under section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:
 - i. The provision of a luxury sedan type motor vehicle with unrestricted use for all official and civic duties connected to the Office of Mayor and for personal private use. This vehicle will be changed over in accordance with the City's general management of its light vehicles fleet. The Mayor may elect to have City of Joondalup vehicle licence number plates fitted to the vehicle at the City's expense for their term of Office (i.e. COJ 1, COJ 001, COJ 001 etc.).
 - ii. Where the Mayor is provided with a vehicle as detailed in 3.2(a)(i) above, the costs associated with the Mayor's private use of the vehicle are to be reimbursed by the Mayor.

The calculation of the reimbursement for the private use is by way of a Log Book in accordance with the requirements of the Australian Taxation Office.

- iii. Membership of the Qantas Club.
 - iv. The registration cost or ticket cost for the Mayor to attend a pre-approved event or non-approved event under the City's Attendance at Events Council Policy, provided the event does not fall into the category of a conference and training event (as defined in section 1 of this policy).
 - v. The registration cost or ticket cost of the Mayor's accompanying person (such as a spouse, family member or relative) to an event, where the Mayor is attending, or been invited to attend in an official capacity (as prescribed in clause 4(a) of the City's Attendance at Events Council Policy).
 - vi. Suitable contemporary office accommodation within the Civic Centre.
 - vii. Administrative support associated with the role of Mayor in accordance with the provisions of the *Local Government Act 1995*.
 - viii. Access to the Elected Member Lounge and refreshments.
- b. All equipment and facilities subject of this policy are provided to the Mayor on the absolute understanding that they will not be used for any election purposes.

3.3. Deputy Mayor and Councillors:

- a. The Deputy Mayor and Councillors shall, in carrying out the duties and responsibilities of their Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances under section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:
- i. Access to the Elected Member Lounge and refreshments.
 - ii. Access to suitably equipped shared office accommodation, reading room, ward meeting and conference rooms within the Civic Centre with photocopying, printing, facsimile, internet and telephone facilities.
 - iii. Some secretarial support as resources allow including limited word processing, photocopying, and postage.
 - iv. The registration cost or ticket cost for the Deputy Mayor or Councillor to attend a pre-approved event or non-approved event under the City's Attendance at Events Council Policy provided the event does not fall into the category of a conference and training event (as defined in section 1 of this policy).
 - v. The registration cost or ticket cost of the Deputy Mayor's or Councillor's accompanying person (such as a spouse, family member or relative) to an event, where the Deputy Mayor or Councillor is attending, or been invited to attend in an official capacity (as prescribed in clause 4(a) of the City's Attendance at Events Council Policy).
- b. All equipment and facilities subject of this policy are provided to the Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

4. Issue and return of Council equipment:**4.1. Objective:**

To enable Elected Members to be accessible to the community, their colleagues and the City's staff.

4.2. Equipment:

The following equipment, documents, stationery and other items will be issued to Elected Members:

- a. Either a Macbook Air, Macbook Pro or an iMac (or similar Microsoft Windows based device); an Apple iPhone; an Apple iPad; and all-in-one printer.
- b. A file backup device and a Wi-Fi capable broadband modem (such as a Time Capsule device for Mac, or an external USB device and a Wi-Fi modem for non-Mac).
- c. Elected Member Lounge key.
- d. Security card/building access card.
- e. Satchel or briefcase (optional).

Computer equipment supplied (if required) will be issued new and replaced following each local government election where the Elected Member is elected (that is every four years). Apple iPhones will be issued new and replaced following each local government election (that is every two years). Notwithstanding, equipment issued under 4.2(a) and 4.2(b) will be replaced on failure if this occurs prior to its scheduled replacement.

At the end of each two and four year period (for mobile phones and computer equipment respectively), Elected Members will have the option to either return or purchase the devices provided by the City, at fair value. The CEO is authorised to approve the purchase of devices at a value to be determined by the CEO.

The specification of the equipment supplied under 4.2(a) and 4.2(b) shall be the highest specification for the model proposed. Elected Members will be consulted prior to the provision of the equipment and have the opportunity to make requests for changes to the equipment supplied.

4.3. Other items:

- a. The following items will be issued to Elected Members:
 - i. Two name badges, and one name badge for their partner.
 - ii. Business cards.
 - iii. City of Joondalup Elected Members' letterhead.
 - iv. Christmas cards or a Christmas e-card.
 - v. Elected Member uniform (optional) (one jacket, two trousers/skirts and three shirts/blouses) and two casual City of Joondalup polo-shirts (or similar).

- b. Each Elected Member is entitled to be reimbursed to a maximum amount of \$1,500 (**July 2023**) following their inaugural election and every second ordinary election thereafter in which they are elected, or where an Elected Member is elected as a result of an extraordinary election, for the purchase of relevant home office furniture/equipment to assist them to perform their role as an Elected Member and to be used for Council-related purposes.

The amount allocated for reimbursement will be inflated annually as from 1 July based on the Consumer Price Index (All Groups Perth) Rate, rounded to the nearest \$10.

4.4. Return of equipment issued:

- a. An Elected Member must return the following equipment to the City within 14 days of ceasing to be an Elected Member:
 - i. Any mobile phone or computer equipment issued by the City (unless otherwise negotiated to purchase, at fair value). The CEO is authorised to approve the purchase of devices at a value to be determined by the CEO.
 - ii. All equipment leased by the City and provided to the Elected Member.
 - iii. Security card/building access card.
 - iv. Elected Member Lounge key.
 - v. City of Joondalup vehicle licence number plates (to be returned and exchanged at the Department of Transport Licensing Centre at the cost of the City).
- b. The value of any equipment retained by an Elected Member on retirement cannot be more than the limits set under regulation 34AC of the *Local Government (Administration) Regulations 1996*. This value will also be deducted from the value of any retirement gift given by the City under 11.2 of this policy.

5. Payment of fees and allowances:

5.1. Objective:

To detail the amount of fees and allowances to be paid to Elected Members and the conditions under which those fees and allowances shall be paid.

5.2. Annual meeting attendance fees in lieu of Council meeting and committee meeting attendance fees:

- a. In lieu of paying the Mayor and Councillors a meeting attendance fee for each prescribed meeting, the City will pay the maximum amount within the range set by the Salaries and Allowances Tribunal through a determination published from time to time that may be paid annually for meeting attendance fees for the Mayor and Councillors (see Item CJ128-07/13).
- b. Payments will be made monthly in arrears on a pro-rata basis throughout the annual period.

5.3. Annual local government allowances — Mayor and Deputy Mayor:

- a. The City will pay the maximum annual local government allowance within the range set by the Salaries and Allowances Tribunal through a determination published from time to time that may be paid to the Mayor and Deputy Mayor (see Item CJ128-07/13).
- b. Payments will be made monthly in arrears on a pro-rata basis throughout the annual period.

5.4. Annual allowance for ICT expenses:

- a. The City will pay all Elected Members the maximum annual allowance for ICT expenses as set by the Salaries and Allowances Tribunal through a determination published from time to time that may be paid to Elected Members (see Item CJ128-07/13). Additional to the annual allowance for ICT expenses, a mobile telephone is provided to Elected Members under 4.2 of this policy.
- b. Any claims by Elected Members for expenses incurred over the maximum annual allowance for ICT expenses detailed in 5.4(a) above are to be submitted on the form provided for the purpose. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit plus the additional amounts claimed. Where an Elected Member reaches the limit, all claims for reimbursement shall be referred to Council for approval.
- c. Subject to 5.4(d) full payment of the annual allowance for ICT expenses will be made in advance at the commencement of the financial year.
- d. Where an Elected Member's term of Office ceases at a local government election in a financial year, the Elected Member will be paid the annual allowance for ICT expenses on a pro-rata basis up until the local government election day. Should that Elected Member be re-elected at the local government election the remainder of the annual allowance for ICT expenses will be paid following the local government election day.
- e. Where an Elected Member commences their term of Office at a local government election, the annual allowance for ICT expenses will be paid on a pro-rata basis following the local government elections (end of October) and for the period between the local government election day and the end of the financial year in which the local government election occurred.

5.5. Conditions of payment:

- a. All allowances and fees shall be paid automatically unless an Elected Member has advised the Chief Executive Officer, in writing, that he/she does not want to claim any or part of those fees and allowances.
- b. If an Elected Member advises that he/she does not want all or part of the fees and allowances to which he/she is entitled, any subsequent request for full or additional payment will not be back paid but accrue from the date of the Chief Executive Officer receiving such a request.
- c. The taxation liability arising from these payments is the individual responsibility of each Elected Member.

6. Mandatory Elected Member Training

Elected Members are required to complete the Council Member Essentials Course within 12 months from the day on which they are elected, unless exempt under Regulation 36 of the *Local Government (Administration) Regulations 1996*. Elected Members should confirm with the Chief Executive Officer whether they are eligible for an exemption.

All costs associated with mandatory Elected Member training will be paid for by the City. The Annual Budget will include an allocation for Council as a whole, to be used for this purpose.

The City of Joondalup will provide new Elected Members with information on training options from which the Elected Member may select according to their preferred delivery mode and availability. The City will make the necessary arrangements for enrolment.

7. Continuing Professional Development within Australia

7.1. Objective:

To enable Elected Members to develop and maintain skills and knowledge relevant to either their role as an Elected Member or the Council's role as defined under the Act..

7.2. Statement:

Elected Members are encouraged to attend conferences and training relating to the business of the City and to enable them to be more informed and better able to fulfil their duties of Office. In accordance with Regulation 37(2) of the *Local Government (Administration) Regulations 1996*, Continuing Professional Development must be relevant to the Elected Member's role as defined under the Act, or the Council's role as defined under the Act.

7.3. Annual conference and training expense allocation:

- a. The following conference and training expense allocation shall be made available to Elected Members during an annual period:
 - i. The Mayor shall be entitled to \$18,400 (**July 2023**) inflated by the Consumer Price Index (All Groups Perth) Rate on 1 July each year and rounded to the nearest \$100.
 - ii. All Councillors shall be entitled to \$8,400 (**July 2023**) inflated by the Consumer Price Index (All Groups Perth) Rate on 1 July each year and rounded to the nearest \$100.
- b. In addition to the conference and training expense allocation detailed in 7.3(a) above, the Mayor shall be entitled to attend the following conferences, at the City's cost:
 - i. Annual Western Australian Local Government Association.
 - ii. Annual National Australian Local Government Association.
 - iii. Annual National Congress of the Local Government Professionals Australia.
- c. In addition to the conference and training expense allocation detailed in 7.3(a) above, Councillors shall be entitled to attend the Annual Western Australian Local Government Association conference, at the City's cost.

7.4. Approval:

Subject to Section 8 of this policy for overseas travel, Elected Members may attend conferences and training:

- a. following approval by the Council where such approval is required; and
- b. by informing the Chief Executive Officer in advance of attendance.

In accordance with Regulation 37(3) of the *Local Government (Administration) Regulations 1996*, approval will not be granted for training or continuing professional development that is scheduled to occur within the last three (3) months of an Elected Member's term of office or upon delivery of a notice resignation to the CEO.

7.5. Conferences and training that may be attended:

The conferences and training to which this policy applies shall generally be limited to the following:

- a. West Australian Local Government Association and Australian Local Government Association conferences.
- b. Special 'one off' conferences called for or sponsored by the West Australian Local Government Association and/or Australian Local Government Association on important issues.
- c. Annual conferences of the major professions in local government and other institutions of relevance to local government activities.
- d. Australian Sister Cities Conferences.
- e. West Australian Local Government Association Elected Members' training and development.
- f. Training relating to the role of Elected Members.
- g. Other local government-specific training courses, workshops and forums, relating to such things as understanding the roles/responsibilities of Elected Members, meeting procedures, etc.

7.6. Payment of conference and training expenses:**7.6.1. Payment from conference and training expense allocation:**

The City will pay conference or training expenses where the Elected Member has been authorised to attend and there are sufficient funds remaining within the Elected Member's annual conference and training expense allocation. Should sufficient funds be unavailable, the Elected Member may meet the difference between the actual cost and their remaining conference and training expense allocation themselves.

7.6.2. Booking arrangements:

Registration, travel and accommodation for Elected Members will normally be arranged by the City with the appropriate City discount for travel and accommodation being provided. In general, all costs including airfares, registration fees and

accommodation will be paid direct by the City. Alternatively, Elected Members may make their own booking arrangements.

7.6.3.Support activities:

The City will pay all costs for Elected Members that are charged by organisers for support activities, including those costs relating to official luncheons, dinners and tours/inspections that are relevant to the conference and training event.

7.6.4.Accommodation:

- a. The City will pay reasonable accommodation costs for Elected Members including the night before and/or after the conference and training event where this is necessary because of travel and/or the conference and training event timetables which make it unreasonable to arrive at or return home in normal working hours.
- b. Accommodation shall normally be booked at the conference and training venue or, where unavailable, at a similar-rated accommodation in the vicinity of the conference and training venue.
- c. Only accommodation costs for hotels, motels or accommodation of a similar type will be paid utilising an Elected Member's annual conference and training expense allocation. Accommodation provided by relatives or friends at a private address will not be reimbursed by the City although a meal and refreshment costs can be offered in return to the hosts under 7.6.6(e).

7.6.5.Travel:

- a. Where travel is involved, the travel is to be undertaken with all due expedition, by the shortest most practical route, to and from the conference and training venue. All reasonable travel costs for Elected Members to and from the venue/accommodation will be met by the City.
- b. Where air travel is involved, approval to attend should ideally be sought two months prior to departure to facilitate booking arrangements.
- c. All air travel within Australia shall be by Economy Class.
- d. If accommodation is at the conference or training venue, or in close proximity, taxis (or similar type service) should be used for reasonable travel requirements. Where necessary, a hire car may be arranged for the conduct of Council business. Costs of taxi fares (or similar type service), vehicle hire and parking, which are reasonable, required and incurred in attending conferences and training, will be reimbursed by the City.
- e. Where, in particular circumstances, Elected Members desire to travel interstate or intrastate by private motor vehicle, they will be reimbursed for vehicle costs in accordance with the local government kilometre allowance up to an equivalent amount that would have been expended had arrangements been made to travel by air.

7.6.6.Extent of expenses to be reimbursed:

- a. An Elected Member attending a conference and training event is entitled to be reimbursed for 'normally accepted' living costs while travelling. Such living costs would include, but are not limited to:
 - i. meals and refreshments for the Elected Member (that are not covered by the conference and training registration costs);
 - ii. dry-cleaning and laundry expenses; and
 - iii. reasonable telephone, internet and facsimile charges.
- b. Elected Members will generally not be reimbursed for the cost of meals or refreshments for other people. The main exception is where it is indicated that the meal or refreshment provided to another person is in response to a meal or refreshments previously received.
- c. Expenses will generally be reimbursed from the time an Elected Member leaves home to attend an event to the time the Elected Member returns home. Should an Elected Member extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the Elected Member could have returned following the event, reimbursements will be paid:
 - i. for the days of the conference and training event only; and
 - ii. for the cost of travel to and from the airport to the accommodation to be used for the conference and training.
- d. Where a visit is extended, as discussed in 7.6.6(c), an Elected Member may stay for the period of the extension in different accommodation to that used for the attendance at the conference and training event. In such situations, the reimbursement of taxi fares (or similar type service) will be to the estimated cost of travel between the conference and training event's accommodation and the airport. The Elected Member will be required to pay any greater amount.
- e. Where an Elected Member does not require paid accommodation for a conference and training event because the Elected Member is able to source accommodation from another party (the hosts), the Elected Member is entitled to be reimbursed for meal and refreshment costs provided to the hosts up to the amount that would have been incurred had paid accommodation been used.
- f. Where an Elected Member attends two conference and training events and there is a gap of no more than three days between the conclusion of the first event and the start of the second event, the Elected Member shall be entitled to reasonable accommodation expenses and the reimbursement of 'normally accepted' living costs during that 'gap' period. If the gap is greater than three days, only three days reimbursement can be claimed.

7.6.7. Payment of expense reimbursements:

- a. The extent to which an Elected Member can be reimbursed for intrastate and interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the Regulations is as set by the Salaries and Allowances Tribunal through a determination published from time to time.

- b. Nothing prevents an Elected Member from being reimbursed expenses for intrastate and interstate travel and accommodation costs above the levels set in 7.6.7(a) where an Elected Member produces receipts or other sufficient information for the total cost to support their claim.

7.6.8. Cash advances associated with interstate and overseas travel:

- a. A cash advance of \$160 per day (**July 2023**) for interstate travel and \$250 per day (**July 2023**) for overseas travel shall be made available to Elected Members for each day the Elected Member is travelling. The cash advances per day will be inflated annually from 1 July based on the Consumer Price Index (All Groups Perth) Rate and rounded to the nearest \$10.
- b. Payments will be made by Electronic Funds Transfer into the Elected Member's nominated bank account. Any other administrative arrangements for managing this will be the most appropriate to the circumstances in the view of the Chief Executive Officer.
- c. The cash advance shall be paid to cover all reasonable incidental expenses associated with attending conference and training events attendance such as:
 - i. hotel/motel charges other than accommodation, such as dry-cleaning and laundry expenses;
 - ii. reasonable telephone, or facsimile or internet use;
 - iii. meals and refreshments for the Elected Member that are not covered by the conference and training registration cost; and
 - iv. any optional activity in a conference and training program.
- d. Documentary evidence, in the form of original invoices and receipts, must be provided for the acquittal of all cash advances. All cash advances must be acquitted within two weeks of the Elected Member returning to Perth. Amounts not acquitted shall be refunded to the City or, where agreed by the Elected Member, deducted from their annual attendance meeting fee.

7.7. Elected Member/delegate accompanying person:

- a. Subject to 7.7(d) where an Elected Member is accompanied at a conference and training event, all costs for or incurred by the accompanying person, including, but not limited to, travel, breakfast, meals, registration and/or participation in any event programs, are to be borne by the Elected Member/accompanying person and not by the City. The exception to the above being the cost of attending any official conference and training event dinner where partners would normally attend as well as accommodation costs associated with a shared room with the Elected Member where such costs are not above a room rate for the Elected Member alone.
- b. An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at time of registration. The City will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the City in advance for the accompanying person.
- c. Where the City meets an account containing any expenditure or cost incurred on behalf of an accompanying person attending, such expenditure must be repaid to the

City by the Elected Member/accompanying person within 30 days of being invoiced for such expenditure following the conclusion of the conference and training event.

- d. Where an Elected Member is attending a conference and training event and has a 'disability' as defined in the *Disability Services Act 1993*, the City will meet the travel, accommodation, and registration costs for a carer (as defined by section 3A of the *Disability Services Act 1993*) to accompany that Elected Member where that carer is a person who provides ongoing care or assistance. Costs paid by the City will not be deducted from the relevant Elected Member's annual conference and training expense allocation.

7.8. Guidelines for conference and training attendance:

Subject to the provisions of 7.3 of this policy the guidelines detailed in this section shall apply to all conference and training under this policy:

- a. An Elected Member is only entitled to attend up to two interstate conference and training events per financial year.
- b. Generally, no more than two Elected Members may attend a particular conference or training event outside Western Australia at the same time. The Chief Executive Officer or Council may, however, approve attendance by more than two Elected Members if a particular purpose or need arises.
- c. All unspent funds within an Elected Member's conference and training expense allocation shall be carried forward at the completion of each annual period.
- d. Following each ordinary local government election, Elected Members will forfeit any unspent funds, and commence their annual Elected Member's conference and training expense allocation as detailed in 7.3 of this policy.
- e. Elected Members will only be registered for conference and training events itemised in this policy if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs.
- f. The cost of training that is specifically arranged for attendance by all Elected Members (e.g. team-building) shall be paid from a separate allocation for the purpose and not considered as part of, and debited to, the individual Elected Member's conference and training expense allocation referred to in this policy.

8. Attendance at overseas conferences:

- a. An Elected Member may, with Council approval, attend an overseas conference. The Council report must include details of the anticipated benefits to the City and the Elected Member in attending the requested overseas conference. The specific Council resolution must state the authorised travel period that would include sufficient time to travel to and from the conference location (including a reasonable acclimatisation period) and attendance at the conference; and
- b. An Elected Member may attend an overseas conference if the Elected Member has sufficient funds in their annual conference and training expense allocation to meet the costs. Where there are insufficient funds to meet the cost of the registered overseas conference or training in the Elected Member's conference and training expense allocation, Council approval must be obtained before costs are incurred in keeping with 6.8(d) above or the Elected Member agrees to meet the additional costs personally.

- c. Air travel overseas may be by Business Class, except where an Elected Member chooses to travel at a cheaper rate. If Business Class is not available, Economy Class is to be used.
- d. Cash advances are payable for overseas conferences (see 7.6.8).

9. Report:

Upon return from any interstate or overseas conference and training event as detailed within this policy, where registration and other associated costs are met by the City of Joondalup, the attending Elected Member is required to:

- a. prepare a detailed written report on their attendance and benefits to them and the City, to be circulated to all Elected Members within one month; or
- b. present a verbal report on their attendance and benefits to them and the City, at the next available Strategy Session.

10. Reimbursement of expenses:

10.1. Objective:

To provide for the reimbursement of expenses necessarily incurred by Elected Members while performing their duties so that no Elected Member should be unreasonably disadvantaged financially due to meeting the requirements of their Office.

10.2. Child care:

- a. In accordance with regulation 31 of the *Local Government (Administration) Regulations 1996*, child care costs will be paid at the rate set by the Salaries and Allowances Tribunal through a determination published from time to time for an Elected Member's attendance at a Council meeting or a meeting of a committee of which he or she is a member and the expense is to be claimed on the form provided.
- b. Where an Elected Member attends any other meeting, reception, citizenship or other Council function, or Council-related activity and incurs child care costs, such costs may be claimed at the rate set by the Salaries and Allowances Tribunal through a determination published from time to time, provided they are substantiated with details of the date, activity attended, the actual costs incurred and original receipts being provided and attached to the claim form.
- c. Child care costs are applicable for children, either of natural birth or guardianship determined by legal process.
- d. Child care costs will not be paid for where the care is provided by a relative living in the same premises as the Elected Member. For this purpose "relative" means a spouse, de facto partner, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, cousin, lineal descendant of the Elected Member or a relative of the Elected Member's spouse or de facto partner.
- e. Child care costs shall be debited to a separate account in the budget and not be debited to or form part of an Elected Member's annual expense reimbursement limit as referred to in 10.4 of this policy.

10.3. Travel:

- a. The payment of travel costs is covered under regulations 31 and 32 of the *Local Government (Administration) Regulations 1996*.
- b. Travel costs incurred and paid by Elected Members will be reimbursed for the following:
 - i. Travel and parking expenses incurred by an Elected Member using a private motor vehicle or bicycle to, from and attending:
 - meetings of the Council or a committee of the Council and civic or Council-related functions;
 - as a delegate of the Council to statutory and other boards and committees, community organisations, conferences, local government association or industry groups or committees of them;
 - a specific request or instruction of the Council and/or including inspection, ratepayer/electors' requests or other Council duty; and
 - social functions where the Elected Member is representing the Mayor or is attending by resolution of Council or where the function is an otherwise authorised activity.
 - ii. The amount payable in respect of travelling expenses shall be paid from when a Councillor-Elect makes their declaration of Office.
 - iii. Travel expenses claimed for motor vehicles under this policy are to be calculated in accordance with the rate set by the Salaries and Allowances Tribunal through a determination published from time to time.
 - iv. Travel expenses claimed for bicycles under this policy are to be calculated in accordance with the rate of \$0.10 per kilometre.
 - v. A claim for reimbursement of expenses form indicating the date, particulars of travel, nature of business, distance travelled, vehicle displacement and total travelled in kilometres, is to be completed by members to ensure that the transport expense can be verified.
- c. Where an Elected Member deems it is more appropriate to attend a Council-related commitment without a motor vehicle or bicycle, a taxi or similar type service may be used and the costs incurred reimbursed.
- d. Should an Elected Member travel by a motor vehicle or bicycle which is not his or her own, the reimbursement will be calculated in accordance with 10.3(b) above.

10.4. Other specified expenses:

Outside of child care and travel costs an annual reimbursement Limit of \$1,370 (**July 2023**) shall be available to Elected Members during an annual period for reimbursement of costs incurred as a result of performing their duties as an Elected Member. Other specified expenses include:

- a. business attire, including footwear;

- b. dry-cleaning;
- c. stationery; and
- d. paid tickets to events where the Elected Member has been invited and attendance is approved under the City's Attendance at Events Council Policy, including costs of tickets for accompanying persons to events under 3.2(v) and 3.3(v) of this policy.

The amount allocated for reimbursement of other specified expenses will be inflated annually from 1 July, based on the Consumer Price Index (All Groups Perth) Rate, and rounded to the nearest \$10.

Costs incurred and paid by Elected Members will be reimbursed by the City up to the reimbursement limit in each annual period. When an Elected Member reaches the limit, all claims for reimbursement shall be referred to the Council for approval. All expenses claimed must have been incurred and substantiated with provision of original invoices/receipts attached to the claim form, prior to being reimbursed on a monthly basis.

10.5. Time limit on claims and approval process:

Members electing to receive reimbursement of expenses in accordance with the provisions of this policy should submit the appropriate claim form to the Chief Executive Officer, together with supporting documentation, within two calendar months after the month in which the expenses were incurred, and by 15 July of the next financial year, in order to facilitate the finalisation of the City's annual financial statements.

10.6. Allowances and limits are exclusive of G.S.T:

Unless otherwise specified in this policy, all allowances and limits set out in this policy are exclusive of G.S.T.

Where an Elected Member does not provide appropriate documentary evidence to enable G.S.T to be claimed, the full amount of the expense incurred by the City, inclusive of G.S.T, will be applied to the relevant allocation.

10.7. Supporting documentation:

Documentary evidence is required for all expenses claimed. Original tax invoices and receipts are required for audit purposes and to enable G.S.T to be claimed.

11. Other entitlements:

11.1. Elected Member dinners:

- a. To provide an avenue to facilitate networking possibilities and for Elected Members to undertake discussions with various representatives of the community, the Council has agreed to host Elected Member dinners.
- b. The Mayor is entitled to host six dinners per calendar year, and each Ward a total of 12 each year, based on six dinners per Ward Councillor.
- c. Each table will allow for the Elected Member as host, plus up to a maximum of nine guests. Except for the Elected Member's spouse or partner, all guests invited are to have a relationship with the City or be a stakeholder of the City. Prior to an Elected Member dinner, Elected Members are to advise the City the details of their invited

guests and their relationship with the City. Details of invited guests that attend Elected Member dinners are to be reported to the Audit and Risk Committee on a quarterly basis.

11.2. Acknowledgement of service:

On retirement, Council will acknowledge the service of Elected Members through the provision of an appropriate memento, which will take the form of an engraved plate (or plaque) commemorating the Elected Member's service and a suitable gift.

The value of any gift provided to a retiring Elected Member plus the residual value of any furniture and/or office equipment retained by a retiring Elected Member is limited to the prescribed amount (excluding GST) as set out in Regulation 34AC of the *Local Government (Administration) Regulations 1996*.

Creation date:	June 2002 (CJ121-06/02)
Formerly:	<ul style="list-style-type: none"> • Elected Member — Allowances • Elected Member Training • Elected Members' Attendance Fees • Issue and Return of Council Related Equipment to Elected Members • Members of Council — Reimbursement of Expenses • Travel/Accommodation — Elected Members and Staff
Amendments:	CJ121-06/02, CJ206-10/05, CJ007-02/07, CJ052-04/08, CJ007-02/09, CJ094-06/10, CJ174-10/10, CJ041-03/11, CJ032-03/12, CJ185-09/13, CJ050-03/15, CJ051-04/17, CJ072-05/21, CJ077-05/22.
Last reviewed:	May 2023 (CJ067-05/23)
Related documentation:	<ul style="list-style-type: none"> • Annual Budget • Code of Conduct for Employees, Elected Members and Committee Members • Information Technology Service Agreement for Elected Members • Local Government (Administration) Regulations 1996 • Local Government Act 1995 • Public Service Officers Award • Salaries and Allowances Tribunal Determination for Local Government Chief Executive Officers and Elected Members • Register of Delegation of Authority • Attendance at Events Council Policy
File reference:	101269

2020–2021 CPI (1.6%)	Existing (July 2020)	New (July 2021)	Rounded (July 2021)
Office Equipment	\$1,310.89	\$1,331.86	\$1,330
Conference	(Mayor) \$16,098.63 (Councillors) \$7,359.36	\$16,356.21 \$7,477.11	\$16,400 \$7,500
Cash Advance	(Interstate) \$137.96 (International) \$218.49	\$140.16 \$221.99	\$140 \$220
Other Specified Exp.	\$1,195.89	\$1,215.02	\$1,200

2021-2022 CPI (6.0%)	Existing (July 2021)	New (July 2022)	Rounded (July 2022)
Office Equipment	\$1,331.86	\$1,411.77	\$1,410
Conference	(Mayor) \$16,356.21 (Councillors) \$7,477.11	\$17,337.58 \$7,925.73	\$17,300 \$7,900
Cash Advance	(Interstate) \$140.16 (International) \$221.99	\$148.56 \$235.30	\$150 \$230
Other Specified Exp.	\$1,215.02	\$1,287.92	\$1,290

2022-2023 CPI (6.2%)	Existing (July 2022)	New (July 2023)	Rounded (July 2023)
Office Equipment	\$1,411.77	\$1,499.29	\$1,500
Conference	(Mayor) \$17,337.58 (Councillors) \$7,925.73	\$18,412.50 \$8,417.12	\$18,400 \$8,400
Cash Advance	(Interstate) \$148.56 (International) \$235.30	\$157.77 \$249.88	\$160 \$250
Other Specified Exp.	\$1,287.92	\$1,367.77	\$1,370



COMMUNITY CONSULTATION OUTCOMES REPORT

Parking Local Law 2023 and Pest
Plant Amendment Local Law 2023

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OVERVIEW

The community was invited to provide feedback from Thursday 2 November 2023 to Thursday 14 December 2023 on two local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

Written feedback was sought by way of an online submission form, email or letter.

The City received a total of 29 submissions throughout the 43-day consultation period. This included 24 submissions from individual community members and 4 submissions from the following identified stakeholders:

- Joondalup Community Coast Care Forum
- Friends of Sorrento Beach and Marmion Foreshore
- Whitford Community, Ratepayers & Recreation Association Inc
- Woodvale Waters Landowners Association.

Submissions related to the *Parking Local Law 2023* commonly referred to the need to improve the policing of the laws, while submissions about the *Pest Plant Amendment Local Law 2023* were mostly supportive of the inclusion of Golden Crownbeard.

STAKEHOLDERS

A total of 36 stakeholders were directly engaged by the City of Joondalup. Stakeholders identified included:

- Environmental/friends' groups (20)
 - Joondalup Community Coast Care Forum
 - Friends of Cadogan Park
 - Friends of Carnaby Reserve
 - Friends of Central Park Bushland
 - Friends of Craigie Bushland
 - Friends of Harman Park
 - Friends of Hepburn and Pinnaroo Bushland
 - Friends of Hillarys and Kallaroo Foreshore
 - Friends of Korella Park Bushland
 - Friends of Maritana Bushland
 - Friends of North Ocean Reef/Iluka Foreshore
 - Friends of Periwinkle Bushland
 - Friends of Porteous Park
 - Friends of Robin Park Bush Reserve
 - Friends of Shepherd Bush Park
 - Friends of Sorrento Beach and Marmion Foreshore
 - Friends of Trigonometric Park
 - Friends of Warwick Bushland and Friends of Sorrento Beach
 - Friends of Yellagonga Regional Park
 - Mullaloo Beach Community Group*
- Resident/ratepayer groups (16)
 - Beldon Residents Association Inc
 - Burns Beach Residents Association Inc
 - Connolly Residents Association
 - Currambine Residents' Association
 - Edgewater Community Residents' Association
 - Harbour Rise Home Owners Association Inc
 - Heathridge Residents' Association
 - Iluka Homeowners Association
 - Kallaroo Residents' Association
 - Kingsley & Greenwood Residents Association
 - Marmion, Sorrento, Duncraig Progress and Ratepayers Association
 - North Shore Country Club and Residents Association
 - Padbury Residents' Association Inc
 - Warwick Residents' Group
 - Whitford Community, Ratepayers & Recreation Association Inc
 - Woodvale Waters Landowners Association.

* Note, in addition to being an environmental/friends group the Mullaloo Beach Community Group also identify as a resident/ratepayer group. The City accepts one response per organisation.

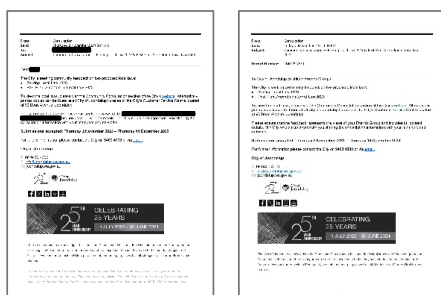
CONSULTATION MATERIALS

Resident/ratepayer groups were sent emails on 2 November 2023 which advised them of the consultation and directed them to the City's website to view the proposed local laws and provide feedback using the Online Submission Form.

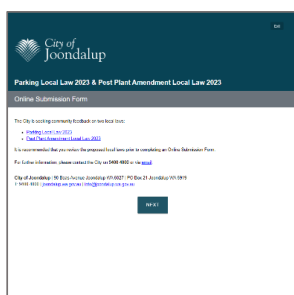
Environmental/friends' groups were sent emails on 3 November 2023 which advised them of the consultation and directed them to the City's website to view the proposed local laws and provide feedback using the Online Submission Form.

These stakeholders were also encouraged to promote the consultation and the Online Submission Form to their members and networks.

Emails to resident/ratepayer and environmental/friends' groups (see Appendix 1–2 for full):



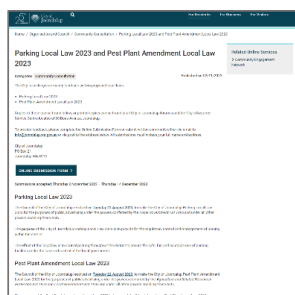
Online submission form (see Appendix 3 for full):



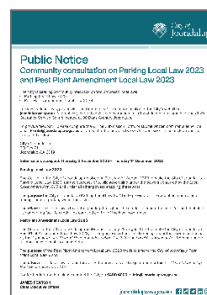
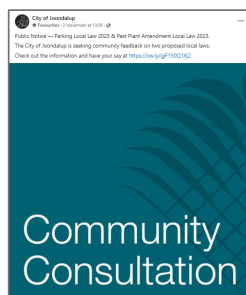
In addition to directly contacting identified stakeholders via post and email, the City advertised the consultation to other community members via the following means:

- Webpage linked through the "Community Consultation" section of the City's website visible from 2 November 2023 to 14 December 2023.
- Public Notice newspaper advertisement published in *PerthNow Joondalup* community newspaper on 2 November 2023.
- Item published in the Public Notice eNewsletter emailed to subscribers on 2 November 2023.
- Public Notice post on Facebook through the City's Facebook account on 2 November 2023.
- Public Notice posters on display at the City's administration building and the City's libraries.
- Item published in the Joondalup Voice insert of the *PerthNow Joondalup* community newspaper on 16 November 2023 and emailed to subscribers of the Joondalup Voice eNewsletter on 16 November 2023.
- E-screen displays visible on the electronic display boards at the City administration building, libraries, and Craigie Leisure Centre from 2 November 2023 to 14 December 2023.
- Item published in the Community Engagement Network eNewsletter emailed to subscribers on 30 November 2023.

Community Consultation webpage of the City's website (see Appendix 4 for full):



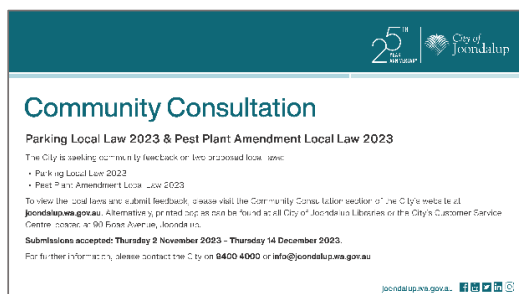
Public Notice newspaper advertisement published in *PerthNow Joondalup* community newspaper, Public Notice eNewsletter, Public Notice Facebook post, and Public Notice poster (see Appendix 5–8 for full):



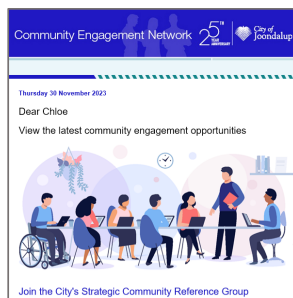
Joondalup Voice insert of the *PerthNow Joondalup* community newspaper and Joondalup Voice eNewsletter (see Appendix 9–10 for full):



E-screen display (see Appendix 11 for full):



Community Engagement Network eNewsletter (see Appendix 12 for full):



RESPONSE RATE

The City received a total of 29 submissions during the consultation period (Thursday 2 November 2023 to Thursday 14 December 2023). A total of 4 stakeholders who were engaged directly provided a submission, including:

- Joondalup Community Coast Care Forum
- Friends of Sorrento Beach and Marmion Foreshore
- Whitford Community, Ratepayers & Recreation Association Inc
- Woodvale Waters Landowners Association.

This indicates an overall response rate of 11.1% from stakeholders who were engaged directly by the City. This data is shown in the table below.

Note that the submissions from the above identified stakeholders have been extracted and are provided at Appendix 13–16.

	Feedback sought	Feedback received	Response rate
Submissions received by stakeholder type:	N	N	%
Environmental/friends' groups	20	2	10.0%
Joondalup Community Coast Care Forum	1	1	100.0%
Friends of Cadogan Park	1	0	0.0%
Friends of Carnaby Reserve	1	0	0.0%
Friends of Central Park Bushland	1	0	0.0%
Friends of Craigie Bushland	1	0	0.0%
Friends of Harman Park	1	0	0.0%
Friends of Hepburn and Pinnaroo Bushland	1	0	0.0%
Friends of Hillarys and Kallaroo Foreshore	1	0	0.0%
Friends of Korella Park Bushland	1	0	0.0%
Friends of Maritana Bushland	1	0	0.0%
Friends of North Ocean Reef/Iluka Foreshore	1	0	0.0%
Friends of Periwinkle Bushland	1	0	0.0%
Friends of Porteous Park	1	0	0.0%
Friends of Robin Park Bush Reserve	1	0	0.0%
Friends of Shepherd Bush Park	1	0	0.0%
Friends of Sorrento Beach and Marmion Foreshore	1	1	100.0%
Friends of Trigonometric Park	1	0	0.0%
Friends of Warwick Bushland and Friends of Sorrento Beach	1	0	0.0%
Friends of Yellagonga Regional Park	1	0	0.0%
Mullaloo Beach Community Group	1	0	0.0%

	Feedback sought	Feedback received	Response rate
Resident/ratepayer groups	16	2	12.5%
Beldon Residents Association Inc	1	0	0.0%
Burns Beach Residents Association Inc	1	0	0.0%
Connolly Residents Association	1	0	0.0%
Currambine Residents' Association	1	0	0.0%
Edgewater Community Residents' Association	1	0	0.0%
Harbour Rise Home Owners Association Inc	1	0	0.0%
Heathridge Residents' Association	1	0	0.0%
Iluka Homeowners Association	1	0	0.0%
Kallaroo Residents' Association	1	0	0.0%
Kingsley & Greenwood Residents Association	1	0	0.0%
Marmion, Sorrento, Duncraig Progress and Ratepayers Association	1	0	0.0%
North Shore Country Club and Residents Association	1	0	0.0%
Padbury Residents' Association Inc	1	0	0.0%
Warwick Residents' Group	1	0	0.0%
Whitford Community, Ratepayers & Recreation Association Inc	1	1	100.0%
Woodvale Waters Landowners Association.	1	1	100.0%
Total response rate (engaged directly)	36	4	11.1%
Total submissions	—	29	—

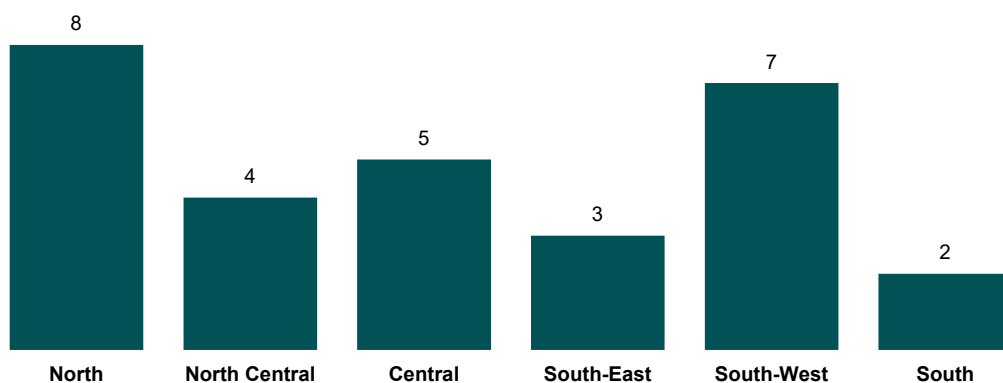
DEMOGRAPHICS

Respondent address

Respondents were asked to provide their contact address. Over one-quarter of respondents were from the North Ward (8), and approximately one-fifth were from the South-West Ward (7). This data is shown in the table and chart below.

Responses received by ward and suburb:	N	%
North Ward	8	27.6%
Burns Beach	0	0.0%
Currambine	2	6.9%
Joondalup	6	20.7%
Kinross	0	0.0%
North Central Ward	4	13.8%
Connolly	0	0.0%
Edgewater	2	6.9%
Heathridge	1	3.4%
Iluka	1	3.4%
Ocean Reef	0	0.0%
Central Ward	5	17.2%
Beldon	1	3.4%
Craigie	1	3.4%
Mullaloo	2	6.9%
Woodvale	1	3.4%
South-East Ward	3	10.3%
Greenwood	0	0.0%
Kingsley	2	6.9%
Warwick	1	3.4%
South-West Ward	7	24.1%
Hillarys	1	3.4%
Kallaroo	2	6.9%
Sorrento	4	13.8%
South Ward	2	6.9%
Duncraig	1	3.4%
Marmion	0	0.0%
Padbury	1	3.4%
Total responses	29	100.0%

Responses received by ward:



OUTCOMES

QUESTION: "Please provide your feedback on the *Parking Local Law 2023* below."

Respondents were asked to provide their feedback on the *Parking Local Law 2023*. A total of 23 individual community members provided feedback. Verbatim comments have been randomised and are provided in the table below.

Verbatim responses [†] — Please provide your feedback on the <i>Parking Local Law 2023</i> below (N = 23):
<i>I agree with the Updated Parking Local Law 2023</i>
<i>I note the updated inclusion of electric vehicles.</i>
<i>We live next to the [- - -]. The bus stop & the bushes [- - -] obscures the vision to the north & south. We must reverse on2 the road bcos we have an archaic easement on our strata. We cannot EVER see cyclists or vehicles travelling at speed. The increased parking & obscurity in summer increases the risk of impact. The 20km zone needs to take effect from Mullaloo Roundabout to the 2nd Roundabout north on Oceanside Prom. The 70 zone at Northshore needs to reduce to 50 at the top of the hill BEFORE the bus stop. This year there have been several accidents with cyclists & vehicles because of speed. Also, just move the wooden posts in the parks 500cm from Mullaloo Drive to Whitford Ave & the summer cars will park along the verges without danger to traffic & pedestrians.</i>
<i>I do not feel that this law should go through, if in the city district and shopping areas maybe but not in suburbs</i>
<i>Resident parking permits: The current allocation is inadequate and AT LEAST two (2) more need to be added to the current allocation to ensure residents, visitors and tradespeople have easy and fair access to residences.</i>
<i>I have some comments: 1. I couldn't see in the document any mention how you will address vehicles that park in a permit area week after week and don't move. 2. I couldn't see in the document any mention how you will address work vehicles that arrive and park, place a permit on the dashboard and then go off to work with a resident of the street, thus taking up a bay for the whole day – they aren't a visitor as such and certainly aren't using the bay for the purpose intended. 3. I couldn't see in the document any mention how you will address work vehicles starting up at 5.30am and waking residents that just want to sleep to a normal wake up time. 4. I couldn't see in the document any mention how you will address motor bike riders who park their motor bike in a permit area and then walk off to work in Joondalup. 5. I couldn't see in the document any mention how you will address more on street parking around school areas. 6. I couldn't see in the document any mention how you will ensure cars that overstay in permit bay don't just move an inch and they can then park for another 24 hours.</i>
<i>The only feedback I have is that people park on the yellow lines all the time [multiple submissions] As it is good to have signs for different types of parking, they are not always adhered to. An example is out side Arthouse where there is a yellow lines but cars are always stopping on them. There is too many car park bays there which clogs up the drivethrough Seriously? 38 pages of waffle. Do you really think anyone is going to read through this gibberish.</i>
<i>I commend JCC for updating the Parking Local Law, however, it does require more rigorous policing. Some verge parking is almost more permanent than temporary, with vehicles, trailers etc. sometimes parked in opposition to the carriageway heading & often hindering a clear view when reversing from a cross-over, particularly when on a curve. I understand that people "must have" their stuff, but perhaps JCC could rent them space to park their gear if they are unable to park it behind their boundary. With properties becoming smaller & more vehicles & gear increasing this problem will only get worse.</i>

[†] Words that may identify respondents or contain offensive language have been removed and replaced with square brackets, ie [- - -]. No alterations have been made to spelling/grammar.

A Parking Local Law. Why would you have one when your staff are so useless they can't properly monitor a small section of car parking at Joondalup Shopping Centre. Time and time again staff at Lakeside Park for longer than 4 hours in a small section outside Targets truck bay and next to the car wash people. These bays are great for people who are older or vision impaired but can still drive etc. I have brought this up god how many times and considering [- - -] you think you would listen and act. You wonder why people have a distaste for local government. You clearly don't have respect for the elderly, the vision impaired or my golly her, the people who actually spend their money in Joondalup.

I refer to Clause 3.3 Verges. With the influx of caravans, boats, etc.. parking on property verges, I question if the use of "vehicle" is descriptive enough to cover what is allowed to be parked on the verge. There is no time limits apart from "reasonable" for commercial vehicles and that is abused in many cases with overnight parking of large tradies ute's etc.. Clause 1.6 Definitions. motor vehicle (a) caravan Would this not allow the permanent parking of a caravan on the verge providing the caravan is attached to a motor vehicle?

Submission on City of Joondalup Parking Local Law 2023 I am submitting this feedback in response to the City of Joondalup's call for community input on the Parking Local Law 2023. I appreciate the opportunity to provide my perspective on this matter, and I hope my input will be considered so that the existing law may be refined. Background: I recently had an interaction with a City of Joondalup compliance officer, and a neighbour. Subsequently, I became aware of the Parking Local Law 2023. My concerns primarily revolve around the enforcement of regulations related to the parking of recreational vehicles, such as caravans, on private residential verges (City of Joondalup Property). Specific Concerns and Feedback: Fair and Equal Treatment: I have been the recipient of what appears to be inconsistent enforcement of the parking regulations, leading to what I perceive as unfair treatment. It is disheartening to note that the City's Rangers seem to only act on complaints, leaving numerous instances of residents parking their caravans, boats, and trailers on verges without repercussions. The current bylaws seem to disproportionately affect residents living next to individuals who make frequent complaints. This creates a situation where a small number of neighbors can potentially abuse their rights, making the entire experience exasperating and costly for affected residents. Permanent Change to Bylaws: I strongly advocate for a thorough reconsideration and permanent amendment of the current bylaws to eliminate discrimination in the parking regulations. The present bylaw creates an unfair situation where homeowners living next to grumpy neighbors are disproportionately targeted for enforcement based on individual complaints, while others who may also park their caravans, trailers, and boats on the verge go unaffected. It is crucial to address this discriminatory aspect of the bylaws and allow all residents the lawful right to park their caravans, trailers, and boats on private residence verges. Such a revision would promote equality and fairness among all residents, eliminating the need for targeted enforcement based on individual complaints. Conclusion: In conclusion, I urge the City of Joondalup to carefully consider the concerns raised by residents during the drafting of the Parking Local Law 2023. A fair and equitable approach to enforcement, as well as flexibility in accommodating residents' needs, will contribute to a positive and harmonious community. I appreciate the City's commitment to seeking community feedback, and I hope my input, along with that of other residents, will contribute to the creation of a Parking Local Law that reflects the diverse needs and perspectives within our community. Thank you for considering my submission. Sincerely, [- - -]

The parking laws for verges and parking across or on pedestrian areas is great in theory but how is this to be more effectively implemented? In my experience living on the same road as a school, these laws are rarely adhered to and by the time a ranger has arrived the offender has gone. Everyday, the footpath is blocked to pedestrians due to parents parking on and across the pathway and plants on my verge have been driven over countless times. If you ask for a driver to move their vehicle you are more often than not ignored or abused.

its hard to understand what you are looking to change in the parking laws

The city has not made it clear what the proposed changes are to the local parking law which makes it difficult for the rate payer to reasonably provide constructive feedback. The emphasis on the parking law should be that the city act reasonably when enforcing the law day to day for the reasons it's intended and not as an opportunity boost revenue.

<p>The Law is comprehensive and appears to capture any scenario. The issues I have are primarily around urban infill and the problems of multiple vehicles taking up road side parking on an almost constant basis, verge parking of vehicles and residents parking with the vehicle pointing the wrong way. The law appears to address these issues but it may be necessary to do random checks by the CoJ as a public education process before more stringent penalties are applied to transgressors.</p>
<p>I have lived in my home since it was built in [- - -] and haven't had any issues with the area apart from the 2 points of reference stated below. 1 - Cul-de-sac parking near schools. Our court used to have parking lines painted on the road, but they have now faded and this causes issues at school drop off and pick up times. For the safety of the K-7 children that use our court it would be beneficial to have parking lines repainted and also added in all cul-de-sacs in school areas. 2 - Parking at local sports fields. Our local sports grounds do not have enough designated parking for the number of players, staff and supporters. The verge around the ground is often the only place to park and it would be beneficial to allow parking on these verges without risking a parking fine. There are some families with 3 or 4 generations attending some of the sports on the weekend. I am the [- - -] of [- - -] generations (maybe [- - -] within the next few years) that are members of one our local sporting clubs. Thank you for your consideration on both of the above issues.</p>
<p>There needs to be a way for commercial vehicles or vehicles with trailers ie trades to park while providing a service. The proposed amendments allow for reasonable unloading of vehicles, however they do not cover the provision of a service. The addition of a phrase something like "provision of a service" into 3.3(1)(3) and 3.16 (1) (a) should be enough</p>
<p>3.3 Verges (1) A person shall not – (a) stop or park a vehicle (other than a bicycle); (b) stop or park a commercial vehicle or bus; or (c) stop or park a vehicle during any period when the stopping or parking of (A) vehicles on that verge is prohibited by a sign adjacent and referable to that verge, (2) Subclause (1)(a) does not apply to the person if that person is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path. (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a reasonable expedition with goods, merchandise or (B) materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path. so that any portion of it is on a verge. ##### THESE ARE MY requests on a very vexed matter for us Re (A) Is the council going to specify an acceptable form of the sign, or even its wording. Can it be stencilled onto brick paving, or onto the curbing? Why would you not include a fine for removing or destroying whatever the sign be made of? Such a fine should be > \$500 Re (B) Why is it necessary to have this clause at all. If someone wants something delivered and wont grant access to the verge they should not get the delivery.</p>
<p>My only comment is that it does not address overnight or vehicles camping in City parking areas. This is an increasing problem with Rangers having little affect in policing.</p>
<p>Dear CoJ, The legislation should be more forward-looking by including reference to parking behaviour in charging station bays. Should these be occupied if the vehicle is not being charged / has completed being charged?</p>
<p>The law is long and it would be nice if proposed changes were highlighted in the document so you can get genuine feedback from the community. My main concern with parking is that I think there needs to be protected areas of the city where parking is free and accessible so significant community assets are kept available to all. For example - the city's lakes and coast (including the new marina). Don't copy South Perth's example of ticket parking at all times along possibly all of their riverfront. We now visit the area less as a result as it puts up the price of a picnic/walk.</p>
<p>I believe the city should look at ePark like in City of Victoria park, Subiaco and Cambridge. It allows people attending to City of Joondalup east way to pay that avoids contact with parking machines and things like COVID-19</p>

QUESTION: “Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:”

Respondents were asked to provide their feedback on the *Pest Plant Amendment Local Law 2023*. A total of 5 individual community members provided feedback. Verbatim comments have been randomised and are provided in the table below. Identifying information has been removed and replaced with a square bracket (ie [- - -]).

Verbatim responses[‡] — Please provide your feedback on the <i>Pest Plant Amendment Local Law 2023</i> below (N = 5):
<i>I agree with the Updated Pest Plant Amendment Local Law 2023</i>
<i>Good idea</i>
<i>CofJ cleared out the introduced plants on the beach at Tom Simpson park couple of years ago. This removed the resident quenda protection. I now have an itinerant quenda (I am happy about this) which lives in my tangle spaces. Please be aware that whilst removal of introduced species is a good idea, it needs to be done in small batches so that any indigenous residents can move to another protected area until the new growth gives them cover from the elements.</i>
<i>I would like to support this proposal. I have notice a undeveloped block nearby ([- - -], Sorrento) that is becoming more and more infested with this weed. In addition, the City is proposing to include Golden Crownbeard as a prescribed pest plant within the City's Pest Plant Amendment Local Law 2023.</i>
<i>Golden Crownbeard is a short-lived flowering weed species that looks like a sunflower and ranges in size from 0.3 to 1.5 metres in height. Golden Crownbeard can survive in a variety of habitats, is a drought-tolerant plant, displaces native vegetation and can be toxic to animals when consumed. Golden Crownbeard is spread through soil movement and disturbance to the soil, such as road maintenance, construction and landscaping.</i>
<i>I agree with the Updated Pest Plant Amendment Local Law 2023</i>
<i>I am supportive of the amendment to the Pest Plant Local Law. In addition to it, I would like to see the City of Joondalup transition of their own unused areas (easements, areas surrounding drainage sites, wide verges) from weedy grassy areas to native groundcover. I understand this is not possible in all areas, due to maintenance requirements, but it could be done in many locations. It would be one mechanism to encourage citizens to do the same on their verges, thus promoting native biodiversity and reducing the pressure of introduced and invasive species.</i>

[‡] Words that may identify respondents or contain offensive language have been removed and replaced with square brackets, ie [- - -]. No alterations have been made to spelling/grammar.

APPENDIX 1 — Email to resident/ratepayer groups

From: Consultation
Sent: Thursday, 2 November 2023 8:44 AM
To: [REDACTED]
Subject: Community Consultation — Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Dear [REDACTED]

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, please visit the Community Consultation section of the City's [website](#). Alternatively, printed copies can be found at all City of Joondalup libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

Please ensure that the feedback represents the views of the [REDACTED] and includes full contact details. The City would also appreciate you sharing the consultation information with your members and networks.

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023

For further information please contact the City on **9400 4000** or via [email](#).

City of Joondalup

T: 08 9400 4000
E: info@joondalup.wa.gov.au
W: joondalup.wa.gov.au



The City of Joondalup acknowledges the Traditional Custodians of this land, the Whadjuk people of the Noongar nation. We recognise the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. We pay our respects to Elders past, present, and emerging, as well as all Aboriginal and Torres Strait Islander peoples.

The information contained in this communication may be confidential or commercially sensitive. If you are not the intended recipient you must not copy this communication, disclose its contents to any other party, or take any action in reliance on it. Please delete and destroy all copies and immediately notify the sender on 9400 4000 or by reply email.

APPENDIX 2 — Email to environmental/friends' groups

From: Consultation
Sent: Friday, 3 November 2023 1:41 PM
Subject: Community Consultation — Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Record Number: EMO23/7651

To City of Joondalup Bushland Friends Groups

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, please visit the Community Consultation section of the City's [website](#). Alternatively, printed copies can be found at all City of Joondalup libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

Please ensure that the feedback represents the views of your Friends Group and includes full contact details. The City would also appreciate you sharing the consultation information with your members and networks.

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023

For further information please contact the City on **9400 4000** or via [email](#).

City of Joondalup

T: 08 9400 4000


E: info@joondalup.wa.gov.au

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APPENDIX 3 — Online submission form

Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

The City is seeking community feedback on two local laws:

- [Parking Local Law 2023](#)
- [Pest Plant Amendment Local Law 2023](#)


It is recommended that you review the proposed local laws prior to completing an Online Submission Form.

For further information, please contact the City on **9400 4000** or via [email](#).

City of Joondalup | 90 Boas Avenue Joondalup WA 6027 | PO Box 21 Joondalup WA 6919
T: 9400 4000 | joondalup.wa.gov.au | info@joondalup.wa.gov.au

NEXT

(page 2)

Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

*** Your contact details:**

Please note that for your feedback to be validated, your full contact details must be provided. This information will be treated as confidential and will not be published in any document or report on the outcomes of the consultation.

Only one submission per person will be accepted.

Full Name:

Residential Address (not PO Box):

Suburb:

Postcode:

Phone:

Email:

Are you providing feedback on behalf of an organisation?

Organisation:

Role/position:

Which local law do you want to provide feedback on?

☐ Parking Local Law 2023


☐ Pest Plant Amendment Local Law 2023

☐ Both of the above

City of Joondalup | 90 Boas Avenue Joondalup WA 6027 | PO Box 21 Joondalup WA 6919
T: 9400 4000 | joondalup.wa.gov.au | info@joondalup.wa.gov.au

PREVNEXT

(page 3)

Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

Parking Local Law 2023

Click [here](#) to access this proposed local law in full.


Please provide your feedback on the Parking Local Law 2023 below:

Note: The City will not edit your comment for grammar or spelling. However, any information that may identify you will be redacted. The City appreciates respectful and constructive comments.

PREV

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Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

Pest Plant Amendment Local Law 2023

Click [here](#) to access this proposed local law in full.


Please provide your feedback on the Pest Plant Amendment Local Law 2023 below:

Note: The City will not edit your comment for grammar or spelling. However, any information that may identify you will be redacted. The City appreciates respectful and constructive comments.

PREV

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Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

Pest Plant Amendment Local Law 2023

Click [here](#) to access this proposed local law in full.


Please provide your feedback on the Pest Plant Amendment Local Law 2023 below:

Note: The City will not edit your comment for grammar or spelling. However, any information that may identify you will be redacted. The City appreciates respectful and constructive comments.

PREV

NEXT

(page 6)

Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

Review your submission:

A copy of your submission is available below for your review, this can be printed through your browser. If you would like to make any changes, please click on the PREV button at the bottom of the screen. If you would like to proceed with the submission, please click on the NEXT button.


Your feedback on the Parking Local Law 2023:

Your feedback on the Pest Plant Amendment Local Law 2023:

PREV

NEXT

(page 7)

Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Request to be informed:

Community consultation assists Council in deliberating and then making decisions on certain matters. The analysis from this consultation will be provided to Council to assist them in their decision-making role first at a Briefing Session and then at a Council meeting. Deputations can be made at Briefing Sessions by appointment and questions and public statements can be presented at Council meetings.

☐ I would like to be informed via email when this consultation will be presented at a Briefing Session and Council meeting
Please ensure your email address is provided below

Email address

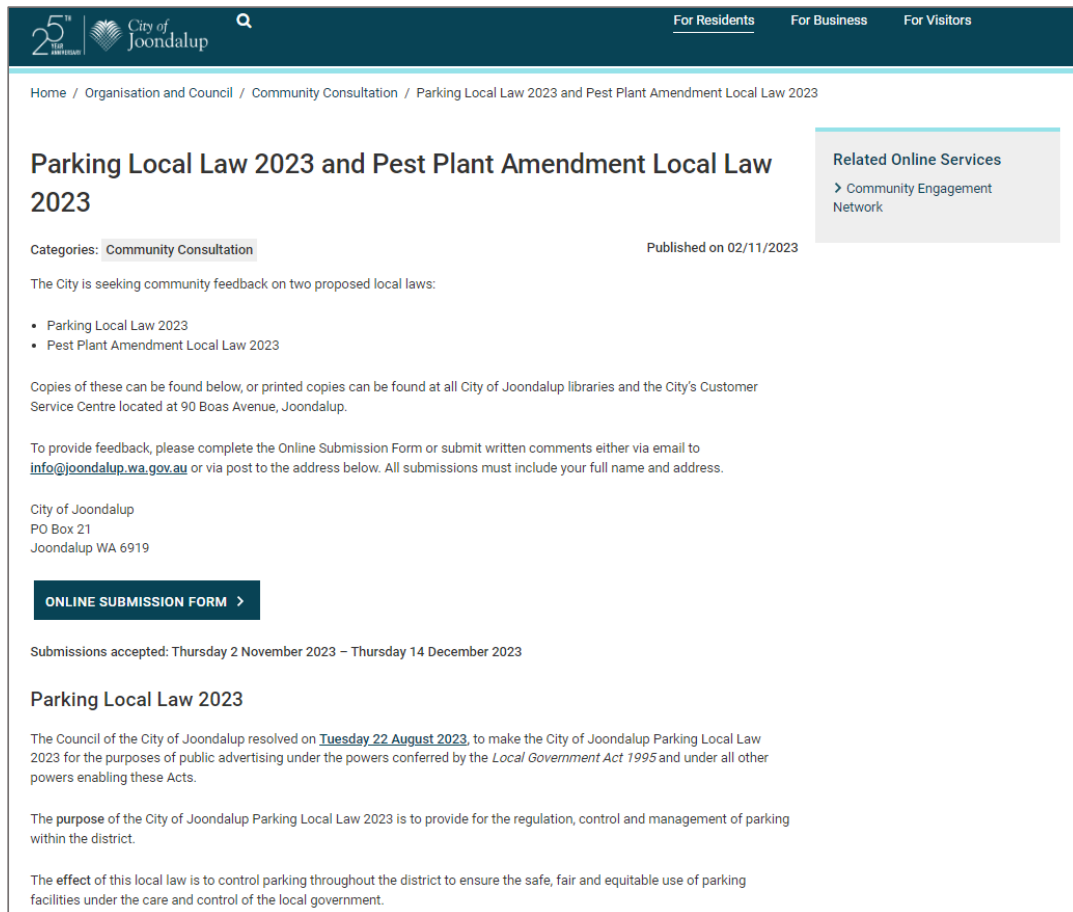
City of Joondalup Community Engagement Network eNewsletter:
The Community Engagement Network eNewsletter is an online newsletter for community members who want to keep up to date on community consultation activities in the City of Joondalup. If you are interested in subscribing, visit the City's website at joondalup.wa.gov.au

Thank you for taking the time to complete this Online Submission Form. Please click on the SUBMIT FORM button below to finalise.

City of Joondalup | 90 Boas Avenue Joondalup WA 6027 | PO Box 21 Joondalup WA 6919
T: 9400 4000 | joondalup.wa.gov.au | info@joondalup.wa.gov.au

PREVSUBMIT FORM

APPENDIX 4 — Community Consultation webpage of the City's website



The screenshot displays the City of Joondalup website's community consultation page for the 'Parking Local Law 2023 and Pest Plant Amendment Local Law 2023'. The page features a dark blue header with the City of Joondalup logo, a search icon, and navigation links for 'For Residents', 'For Business', and 'For Visitors'. Below the header, a breadcrumb trail reads: 'Home / Organisation and Council / Community Consultation / Parking Local Law 2023 and Pest Plant Amendment Local Law 2023'.

The main content area is titled 'Parking Local Law 2023 and Pest Plant Amendment Local Law 2023'. It includes a 'Categories' section with a link to 'Community Consultation' and a 'Published on 02/11/2023' date. A paragraph states: 'The City is seeking community feedback on two proposed local laws:'. This is followed by a bulleted list:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

Below the list, a paragraph informs users that copies of the laws can be found below or printed at all City of Joondalup libraries and the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

A paragraph provides instructions for feedback: 'To provide feedback, please complete the Online Submission Form or submit written comments either via email to info@joondalup.wa.gov.au or via post to the address below. All submissions must include your full name and address.'

The contact address is listed as:

City of Joondalup
PO Box 21
Joondalup WA 6919

A prominent dark blue button with white text reads 'ONLINE SUBMISSION FORM >'. Below this, a submission period is noted: 'Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023'.

The page then details the 'Parking Local Law 2023'. It states that the Council resolved on 'Tuesday 22 August 2023' to make the law for public advertising under the powers of the 'Local Government Act 1995'. It defines the 'purpose' of the law as providing for the regulation, control, and management of parking within the district. Finally, it states the 'effect' of the law is to control parking throughout the district to ensure the safe, fair, and equitable use of parking facilities under the care and control of the local government.

On the right side of the page, there is a 'Related Online Services' section with a link to 'Community Engagement Network'.

(continues...)

Pest Plant Amendment Local Law 2023

The Council of the City of Joondalup resolved on [Tuesday 22 August 2023](#), to make the City of Joondalup Pest Plant Amendment Local Law 2023 for the purposes of public advertising under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** of the Pest Plant Amendment Local Law 2023 is to amend the City of Joondalup *Pest Plant Local Law 2012*.

The **effect** of this local law is to better clarify the provisions and requirements within the City of Joondalup *Pest Plant Local Law 2012*.

In addition, the City is proposing to include Golden Crownbeard as a prescribed pest plant within the City's Pest Plant Amendment Local Law 2023.

Golden Crownbeard is a short-lived flowering weed species that looks like a sunflower and ranges in size from 0.3 to 1.5 metres in height. Golden Crownbeard can survive in a variety of habitats, is a drought-tolerant plant, displaces native vegetation and can be toxic to animals when consumed. Golden Crownbeard is spread through soil movement and disturbance to the soil, such as road maintenance, construction and landscaping.

Documents and Downloads

- [Proposed Parking Local Law 2023 \(pdf 425 KB\)](#)
- [Pest Plant Amendment Local Law 2023 \(pdf 232 KB\)](#)
- [City-of-Joondalup-Parking-Local-Law-2013-amended-2018 \(pdf 78 KB\)](#)
- [City_of_Joondalup_Pest_Plant_Local_Law_2012 \(pdf 707 KB\)](#)

i Main Number - Customer Care

☎ 9400 4000

✉ info@joondalup.wa.gov.au

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- > Library catalogue and member log in
- > Booking a bulk hard waste service
- > Dogs - registration renewal payments
- > Find waste collection dates

Popular Articles

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- Current job vacancies
- Music in the Park
- Contact the City
- About City libraries

Support

- Contact Us
- Opening Hours
- Accessibility
- Privacy
- New residents welcome pack

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CONTACT US

☎ 9400 4000

The City of Joondalup acknowledges the Traditional Custodians of this land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging as well as all Aboriginal and Torres Strait Islander peoples.

Something wrong with this page?

APPENDIX 5 — Public Notice (*PerthNow Joondalup* community newspaper (2 November 2023))

10 **NEWS**

perth**now**
Thursday, November 2, 2023

Racegoers in the saddle

MICHAEL PALMER

Melbourne Cup punters will be able to take part in the big race via virtual reality at Ascot Racecourse.

A JockeyCam racing experience that enables people to experience the heart-pounding perspective of a jockey through VR headsets will be among attractions at what has been described as WA's biggest live party on Tuesday, November 7.

Melbourne Cup Day at Ascot is one of Perth's largest event days, with more than 900 Perth Racing staff and volunteers on the ground at Ascot Racecourse.

"We anticipate that around 15,000 people will gather for the Cup at Ascot Racecourse to enjoy glamorous fashions, stylish bars, delicious food options and entertainment," Perth Racing chief executive James Oldring said. "The track at Ascot is in great condition and everyone at Perth Racing is looking forward to once again hosting a fabulous TAB Touch Melbourne Cup Day, on one of the most iconic racing days of the year."

The team at JockeyCam have filmed mock races using real jockeys and horses at major racing venues. The jockeys all wore 360-degree cameras mounted on helmets to create the raw footage for the VR experience.

Five 'riders' will be able to compete simultaneously in the Bookmakers Pavilion.

Other attractions trackside include the new Ponytails cocktail bar and the White Claw Beach Club, an Ibiza-styled VIP chillout zone that transforms trackside into a sandy oasis, with crisp white lounges and DJs spinning Balearic house music.

The Melbourne Cup will be screened at noon, live from Flemington, on Ascot Racecourse's \$2.4 million LED 'SuperScreen'.

Not everyone is looking forward to the race: the Coalition for the Protection of Racehorses said 10 thoroughbreds were killed from race-track injuries in the first week of the 2023-24 racing season.

"The Australian people have a right to know the truth about what happens to horses," campaign director Elio Celotto said.

"I'm sure the champagne wouldn't taste so sweet if people were aware."



Legacy of Tara crosses the line at Ascot on last year's Melbourne Cup Day.
Picture: Simon Merritt





Public Notice

Community consultation on Parking Local Law 2023 and Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, including the effect and purpose of each law, please visit the Community Consultation section of the City's website at joondalup.wa.gov.au.

Alternatively, printed copies can be found at all City of Joondalup libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

To provide feedback, please complete the Online Submission Form, or submit written comments either via email to info@joondalup.wa.gov.au or via post to the address below. All submissions must include your full name and address.

City of Joondalup
PO Box 21
Joondalup WA 6919

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023




For further information, please contact the City on **9400 4000** or info@joondalup.wa.gov.au

JAMES PEARSON
Chief Executive Officer

joondalup.wa.gov.au     

APPENDIX 6 — Public Notice eNewsletter (2 November 2023)

Public Notice



Dear Chloe

Community consultation on Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, please click the Have Your Say below. Alternatively, printed copies can be found at all City of Joondalup Libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

To provide feedback, please complete the Online Submission Form, or submit written comments either via email to info@joondalup.wa.gov.au or via post to the address below. All submissions must include your full name and address.

City of Joondalup
PO Box 21
Joondalup WA 6919

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023

Have Your Say

Parking Local Law 2023

The Council of the City of Joondalup resolved on **Tuesday 22 August 2023** to make the *City of Joondalup Parking Local Law 2023*, for the purposes of public advertising under the powers conferred by the *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** of the *City of Joondalup Parking Local Law 2023* is to provide for the regulation, control and management of parking within the district.

The **effect** of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

(continues...)

Pest Plant Amendment Local Law 2023

The Council of the City of Joondalup resolved on **Tuesday 22 August 2023** to make the *City of Joondalup Parking Local Law 2023*, for the purposes of public advertising under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** of the *Pest Plant Amendment Local Law 2023* is to amend the *City of Joondalup Pest Plant Local Law 2012*.

The **effect** of this local law is to better clarify the provisions and requirements within the *City of Joondalup Pest Plant Local Law 2012*.

For further information, please contact the City on [9400 4000](tel:94004000) or info@joondalup.wa.gov.au.

JAMES PEARSON
Chief Executive Officer

Keep up to date via social media:



City of Joondalup
90 Boas Ave Joondalup WA 6027
joondalup.wa.gov.au | [08 9400 4000](tel:0894004000)

The City of Joondalup acknowledges the Traditional Custodians of this land, the Whadjuk people of the Noongar nation. We recognise the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. We pay our respects to Elders past, present, and emerging, as well as all Aboriginal and Torres Strait Islander peoples.

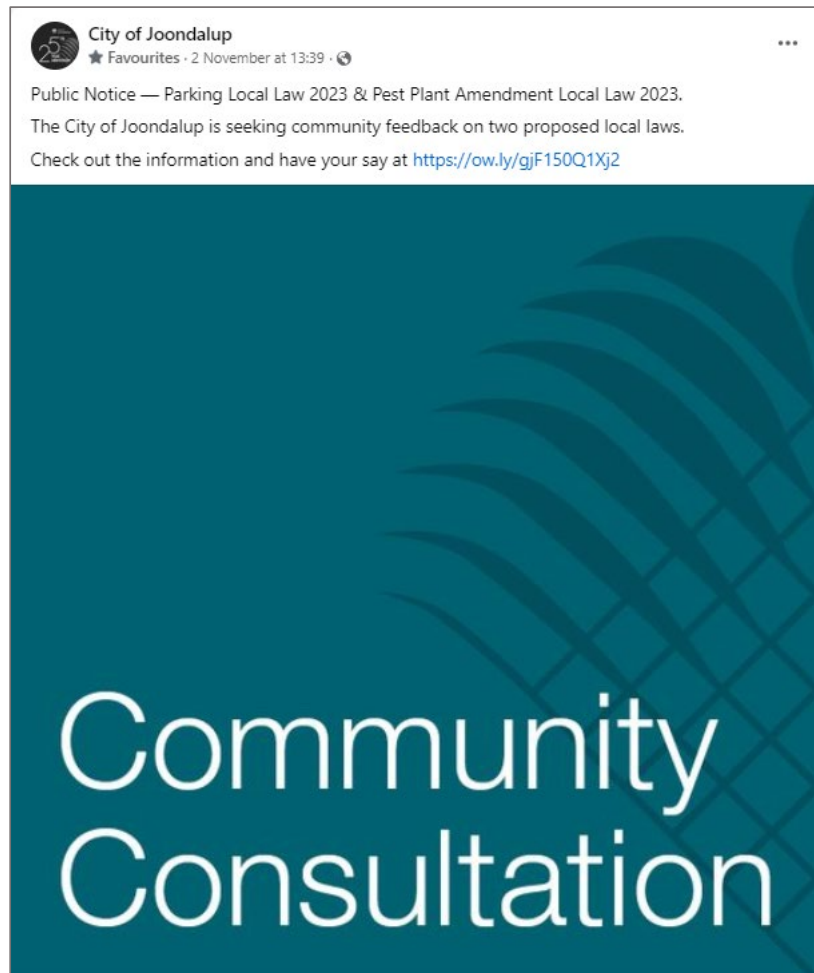
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To unsubscribe from all City of Joondalup newsletters click [Unsubscribe](#).


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APPENDIX 7 — Public Notice Facebook post (2 November 2023)



APPENDIX 8 — Public Notice posters on display at the City's administration building and the City's libraries



Public Notice

Community consultation on Parking Local Law 2023 and Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, please visit the Community Consultation section of the City's website at joondalup.wa.gov.au. Alternatively, printed copies can be found at all City of Joondalup libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

To provide feedback, please complete the Online Submission Form, or submit written comments either via email to info@joondalup.wa.gov.au or via post to the address below. All submissions must include your full name and address.

City of Joondalup
PO Box 21
Joondalup WA 6919

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023

Parking Local Law 2023

The Council of the City of Joondalup resolved on Tuesday 22 August 2023 to make the City of Joondalup Parking Local Law 2023, for the purposes of public advertising under the powers conferred by the *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** the City of Joondalup Parking Local Law 2023 is to provide for the regulation, control and management of parking within the district.

The **effect** of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

Pest Plant Amendment Local Law 2023






The Council of the City of Joondalup resolved on Tuesday 22 August 2023 to make the City of Joondalup Pest Plant Amendment Local Law 2023, for the purposes of public advertising under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** of the Pest Plant Amendment Local Law 2023 the is to amend the *City of Joondalup Pest Plant Local Law 2012*.

The **effect** of this local law is to better clarify the provisions and requirements within the *City of Joondalup Pest Plant Local Law 2012*.

For further information, please contact the City on **9400 4000** or info@joondalup.wa.gov.au

JAMES PEARSON
Chief Executive Officer

joondalup.wa.gov.au






APPENDIX 9 — Joondalup Voice insert of the *PerthNow* Joondalup community newspaper (16 November 2023)

PERTHNOW.COM.AU
THURSDAY, NOVEMBER 16, 2023 • 9

joondalup
16 November 2023

voice

DEPUTY MAYOR'S COLUMN – CR ADRIAN HILL

A new role

It's an honour and a privilege to have been elected Deputy Mayor of the City of Joondalup.

I'd like to thank my Council colleagues for their support and the trust they have put in me to fulfil this important and esteemed role.

I'd like to congratulate my predecessor John Logan who did an outstanding job as Deputy Mayor in the 12 months prior to my appointment. I look forward to working alongside Mayor Jacob, the Council and City administration as we work to make Joondalup an even better place to live and visit.

One of the key projects I am excited to see progress during my term is a City of Joondalup Young Musician of the Year competition. You'll hear more about this soon.

Cr Hill officially becomes Deputy Mayor of the City of Joondalup at the October Special Meeting of Council.

Festival of Motoring

The Tyrepower Joondalup Festival of Motoring takes over the Joondalup City Centre from **Friday evening 24 November to Sunday 26 November**.

Back for a second year, the family-friendly free program features static vehicle displays across the event site, activations, food vans and bars, music and movies.

The highlight event is the Joondalup City Sprint where 150 cars, of all shapes and sizes, will take on a challenging 2.2km circuit in a time-trial format.

Visit jfrom.com.au for all program details, including planned road closures.

Make a difference to those in need

By taking part in the City of Joondalup's Food for Fines campaign, library members can have their overdue library fines cleared... \$1 at a time.

In return, all they need to do is drop off non-perishable boxed, bottled or canned food items at one of the City's four library branches - Duncraig, Joondalup, Whitford or Woodvale.

At the end of the month, food donations will be distributed to the Patricia Giles Centre for Non-Violence, The Spiers Centre and No Limits, making life a little easier for those families doing it tough in the lead-up to Christmas.

This campaign, which runs until **30 November**, is also open to members of the community who are not library members, so you don't have to be a library member or have a late fine to participate.

See Joondalup.wa.gov.au for more information.

Lest we forget

It was pleasing to see hundreds of people in attendance at the City's 2023 Remembrance Day Ceremony at Joondalup's Central Park War Memorial on **Saturday 11 November**.

Held in conjunction with Joondalup City RSL, this poignant service commemorated the anniversary of the end of the First World War – the 11th hour of the 11th day of the 11th month in 1918.

Valentine's Concert

— 25 Years Together —

Thursday 8 February 2024

Joondalup Resort

BOOK NOW

Community Consultation

Parking Local Law 2023 and Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws and provide feedback please visit the Community Consultation section of the City's website at Joondalup.wa.gov.au

Submissions accepted:
Thursday 2 November 2023 – Thursday 14 December 2023

CECE DESIST

SUNDAY 19 NOVEMBER, 2.00PM – 3.00PM

Redmond Theatre,
Prendiville Catholic College

Cece and her band of Perth's finest musicians are ready to wow you with their performance of Broadway and West End classics and big-band showstoppers in an afternoon of Vegas-style excess!

Final tickets on sale now at Joondalup.wa.gov.au

SUBSCRIBE AND WIN

Subscribe to a variety of City of Joondalup eNewsletters for your chance to win a \$200 Lakeside Joondalup Shopping Voucher. Terms and conditions apply. Scan the QR code or visit Joondalup.wa.gov.au to subscribe!

joondalup.wa.gov.au

APPENDIX 10 — Joondalup Voice eNewsletter (distributed 16 November 2023)



(continues...)

Cr Hill officially becomes Deputy Mayor of the City of Joondalup at the October Special Meeting of Council.

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At the end of the month, food donations will be distributed to the Patricia Giles Centre for Non-Violence, The Spiers Centre and No Limits, making life a little easier for those families doing it tough in the lead-up to Christmas.

This campaign, which runs until **Thursday 30 November**, is also open to members of the community who are not library members, so you don't have to be a library member or have a late fine to participate.

Visit the [City's website](#) for more information.

Lest we forget


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[View more City of Joondalup news](#)

(continues...)

Valentine's Concert



Thursday 8 February 2024
7.30pm
Joondalup Resort

In a special edition concert, we'll be celebrating the City's 25th anniversary by taking it back to the late 90s.

Join Paulini (Young Divas, Australian Idol) and Tim Campbell (Home and Away, Dancing With The Stars) with the Perth Symphony Orchestra for an unforgettable night.

[Learn more](#)


Cece Desist

Sunday 19 November
2.00pm – 3.00pm
Redmond Theatre, Prendiville Catholic College

Cece and her band of Perth's finest musicians are ready to wow you with their performance of Broadway and West End classics and big-band showstoppers in an afternoon of Vegas-style excess.


Final tickets are on sale now.

[Book now](#)



(continues...)

Subscribe and Win



Subscribe to a variety of City of Joondalup eNewsletters for your chance to win a \$200 Lakeside Joondalup Shopping Voucher.

Terms and conditions available on the City's website.

Spread the word and share with your friends and neighbours to stay informed about Joondalup.

[Learn more](#)

Community Consultation

Parking Local Law 2023 and Pest Plant Amendment Local Law 2023.


The City is seeking community feedback on two proposed local laws:

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- Pest Plant Amendment Local Law 2023

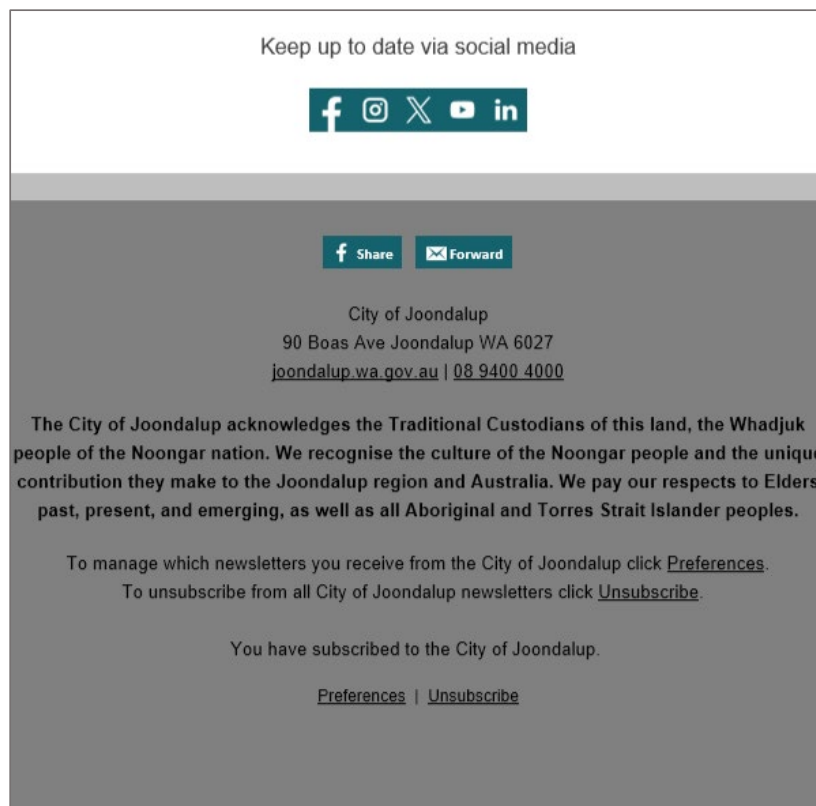
To view the local laws and provide feedback please visit the Community Consultation section of the City's website.

Submissions accepted:
Thursday 2 November 2023
Thursday 14 December 2023

[Learn more](#)



(continues...)



APPENDIX 11 — E-screen displays visible at the City administration building, libraries, and Craigie Leisure Centre



Community Consultation

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws and submit feedback, please visit the Community Consultation section of the City's website at joondalup.wa.gov.au. Alternatively, printed copies can be found at all City of Joondalup Libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

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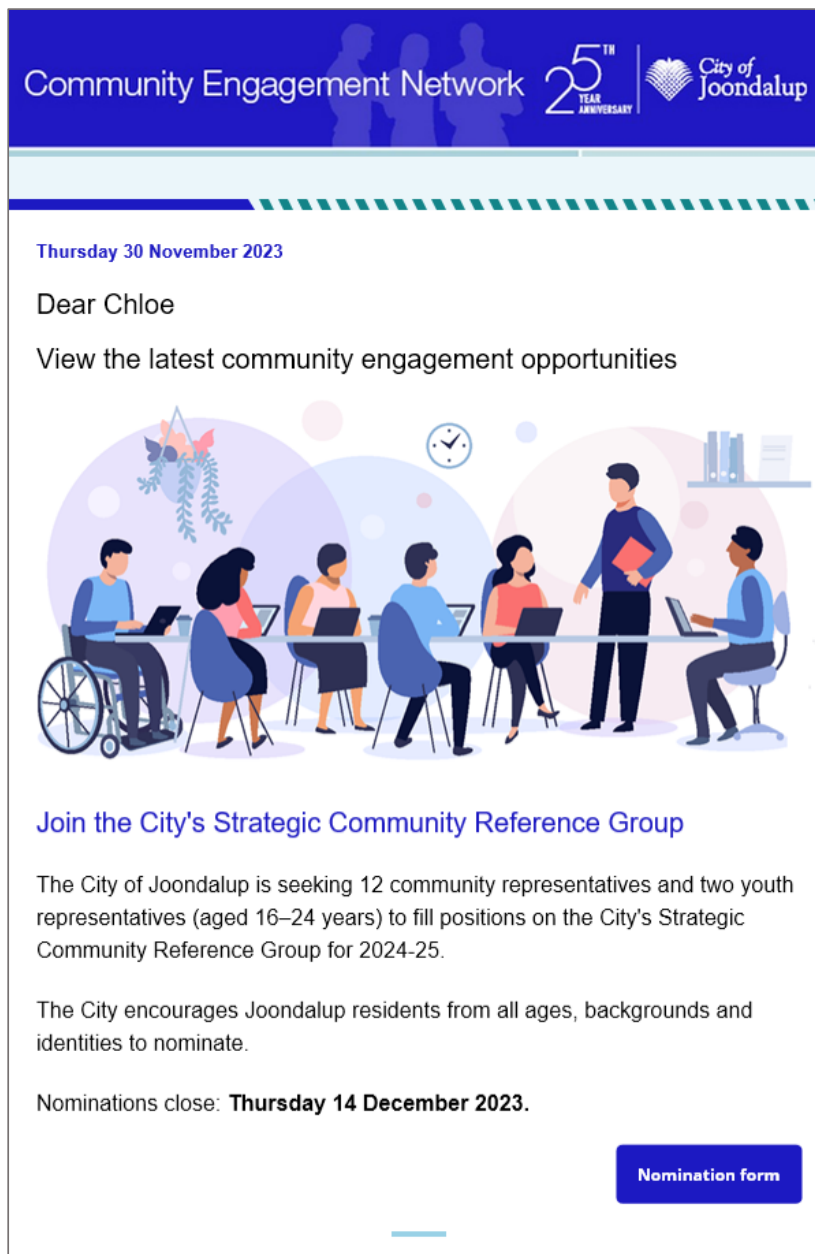
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joondalup.wa.gov.au

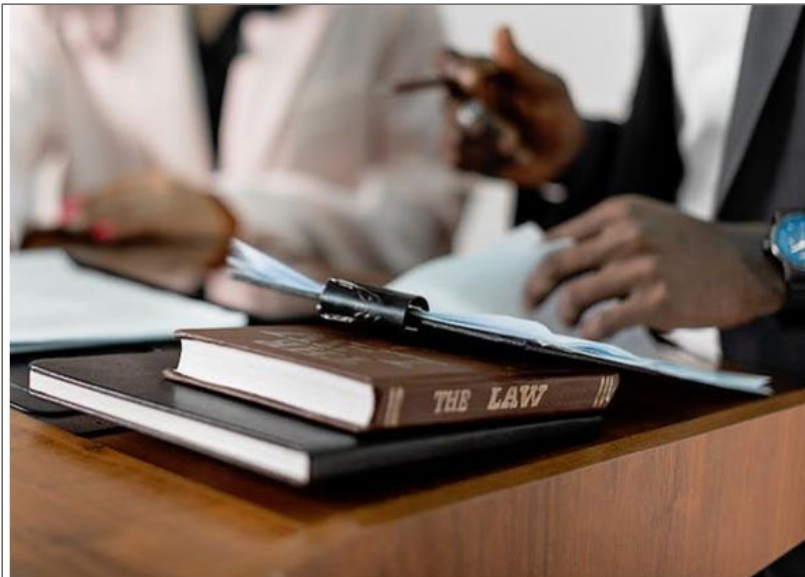




APPENDIX 12 — Community Engagement Network eNewsletter (distributed 30 November 2023)



(continues...)



Community Consultation — Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws and submit feedback, please click the 'Have Your Say' below.

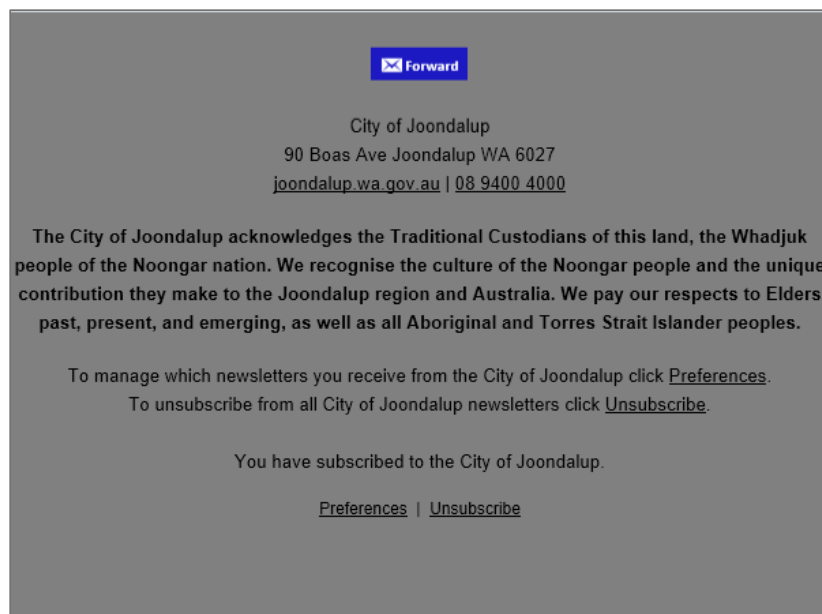
Submissions accepted: **Thursday 2 November 2023 – Thursday 14 December 2023.**

[Have your say](#)

Keep up to date via
social media:



(continues...)



APPENDIX 13 — Response from Joondalup Community Coast Care Forum

Note: Any offensive language has been removed and replaced with square brackets, ie [- -]. No alterations have been made to spelling/grammar.

Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:

Golden Crownbeard has been seen to spread rapidly up laneways and vacant blocks in Sorrento. It has also appeared in the coastal reserves of Sorrento and Marmion, and now adds to the group's annual weed control effort. The only way to stop it becoming as widespread as the weed "fleabane" is to require its control on both public and private land via the City's Pest Plant Local Law. So we are very supportive of this amendment.

APPENDIX 14 — Response from Friends of Sorrento Beach & Marmion Foreshore

Note: Any offensive language has been removed and replaced with square brackets, ie [- -]. No alterations have been made to spelling/grammar.

Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:

Golden Crownbeard has been spotted locally and in coastal reserves of Sorrento and Marmion, and now adds to the group's annual weed control effort. The only way to stop it becoming as widespread is to require its control on both public and private land via the City's Pest Plant Local Law. So we are very supportive of this amendment.

APPENDIX 15 — Response from Whitfords Community Ratepayers & Recreation Association

Note: Any offensive language has been removed and replaced with square brackets, ie [- - -]. No alterations have been made to spelling/grammar.

Please provide your feedback on the *Parking Local Law 2023* below:

38 pages wow this is bureaucracy over the top looks like it needs a rewrite into plain english. No mention of the latest technology like eletronic readers like being used on police cars that would read the offender(s) take a photo and deliver the fine by mail.

Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:

Only 4 pages to add a new species to the list of weeds. A little more background and a photo with its recorded locations in the city would be helpful or is this a preventative measure for when it comes to the City. Luckily we have Wikipedia to help us and the fact it has been moving south down Indian Ocean Drive since its first recording back in 2010 shows we are on top of it.

APPENDIX 16 — Response from Woodvale Waters Landowners Association

Note: Any offensive language has been removed and replaced with square brackets, ie [- -]. No alterations have been made to spelling/grammar.

Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:

Great move by the city to list this highly invasive weed as a Pest Plant

City of Joondalup Parking Local Law 2023 – Schedule of Submissions

Submission No.	Organisation	Objection / Support / Comment	Comments	Officer's comment
1	Department of Local Government, Sport and Cultural Industries	Comment	<p>1. Clause 2.15 Event Parking</p> <p>The Joint Standing Committee on Delegated Legislation has previously found issue with clauses that relate to special event parking.</p> <p>The primary concerns of the Committee relate to sufficient public notice. In the event that the Town wishes to retain the clause, it should consider the Committee's 44th Report. The Town should also anticipate that the Committee may make further inquiries regarding this clause.</p> <p>It is suggested that this clause be deleted and the issue resolved using the City's general power to impose parking restrictions. Other options include:</p> <ul style="list-style-type: none"> • Inserting a schedule with specific events and dates included; or • A requirement that any special rules for event parking must be publicly advertised at least four weeks prior to the rules coming into effect. <p>2. Minor edits</p>	On advice from the DLG, clause 2.15 – event parking, has been deleted. The City will review the other options, as suggested by the DLG, in more detail for future iterations of the local law.

			<p>The following minor edits are suggested:</p> <ul style="list-style-type: none"> • Contents page: Page numbers should be avoided in the gazettal version, as it may clash with the gazette's existing number system. The page numbers can be retained in any administrative versions kept by the City. • Clause 1.6: capitalise the word "Schedule" • Clause 1.7: Remove the bold from the first instance of "of" and from the word "and". <p>The City should also ensure that all references and cross references are double checked for accuracy, particularly if any changes are made as a result of the Department's comments.</p>	<p>Noted.</p> <p>Noted and changed.</p> <p>Noted and changed.</p> <p>Noted.</p>
2	Resident/Ratepayer	Support	I agree with the Updated Parking Local Law 2023 .	Noted.
3	Resident/Ratepayer	Comment	I note the updated inclusion of electric vehicles.	Noted.
4	Resident/Ratepayer	Comment	We live next to the [- - -]. The bus stop & the bushes [- - -] obscures the vision to the north & south. We must reverse on2 the road bcos we have an archaic easement on our strata. We cannot EVER see cyclists or vehicles travelling at speed. The increased parking & obscurity in summer increases the risk of impact. The 20km zone needs to take	These are traffic and verge concerns and not related to the Parking Local Law. Refer to the Local Government and Public Property Local Law.

			effect from Mullaloo Roundabout to the 2nd Roundabout north on Oceanside Prom. The 70 zone at Northshore needs to reduce to 50 at the top of the hill BEFORE the bus stop. This year there have been several accidents with cyclists & vehicles because of speed. Also, just move the wooden posts in the parks 500cm from Mullaloo Drive to Whitford Ave & the summer cars will park along the verges without danger to traffic & pedestrians.	
5	Resident/Ratepayer	Objection.	I do not feel that this law should go through, if in the city district and shopping areas maybe but not in suburbs.	The comments are noted however, it is difficult to comment when no reason is provided.
6	Resident/Ratepayer	Comment	Resident parking permits: The current allocation is inadequate and AT LEAST two (2) more need to be added to the current allocation to ensure residents, visitors and tradespeople have easy and fair access to residences.	The reduction of permits was a Council decision and is not related to the Parking Local Law.
7	Resident/Ratepayer	Comment	I have some comments: 1. I couldn't see in the document any mention how you will address vehicles that park in a permit area week after week and don't move. 2. I couldn't see in the document any mention how you will address work vehicles that arrive and park, place a permit on the dashboard and then go off to work with a resident of the street, thus taking up a bay for the whole day – they aren't a visitor as such and certainly aren't using the bay for the purpose intended. 3. I couldn't see in the document any mention how you will address work vehicles starting up at 5.30am and waking residents that just want to sleep to a normal wake up time.	<ol style="list-style-type: none"> 1. S6.12(b)(iv) refers. 2. Permits are issued to residents and can be used in any vehicles they are displayed, in accordance with the Conditions of Issue and Use. 3. Not related to the Parking Local Law. 4. Motorcycles can park in the permit area as long as the owner can present a valid permit. 5. Not related to the Parking Local Law. 6. Vehicles must clearly have moved to avoid infringement. Deliberate efforts to circumvent the restrictions would be managed by Authorised Officers.

ATTACHMENT 8.5.2

			4. I couldn't see in the document any mention how you will address motor bike riders who park their motor bike in a permit area and then walk off to work in Joondalup. 5. I couldn't see in the document any mention how you will address more on street parking around school areas. 6. I couldn't see in the document any mention how you will ensure cars that overstay in permit bay don't just move an inch and they can then park for another 24 hours.	
	Resident/Ratepayer	Comment	The only feedback I have is that people park on the yellow lines all the time [multiple submissions] As it is good to have signs for different types of parking, they are not always adhered to. An example is out side Arthouse where there is a yellow lines but cars are always stopping on them. There is too many car park bays there which clogs up the drive through	Not related to the Parking Local Law. The specific types of restrictions are determined as part of the Parking Scheme Assessment process. Vehicles that park contrary to the Parking Local Law should be reported to the City.
9	Resident/Ratepayer	Comment	Seriously? 38 pages of waffle. Do you really think anyone is going to read through this gibberish.	Noted.
10	Resident/Ratepayer	Support	I commend JCC for updating the Parking Local Law, however, it does require more rigorous policing. Some verge parking is almost more permanent than temporary, with vehicles, trailers etc. sometimes parked in opposition to the carriageway heading & often hindering a clear view when reversing from a cross-over, particularly when on a curve. I understand that people "must have" their stuff, but perhaps JCC could rent them space to park their gear if they are unable to park it behind their boundary. With properties becoming smaller &	Vehicles that park contrary to the Parking Local Law should be reported to the City.

			more vehicles & gear increasing this problem will only get worse.	
11	Resident/Ratepayer	Objection	A Parking Local Law. Why would you have one when your staff are so useless they can't properly monitor a small section of car parking at Joondalup Shopping Centre. Time and time again staff at Lakeside Park for longer than 4 hours in a small section outside Targets truck bay and next to the car wash people. These bays are great for people who are older or vision impaired but can still drive etc. I have brought this up god how many times and considering [- - -] you think you would listen and act. You wonder why people have a distaste for local government. You clearly don't have respect for the elderly, the vision impaired or my golly her, the people who actually spend their money in Joondalup.	Lakeside Joondalup Shopping City is private property. All issues with parking there should be made to the Shopping Centre Management.
12	Resident/Ratepayer	Comment	I refer to Clause 3.3 Verges. With the influx of caravans, boats, etc.. parking on property verges, I question if the use of "vehicle" is descriptive enough to cover what is allowed to be parked on the verge. There is no time limits apart from "reasonable" for commercial vehicles and that is abused in many cases with overnight parking of large tradies ute's etc.. Clause 1.6 Definitions. motor vehicle (a) caravan Would this not allow the permanent parking of a caravan on the verge providing the caravan is attached to a motor vehicle?	<p>Vehicles that are not permitted to park on verges is covered in section 3.4, and includes caravans and trailers.</p> <p>What is reasonable would be determined by Authorised Officers on a case-by-case basis. Vehicles parked overnight would be offending under S3.3(3).</p> <p>Any trailer attached to a motor vehicle is considered a motor vehicle and would be treated as such, meaning that it would only be permitted to park for up to 24 hours.</p>
13	Resident/Ratepayer	Comment	Submission on City of Joondalup Parking Local Law 2023 I am submitting this feedback in response to the City of	The Parking Local Law is the legislation that outlines what are parking offences. The enforcement of those offences is

ATTACHMENT 8.5.2

			<p>Joondalup's call for community input on the Parking Local Law 2023. I appreciate the opportunity to provide my perspective on this matter, and I hope my input will be considered so that the existing law may be refined.</p> <p>Background: I recently had an interaction with a City of Joondalup compliance officer, and a neighbour. Subsequently, I became aware of the Parking Local Law 2023. My concerns primarily revolve around the enforcement of regulations related to the parking of recreational vehicles, such as caravans, on private residential verges (City of Joondalup Property). Specific Concerns and Feedback: Fair and Equal Treatment: I have been the recipient of what appears to be inconsistent enforcement of the parking regulations, leading to what I perceive as unfair treatment. It is disheartening to note that the City's Rangers seem to only act on complaints, leaving numerous instances of residents parking their caravans, boats, and trailers on verges without repercussions. The current bylaws seem to disproportionately affect residents living next to individuals who make frequent complaints. This creates a situation where a small number of neighbors can potentially abuse their rights, making the entire experience exasperating and costly for affected residents. Permanent Change to Bylaws: I strongly advocate for a thorough reconsideration and permanent amendment of the current bylaws to eliminate discrimination in the</p>	<p>determined by the Authorised Officers and the Community Safety Team. Issues relating to enforcement should be directed to Community Safety. The offences relating to caravans, boats, and trailers parking on verges are in place for the amenity and safety of residents and visitors to the City.</p>
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			<p>parking regulations. The present bylaw creates an unfair situation where homeowners living next to grumpy neighbors are disproportionately targeted for enforcement based on individual complaints, while others who may also park their caravans, trailers, and boats on the verge go unaffected. It is crucial to address this discriminatory aspect of the bylaws and allow all residents the lawful right to park their caravans, trailers, and boats on private residence verges. Such a revision would promote equality and fairness among all residents, eliminating the need for targeted enforcement based on individual complaints. Conclusion: In conclusion, I urge the City of Joondalup to carefully consider the concerns raised by residents during the drafting of the Parking Local Law 2023. A fair and equitable approach to enforcement, as well as flexibility in accommodating residents' needs, will contribute to a positive and harmonious community. I appreciate the City's commitment to seeking community feedback, and I hope my input, along with that of other residents, will contribute to the creation of a Parking Local Law that reflects the diverse needs and perspectives within our community. Thank you for considering my submission. Sincerely, [- -]</p>	
14	Resident/Ratepayer	Comment	<p>The parking laws for verges and parking across or on pedestrian areas is great in theory but how is this to be more effectively implemented? In my</p>	<p>The Parking Local Law is the legislation that outlines what are parking offences. The enforcement of those offences is determined by the Authorised Officers</p>

ATTACHMENT 8.5.2

			experience living on the same road as a school, these laws are rarely adhered to and by the time a ranger has arrived the offender has gone. Everyday, the footpath is blocked to pedestrians due to parents parking on and across the pathway and plants on my verge have been driven over countless times. If you ask for a driver to move their vehicle you are more often than not ignored or abused.	and the Community Safety Team. Issues relating to enforcement should be directed to Community Safety. All of the 55 schools within the district are regularly patrolled by Field Officers. Contraventions of the Local Law should be reported to the City as they occur.
15	Resident/Ratepayer	Comment	its hard to understand what you are looking to change in the parking laws.	Noted. For future local laws consultations the City will look to provide a marked-up version of the local law to make it easier to identify the changes.
16	Resident/Ratepayer	Comment	The city has not made it clear what the proposed changes are to the local parking law which makes it difficult for the rate payer to reasonably provide constructive feedback. The emphasis on the parking law should be that the city act reasonably when enforcing the law day to day for the reasons it's intended and not as an opportunity boost revenue.	Noted. For future local laws consultations the City will look to provide a marked-up version of the local law to make it easier to identify the changes. The Parking Local Law is the legislation that outlines what are parking offences. The enforcement of those offences is determined by the Authorised Officers and the Community Safety Team. Issues relating to enforcement should be directed to Community Safety
17	Resident/Ratepayer	Comment	I have lived in my home since it was built in [- -] and haven't had any issues with the area apart from the 2 points of reference stated below. 1 - Cul-de-sac parking near schools. Our court used to have parking lines painted on the road, but they have now faded and this causes issues at school drop off and pick up times. For the safety of the K-7 children that use our court it would be beneficial to have parking lines repainted and also added in all cul-de-sacs in school areas.	Maintenance concerns should be reported to the City. The Parking Local Law 2023 will make it an offence to park within the head of a cul-de-sac. Parking availability is not determined by the Parking Local Law and should be directed to the City. Parking on the verges of sports grounds is generally allowed. The exception being only when specific issues exist and formal restrictions are put in place.

			<p>2 - Parking at local sports fields. Our local sports grounds do not have enough designated parking for the number of players, staff and supporters. The verge around the ground is often the only place to park and it would be beneficial to allow parking on these verges without risking a parking fine. There are some families with 3 or 4 generations attending some of the sports on the weekend. I am the [- -] of [- -] generations (maybe [- -] within the next few years) that are members of one our local sporting clubs. Thank you for your consideration on both of the above issues.</p>	
18	Resident/Ratepayer	Comment	<p>There needs to be a way for commercial vehicles or vehicles with trailers ie trades to park while providing a service. The proposed amendments allow for reasonable unloading of vehicles, however they do not cover the provision of a service. The addition of a phrase something like "provision of a service" into 3.3(1)(3) and 3.16 (1) (a) should be enough</p>	<p>As per the definition, commercial vehicles are only those that are primarily used for the conveyance of goods, such as delivery vehicles. This does not include service providers or trades vehicles. Vehicles providing a service are permitted to park anywhere that a passenger vehicle would be permitted, so long as they comply with the other clauses within the Local Law.</p>
19	Resident/Ratepayer	Comment	<p>3.3 Verges (1) A person shall not – (a) stop or park a vehicle (other than a bicycle); (b) stop or park a commercial vehicle or bus; or (c) stop or park a vehicle during any period when the stopping or parking of (A) vehicles on that verge is prohibited by a sign adjacent and referable to that verge, (2) Subclause (1)(a) does not apply to the person if that person is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop or park the vehicle so that any portion of it</p>	<p>Only signage installed by the City is recognised as prohibiting parking under the Parking Local Law. These signs are designed and installed as to Australian Standards. Damages to City signs are offences under clause 6.7(b) and may also include other costs related to the specific damages.</p> <p>The clauses relating to commercial vehicles parking on verges are designed to prevent those vehicles from parking on verges at any time, unless explicitly being used to deliver goods to the</p>

ATTACHMENT 8.5.2

			<p>is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.</p> <p>(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a reasonable expedition with goods, merchandise or (B) materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path. so that any portion of it is on a verge. THESE ARE MY requests on a very vexed matter for us</p> <p>Re (A) Is the council going to specify an acceptable form of the sign, or even its wording. Can it be stencilled onto brick paving, or onto the curbing? Why would you not include a fine for removing or destroying whatever the sign be made of? Such a fine should be > \$500</p> <p>Re (B) Why is it necessary to have this clause at all. If someone wants something delivered and wont grant access to the verge they should not get the delivery.</p>	<p>property adjacent to that verge. This allows Authorised Officers to issue infringements to commercial vehicles parked on verges without requiring the consent of the adjacent owner/occupier of the adjacent property.</p>
20	Resident/Ratepayer	Comment	<p>My only comment is that it does not address overnight or vehicles camping in City parking areas. This is an increasing problem with Rangers having little affect in policing.</p>	<p>Vehicles can be parked overnight as long as it is done in accordance with the Parking Local Law. Camping is not governed under the Parking Local Law. Any vehicle is only permitted to park in any location for a maximum of 24 hours without moving.</p>
21	Resident/Ratepayer	Comment	<p>Dear CoJ, The legislation should be more forward-looking by including reference to parking behaviour in charging station bays. Should these be</p>	<p>This will be managed under clauses 2.3(1)(a), 2.3(1)(d) or 2.3(1)(f) of the proposed new local law.</p>

			occupied if the vehicle is not being charged / has completed being charged?	
22	Resident/Ratepayer	Comment	The law is long and it would be nice if proposed changes were highlighted in the document so you can get genuine feedback from the community. My main concern with parking is that I think there needs to be protected areas of the city where parking is free and accessible so significant community assets are kept available to all. For example - the city's lakes and coast (including the new marina). Don't copy South Perth's example of ticket parking at all times along possibly all of their riverfront. We now visit the area less as a result as it puts up the price of a picnic/walk.	<p>Noted. For future local laws consultations the City will look to provide a marked-up version of the local law to make it easier to identify the changes.</p> <p>The locations where paid parking applies is not determined by the Parking Local Law. The introduction of paid parking is governed by the Parking Schemes Council Policy.</p>
23	Resident/Ratepayer	Comment	I believe the city should look at epark like in City of Victoria park, Subiaco and Cambridge. It allows people attending to City of Joondalup east way to pay that avoids contact with parking machines and things like COVID-19.	The City is currently exploring options for adopting a parking payment app.

Local Government Act 1995

City of Joondalup

PARKING LOCAL LAW 2023

City of Joondalup

Parking Local Law 2023

Local Government Act 1995
City of Joondalup
PARKING LOCAL LAW 2023

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City of JoondalupParking Local Law 2023

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PARKING LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on [REDACTED] 2024⁴³ to make the *City of Joondalup Parking Local Law 2023*.

PART 1 - DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the *City of Joondalup Parking Local Law 2023*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of parking within the district.
- (2) The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

1.4 Repeal

The following local laws are repealed on the day that this local law comes into operation –

- (1) *City of Joondalup Parking Local Law 2013*, as published in the *Government Gazette* on 19 August 2013.
- (2) *City of Joondalup Parking Amendment Local Law 2015*, as published in the *Government Gazette* on 4 September 2015.
- (3) *City of Joondalup Parking Amendment Local Law 2018*, as published in the *Government Gazette* on 3 August 2018.

1.5 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to –
 - (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads Western Australia;
 - (b) the prohibition areas that apply to all existing and future bridges and subways as determined by the Commissioner of Main Roads, Western Australia;
 - (c) a thoroughfare that comes under the control of the Commissioner of Main Roads Western Australia unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads Western Australia to the City; and
- (3) This local law does not apply to a parking station that –
 - (a) is not owned, controlled or occupied by the City; or
 - (b) is owned by the City but is leased to another person,unless the City and the owner or occupier of the parking station have agreed in writing (on whatever terms and conditions they think fit) that this local law is to apply to the parking station.

1.6 Definitions

In this local law, unless the context requires otherwise –

Act means the *Local Government Act 1995*;

authorised person means a person appointed by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

authorised vehicle means a vehicle authorised by the City, the CEO, an authorised person or by any written law to stop or park on (or on part of) a thoroughfare or parking facility;

bicycle has the meaning given in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given in the Code;

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus lane has the meaning given in the Code;

bus stop has the meaning given in the Code;

busway has the meaning given in the Code;

bus zone has the meaning given in the Code;

caravan means a vehicle that is fitted or designed to allow human habitation and which is capable of being drawn by another vehicle, or which is capable of self-propulsion;

carriageway has the meaning given in the Code;

centre, in relation to a carriageway, means a line or a series of lines, marks or other indications-

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

CEO means the Chief Executive Officer of the City;

charter vehicle means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966*, and includes a passenger transport vehicle, but does not include a public bus;

children's crossing has the meaning given in the Code;

City means the City of Joondalup;

City property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the City;

clearway means a length of carriageway which carries a high traffic volume that has clearway no stopping signs erected appurtenant to it, to facilitate the unhindered flow of traffic;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle that is –

- (a) constructed, adapted or fitted for the conveyance of goods; and
- (b) used primarily for the conveyance of goods,

but does not include a vehicle constructed for the conveyance of materials used in any trade, business, industry or any other work;

Council means the Council of the City;

crossover means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to the property;

disability parking permit has the meaning given in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the City;

driver means a person driving or in control of a vehicle;

driveway means an area of land on private property which abuts a crossover and is designed primarily for vehicles to ingress and egress to that property;

edge line has the meaning given in the Code;

electric rideable vehicle means a bicycle, scooter, skateboard, wheelchair or any other vehicle that –

- (a) has at least 1 wheel; and

(b) is designed to be used by a single person; and

(c) has an electric motor or motors,

but does not include an electric vehicle;

electric vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power source and includes a car, truck, moped and motorbike but does not include an electric rideable device.

electronic parking detection device means an electronic device placed in a position to detect and record the parking time of a vehicle on any road, parking facility, or other public place and includes any instrument, display panel or transmitting apparatus associated with the device;

emergency vehicle has the meaning given in the Code;

entrance ticket means a ticket or token issued by an entrance ticket machine;

entrance ticket machine means a machine –

(a) installed at an entrance to a parking station; and

(b) from which tickets are issued to vehicles entering that parking station;

exit ticket means a ticket issued after payment of the fee by a fee collection machine;

fee collection machine means a machine installed in a parking station which, on the insertion of an entrance ticket or vehicle registration details, and payment of the required fee, issues an exit ticket or allows exit through a gate;

fee-paying machine means a ticket issuing machine, fee collection machine or parking meter;

fee-paying zone means where a fee payable is indicated by a sign where the vehicle is stopped or parked within the same –

(a) parking station; or

(b) section of the road between two intersections or an intersection and head of a cul-de-sac as the case may be;

fire hydrant has the meaning given in the Code;

funeral vehicle means a vehicle designed or modified for use in conducting funeral services;

footpath has the meaning given in the Code;

GVM (which stands for 'gross vehicle mass') means for a vehicle, the maximum loaded mass of the vehicle –

(a) specified by the manufacturer on an identification plate on the vehicle; or

(b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General under section 49 of the *Transport Co-ordination Act 1966*;

head of a cul-de-sac means the part of a road that is closed at one end and is shaped in such a way that it can be used for vehicles to turn, and includes bulb or hammer-head shaped closed roads;

intersection has the meaning given in the Code;

keep clear marking has the meaning given in the Code;

kerb means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

length of carriageway means the section on the same side of the carriageway, between intersections on that side of the carriageway;

loading zone means –

- (a) a parking facility or length of carriageway to which a loading zone sign applies; or
- (b) a parking bay designated by a sign for use by commercial vehicles as a loading zone;

loading zone sign has the meaning given in the Code;

low clearance sign means a sign indicating the height clearance restriction (in metres) when entering a parking station so as not to allow an oversize vehicle to attempt to pass under the object that is part of the sign;

median strip has the meaning given in the Code;

metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in a way that indicates where a vehicle may be parked on payment of a fee or charge;

metered zone means a road or reserve, or part of a road or reserve, in which a parking meter regulates the stopping or parking of vehicles;

money means any legal tender under the *Currency Act 1965* (Cth);

motorcycle means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;

motor vehicle means a self-propelled vehicle that is not operated on rails, and includes –

- (a) a trailer, semi-trailer or caravan while attached to a motor vehicle;
- (b) a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel; or
- (c) a 3-wheeled motor vehicle,

but does not include an electric rideable device;

nature strip has the meaning given in the Code and includes a verge;

no parking area has the meaning given in the Code;

no parking sign means a sign with –

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given in the Code;

no stopping sign means a sign with –

- (a) the words 'no stopping' or 'no standing' in red letters on a white background; or

- (b) the letter 'S' within a red annulus and a red diagonal line across it on a white background;

number plate has the meaning given in the *Road Traffic (Vehicles) Act 2012*;

obstruction has the meaning given in the Code;

occupier has the meaning given in the Act;

one-way carriageway has the meaning given in the Code;

owner –

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, has the meaning given to ‘responsible person’ in the *Road Traffic (Administration) Act 2008*;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle; and
- (c) where used in relation to land, has the meaning given in the Act;

park has the meaning given in the Code;

parking app means a software program used by a computer, tablet, smartphone or other electronic device for the payment of parking by a vehicle for a specified period of time;

parking app zone means a parking facility within a fee-paying zone in which a parking app is available for use;

parking area has the meaning given in the Code;

parking bay means a section of a parking facility or carriageway which is marked or defined in any way to indicate where a vehicle may stop or park;

parking bay for people with disabilities has the meaning given to permit parking area in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

parking control sign has the meaning given in the Code;

parking facility includes –

- (a) land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

parking meter means a machine or device which, as a result of a payment by any permitted means, indicates (with or without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered space to which the machine or device relates;

parking period means an electronic authorisation to park a vehicle issued from a ticket issuing machine, a parking meter or a parking app;

parking permit means a permit issued by the City or an authorised person and includes a written or electronic permit;

parking region means the area to which this local law applies, as described in clause 1.5;

parking station means any land, building or other structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged, but does not include a road or reserve;

parking ticket means a ticket which is issued from a ticket issuing machine or parking meter and which authorises the parking of a vehicle;

passenger transport vehicle has the meaning given in the *Transport (Road Passenger Services) Act 2018*;

path has the meaning given in the Code;

pedestrian has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

permissive parking sign means a sign inscribed with –

- (a) the word ‘parking’, but excludes a sign inscribed with the words ‘no parking’; or
- (b) the letter ‘P’ with any arrow, figure, letter or words in green;

postal vehicle has the meaning given in the Code;

property line means the boundary between the land comprising a road and the land that abuts that road;

public bus has the meaning given in the Code;

public bus zone means a parking bay, bus embayment or length of carriageway designated for use by a public bus;

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land –

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

but does not include a verge;

road means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land including the nature strip and paths appurtenant thereto lying between the property lines abutting the road;

Road Traffic Act means the *Road Traffic Act 1974*;

roundabout has the meaning given in the Code;

Schedule means a schedule to this local law;

shared zone has the meaning given in the Code;

sign includes a traffic sign, permissive parking sign, inscription, mark, structure or device approved by the City on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

special purpose vehicle has the meaning given in the Code and also includes any commercial vehicle owned by the City;

stop has the meaning given in the Code;

symbol includes a symbol specified by Australian Standard 1742.11- 1999 and a symbol specified from time to time by Standards Australia for use in the regulation of parking;

taxi has the meaning given in the Code;

taxi zone has the meaning given in the Code;

thoroughfare has the meaning given in the Act;

ticket includes a token;

ticket issuing machine means a machine or device which, as a result of a payment by any permitted means, issues a ticket showing the period during which it is lawful to remain parked in the area to which the machine or device relates;

ticket machine zone means a parking facility within a fee-paying zone in which a ticket issuing machine is installed;

T-intersection means an intersection where the end of a road intersects with the continuous side of a continuing road but does not include a roundabout;

traffic includes the passage of both vehicles and pedestrians;

traffic-control signal has the meaning given to it by the Code;

traffic island has the meaning given in the Code;

trailer has the meaning given in the Code;

truck means a vehicle which has a minimum load capacity of 1,000 kilograms;

truck bay means a parking bay designated for use by trucks only;

truck lane is the meaning given in the Code;

unattended, in relation to a vehicle, means where the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle;

unexpired parking period means a parking period on which a date and expiry time is specified and the time specified has not expired;

unexpired parking ticket means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

valve stem means the self-contained valve on a tyre used for inflation;

valve stem reading means observing and recording the position of a vehicles valve stem in relation to the associated tyre as a means of determining whether a vehicle has moved;

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008*; and

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.7 Interpretation

- (1) For the purposes of the definitions of *no parking area*, *no stopping area* and *parking area*, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.
- (3) Where a term is used but is not defined in the Act or this local law and that term is defined in the Road Traffic Act or the Code then, unless the context requires otherwise, the term is to have the meaning given in the Road Traffic Act or the Code.
- (4) A reference to a *thoroughfare*, *parking station*, *parking facility*, *metered zone*, *ticket machine zone*, *parking app zone* or *reserve* includes a reference to any part of the *thoroughfare*, *parking station*, *parking facility*, *metered zone*, *ticket machine zone*, *parking app zone* or *reserve*.

1.8 Sign erected by the Commissioner of Main Roads

A sign that –

- (a) was erected by the Commissioner of Main Roads Western Australia prior to the commencement of this local law; and
- (b) relates to the stopping or parking of vehicles,

is taken to have been erected by the City under this local law.

1.9 Application of signs

- (1) Where under this local law the stopping or parking of a vehicle on a road is controlled by a sign, the sign is to apply to that part of the road which –
 - (a) lies beyond the sign;
 - (b) lies between that sign and the next sign; and
 - (c) is on that half of the road nearest to that sign.
- (2) A sign may prohibit or regulate parking or stopping by the use of a symbol.
- (3) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it is to be taken to operate and have effect as if it also related to the parking of vehicles.
- (4) The first three letters of any day of the week when used on a sign indicate that day of the week.

1.10 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows –

- (a) public buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) taxis;
- (e) emergency vehicles;
- (f) special purpose vehicles;
- (g) charter vehicles;
- (h) funeral vehicles;
- (i) electric vehicles; and
- (j) all other vehicles.

1.11 Establishment of parking facilities

The City may establish and vary parking facilities for the purposes of this local law.

1.12 Permitted payment

The City may authorise a person to pay for parking, in advance or in arrears, by any means other than or in addition to the insertion of money in a ticket issuing machine or parking meter or by use of a parking app.

1.13 Alternative method of payment

- (1) Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the City may authorise a person to park in the parking facility, without paying the Relevant Fee in the usual way, by giving the person (electronically or otherwise) a permit, invoice, ticket or pass (alternative method of payment).
- (2) A person who is given an alternative method of payment, and who complies with the terms of the alternative method of payment, is exempt from paying the Relevant Fee.
- (3) An alternative method of payment may not be used by any person other than the person to whom it was given by the City.

PART 2 – STOPPING AND PARKING GENERALLY

2.1 Power to prohibit and regulate

The Council may by resolution prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle, or of any class of person or vehicle, or both, but is to do so consistently with this local law.

2.2 Determinations in relation to stopping and parking

- (1) The Council may by resolution determine –
 - (a) permitted times and conditions of stopping and parking which may vary with the parking region;
 - (b) permitted classes of persons who may stop or park their vehicles;
 - (c) permitted classes of vehicles which may stop or park; or
 - (d) the manner of stopping or parking.
- (2) Where the Council makes a determination under subclause (1), the City –
 - (a) must erect one or more signs to give effect to the determination; and
 - (b) may vary the determination.

2.3 Stopping or parking generally

- (1) A person must not stop or park a vehicle in a parking facility or in a thoroughfare –
 - (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;
 - (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) for more than the maximum time specified by a sign unless –
 - (i) clause 2.4 applies; or
 - (ii) the vehicle displays a disability parking permit in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;
 - (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces – unless the vehicle is too wide or long to fit completely within a single parking bay or metered space, in which case it must be parked within the minimum number of parking bays or metered spaces needed to park it; or
 - (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked.
- (2) A person must not stop or park a vehicle –
 - (a) in a no stopping area;
 - (b) in an area to which a ‘clearway’ sign applies;
 - (c) at the side of a carriageway marked with a continuous yellow edge line;
 - (d) in an area of a carriageway signed or marked with a keep clear marking;

- (e) in a bay marked 'M/C' unless it is a motorcycle;
 - (f) in a bus lane or busway;
 - (g) in a truck lane; or
 - (h) in a bicycle lane or on a bicycle path,
- unless the person is driving a public bus or a taxi and is immediately dropping off, or picking up, passengers.
- (3) A person must not park a vehicle in a ***no parking area***, unless the driver –
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) within 2 minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.

2.4 Parking with a parking permit

- (1) The City may issue to a person a parking permit which exempts the holder of the permit from a prohibition under this local law against the stopping or parking of vehicles on any part of a road or parking station subject to any conditions that the City considers appropriate.
- (2) Where –
 - (a) A parking permit issued is a physical parking permit, the parking permit must be displayed inside the vehicle on the dashboard of the vehicle and be clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the parking permit relates; or
 - (b) A parking permit is issued in electronic form, the vehicle registration number must be able to be entered into the City's electronic system when the permit is used and be able to be located by an authorised person in a database that contains all relevant information about the permit, permit holder and vehicle.
- (3) The City may, at any time, revoke a permit issued under subclause (1).

2.5 Stopping or parking contrary to consent

- (1) In this clause a reference to ***land*** does not include land –
 - (a) which belongs to the City;
 - (b) of which is an 'otherwise unvested facility' within section 3.53 of the Act; or
 - (c) which is the subject of an agreement referred to in clause 1.5(3).
- (2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.

- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

2.6 Parking positions

Where a sign referring to a parking area is not inscribed with the words ‘angle parking’, then unless a sign referring to the parking area indicates, or a mark on the carriageway indicates, that a vehicle must park in a different position –

- (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and
- (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in the parking area must stop or park it at approximately right angles to the centre of the carriageway.

2.7 Angle parking

Where a sign referring to a parking area is inscribed with the words ‘angle parking’, a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by a mark on the carriageway.

2.8 Loading zones

- (1) A person must not stop or park a vehicle in a loading zone unless—
 - (a) the vehicle is a commercial vehicle; and
 - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle; or
 - (c) alternatively to paragraphs (a) and (b), the vehicle is an authorised vehicle.
- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign, or if no time is indicated on the sign for longer than 30 minutes, unless authorised by an authorised person.

2.9 Reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person –

- (a) is an employee of the City in the course of the employee’s duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the City or an authorised person.

2.10 Occupied parking bays

A person must not stop or park, or attempt to stop or park, a vehicle in a parking bay or metered space in which another vehicle is stopped or parked.

2.11 Urgent, essential or official functions

(1) Where –

- (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
- (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility,

the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.

(2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.

(3) Permission given under subclause (1) may –

- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and
- (b) be revoked or suspended at any time by an authorised person.

(4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

2.12 Direction to move vehicle

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after being directed by an authorised person or a police officer to move the vehicle.

2.13 Selling or hiring in a parking facility

A person must not sell, hire or give away any goods or erect an advertisement in a parking facility without the written authorisation of an authorised person or the City.

2.14 Damage to parking facilities

A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

2.15 — Event parking

~~(1) — For the purposes of this clause, an *event* means a function or activity characterised by all or any of the following—~~

~~(a) — formal organisation and preparation;~~

~~(b) — its occurrence is generally advertised or notified in writing to particular persons;~~

~~(c) — organised by or on behalf of a club or a body corporate;~~

~~(d) — payment of a fee to attend; and~~

~~(e) — systematic recurrence in relation to the day, time and place.~~

~~(2) — The City may, by use of a sign, establish additional parking facilities on a reserve or City property, for any period specified on the sign, for the parking of vehicles by persons attending an event.~~

~~(3) — A person must not stop or park a vehicle on a reserve or City property established as a parking facility under subclause (2) during the period for which it is established unless:~~

~~(a) — a ticket purchased from the City with respect to the event is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times; or~~

~~(b) — any fee required by the City upon entry by a vehicle to the parking facility is paid to the City.~~

2.156 Removal and impounding of vehicles

- (1) The impounding of vehicles and other goods is dealt with in Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.
- (2) The power of an authorised person to remove and impound any goods that are involved in a contravention that can lead to impounding is dealt with in section 3.39(1) of the Act.
- (3) The power of a person to use reasonable force to exercise the power given by section 3.39(1) of the Act is dealt with in section 3.39(2) of the Act.

2.167 Authorised parking

A person must not, without the permission of the City or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by a sign for the parking of an authorised vehicle only.

2.178 Stopping or parking on City property

A person must not stop or park a vehicle on or over any portion of the City's property, other than an area specifically set aside for that purpose, unless the person –

- (a) is an authorised person; or

- (b) has obtained the permission of the City or an authorised person.

PART 3 – STOPPING AND PARKING ON ROADS AND OTHER AREAS

3.1 Stopping or parking on a carriageway

Subject to clauses 2.3, 2.6 and 2.7, a person stopping or parking a vehicle on a carriageway must stop or park it –

- (a) in the case of a two-way carriageway - so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (b) in the case of a one-way carriageway - so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (c) so that at least three metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway;
- (d) so that it is more than one metre from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway.

3.2 Median strips and traffic islands

A person must not stop or park a vehicle, trailer or caravan (other than a bicycle or an animal) so that any portion of the vehicle, trailer or caravan is on a traffic island or median strip unless the person stops or parks in an area to which a parking control sign applies and the person is permitted to stop or park at that place under this local law.

3.3 Verges

- (1) A person shall not –
- (a) stop or park a vehicle (other than a bicycle);
 - (b) stop or park a commercial vehicle or bus; or
 - (c) stop or park a vehicle during any period when the stopping or parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,
- so that any portion of it is on a verge.

- (2) Subclause (1)(a) does not apply to the person if that person is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

3.4 Prohibited parking of vehicles

A person must not park a vehicle on any portion of a road or within a parking station –

- (a) for the purpose of exposing the vehicle for sale or hire;
- (b) if the vehicle is not licensed under the Road Traffic Act or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if the vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the road or parking station.

3.5 Obstructions generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space.
- (2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is –
 - (a) on a road and causes an obstruction on the road - unless it is a public bus stopping in a bus zone;
 - (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
 - (c) on a roundabout or intersection, subject to paragraphs (d) and (e);
 - (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals - unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
 - (e) on a carriageway within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that

carriageway on the side on which the vehicle is stopped or parked - unless the vehicle stops or parks –

- (i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this local law; or
- (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
- (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;
- (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway – if the vehicle would obstruct traffic;
- (h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign;
- (i) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines; or
- (j) within the head of a cul-de-sac.

3.6 Double parking

- (1) Subject to subclause (2), a person must not stop or park a vehicle on a road so that any portion of the vehicle is between any other stationary vehicle and the centre of the carriageway of that road.
- (2) Subclause (1) does not apply to –
 - (a) a person who parks a motorcycle in a bay marked 'M/C'; or
 - (b) a person who stops or parks a vehicle in a parking bay or metered space abreast of or alongside another vehicle.

3.7 Crossovers

A person shall not stop or park a vehicle on or across a crossover or other way of access for vehicles travelling to or from adjacent land, unless –

- (a) the vehicle is dropping off, or picking up, passengers and shall not remain for longer than two minutes;
- (b) the vehicle stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law; or
- (c) the driver is the owner or occupier of the premises that abuts the crossover or is a person permitted by the owner or occupier of the premises.

3.8 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a person shall not stop or park a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres.
- (2) A person may stop or park a vehicle on a crest or curve on a carriageway if the vehicle stops at a place on the carriageway, or in an area, to which parking control signs apply and the vehicle is permitted to stop at that place under this local law.

3.9 Stopping or parking near fire hydrant or post box

A person must not stop or park a vehicle, otherwise than in a marked bay, on a road so that any portion of the vehicle is –

- (a) within one metre of a fire hydrant, or of any sign or mark indicating the existence of a fire hydrant; or
- (b) within three metres of a public post box unless the vehicle is a postal vehicle.

3.10 Bus stops, pedestrian, children and train crossings

- (1) A person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –
 - (a) a bus embayment, bus stop or a bus zone unless the vehicle is a public bus stopping to take up or set down passengers; or
 - (b) a pedestrian crossing or children's crossing.
- (2) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 metres of the approach side of –
 - (a) a bus embayment, bus stop or a bus zone, unless the vehicle is a public bus stopping to take up or set down passengers; or
 - (b) a pedestrian crossing or children's crossing.
- (3) This clause does not apply if –
 - (a) the vehicle is stopped or parked in a marked bay;
 - (b) the driver of the vehicle is prevented from proceeding by circumstances beyond their control; or
 - (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

3.11 Restrictions on avoiding time limitations

- (1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along, or return to, that length of carriageway so that the total time of parking the vehicle exceeds the maximum time permitted - unless the vehicle has first been removed from the length of carriageway for at least two hours.

- (2) Where the stopping or parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within that parking facility so that the total time of parking the vehicle exceeds the maximum time allowed for parking in that parking facility – unless the vehicle has first been removed from the parking facility for at least two hours.
- (3) Where in a parking facility –
 - (a) the parking of a vehicle is prohibited unless:
 - (i) a parking ticket from a ticket issuing machine is displayed on the dashboard of the vehicle; or
 - (ii) a parking period is obtained from a ticket issuing machine or parking app;
 - and
 - (b) a period of free parking is permitted before a fee for parking applies,
a person must not, at any time within the same day, obtain or use more than one parking ticket or parking period for the same vehicle in that parking facility.

3.12 Public bus zones

- (1) A person must not stop or park a vehicle, other than a public bus, in a public bus zone.
- (2) Unless otherwise stated on a sign, a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers.

3.13 Stopping or parking in a taxi zone

- (1) A person must not stop or park a vehicle in a taxi zone, unless the person is driving a taxi.
- (2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

3.14 Charter vehicle zones

- (1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.
- (2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for not more than –
 - (a) 15 minutes – if the charter vehicle has 12 or more seats including the driver; or
 - (b) 5 minutes – if the charter vehicle has less than 12 seats including the driver.
- (3) If subclause (2) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

3.15 Stopping or parking in a shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle –

- (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law;
- (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;
- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

3.16 Stopping or parking - heavy and long vehicles

- (1) A person must not stop or park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes on a carriageway, verge or in a parking station for any period exceeding one hour, unless the vehicle is –
 - (a) engaged in the picking up or setting down of goods; or
 - (b) stopped in a truck bay;
- (2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

PART 4 – FEE-PAYING ZONES**4.1 Fee-paying zones**

The fee-paying zones are –

- (a) a metered zone;
- (b) a ticket machine zone;
- (c) a parking app zone; and
- (d) any other fee-paying zone established by the local government under clause 1.11.

4.2 Payment of fees

- (1) This clause does not apply to a parking station that requires payment on exit.
- (2) A person who stops or parks a vehicle in a fee-paying zone must –

- (a) in the case of a metered stall - immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the parking meter referable to the metered stall;
 - (b) in the case for a ticket issuing machine zone – immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone; or
 - (c) in the case of a parking app zone –
 - (i) immediately commence the parking app transaction and obtain notification that the transaction has commenced;
 - (ii) ensure that the transaction remains active at all times while the vehicle is stopped or parked; and
 - (iii) immediately before the vehicle is driven from where it had been stopped or parked, complete the pay by phone transaction and obtain notification that the required fee has been paid.
- (3) Subject to the provisions of this Part 4, the payment of the fee referred to in subclause (2) entitles a person to stop or park a vehicle in –
- (a) a metered stall for the period shown on the sign referable to the stall; or
 - (b) the relevant ticket issuing machine zone or parking app zone for the period shown on the parking ticket,
- but does not authorise the parking of the vehicle during any time when stopping or parking in that stall or zone is prohibited under this local law.

4.3 Operations of fee-paying machines

A person must not operate a fee-paying machine except in accordance with the operating instruction appearing on the fee-paying machine.

4.4 Metered space, parking limit

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

4.5 Display of parking tickets and parking limits

- (1) A person must not stop or park a vehicle in a fee-paying zone during the period in which stopping or parking is permitted only on the purchase of a printed parking ticket unless –
 - (a) an unexpired parking ticket issued by a ticket issuing machine in that fee-paying zone is displayed inside the vehicle; and

- (b) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in that fee paying zone.
- (2) Unless subclause (3) applies, where in a ticket machine zone more than one printed parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of –
 - (a) the aggregate of those periods; or
 - (b) the maximum period of time a vehicle is permitted to park in the fee-paying zone,whichever occurs first.
- (3) If a trailer is attached to a vehicle or if a vehicle is too long or too wide to fit completely within a single metered stall or parking stall, the person parking the vehicle must –
 - (a) park the vehicle (or, as the case may be, the vehicle and the trailer) within the minimum number of metered stalls or parking stalls needed to park the vehicle (or, as the case may be, the vehicle and the trailer);
 - (b) purchase and obtain a parking ticket for each occupied metered stall or parking stall as permitted under this local law; and
 - (c) display each printed ticket inside the vehicle in accordance with subclause (1).

4.6 Reserved fee-paying zones

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space, parking stall, or fee-paying zone if –

- (a) the parking meter or ticket machine or sign advising of a parking app zone is hooded with a covering bearing words or symbols that indicate parking is not permitted within the space or fee-paying zone; or
- (b) a parking zone is blocked or reserved by the City by any other physical means.

4.7 Parking restrictions in fee-paying zones

A person must not stop or park a vehicle in a fee-paying zone –

- (a) except during the period stated on a sign referable to the fee-paying zone during which stopping or parking is permitted; or
- (b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee-paying zone, as stated on a sign referable to the fee-paying zone.

4.8 Use of counterfeit or altered parking tickets

A person must not park a vehicle in a fee-paying zone that requires a ticket, if there is displayed in that vehicle, so as to be visible from outside the vehicle, a parking ticket which has been counterfeited, altered, obliterated or interfered with.

4.9 Payment for parking

A person must not insert into a fee-paying machine anything other than the designations of coin or banknote, or other form of permitted payment indicated by a sign on the fee-paying machine and only in accordance with the instructions printed on the fee-paying machine.

PART 5 – PARKING STATIONS**5.1 Removal of vehicles**

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until –
 - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the City has issued a notice stating the fee.
- (2) Where a notice has been issued under subclause (1)(b), the fee must be paid within three working days from the time of issue of the notice.

5.2 Entering and exiting parking facilities

A person must not, in a vehicle, enter or exit a parking facility other than through an authorised entry or exit designated as such by a sign.

5.3 Locking of parking stations

At the expiration of the hours of operation of a parking station, whether or not any vehicle remains parked in the parking station, an authorised person may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.

5.4 Behaviour in a parking station

A person must not remain in a parking station after having been required to leave by an authorised person.

5.5 Low clearance signs

A person must not drive a vehicle past a low clearance sign if the vehicle, or any part of the vehicle connected to it or any load carried by the vehicle, is higher than the height (in metres) indicated by the sign.

PART 6 – MISCELLANEOUS**6.1 Authorised person certificate of appointment**

The requirement for an authorised person to be given the appropriate certificate of the person's appointment is dealt with in section 9.10(2) of the Act.

6.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out the person's functions.

6.3 Power of an authorised person

- (1) An authorised person has all necessary power to perform that authorised person's functions under this local law.
- (2) An authorised person may –
 - (a) carry into effect the provisions of this local law;
 - (b) report to the City on the working effectiveness of this local law;
 - (c) recommend to the CEO the institution of prosecutions; and
 - (d) institute and conduct prosecutions as directed by the CEO.

6.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the functions of an authorised person.

6.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of the authorised person's duties.

6.6 Removal of notices

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.

6.7 Display of signs

A person must not, without the authorisation of the City or an authorised person –

- (a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the City under this local law;
- (b) remove, deface or misuse a sign or property set up by the City under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to, or paint or write on, any part of a sign or fee-paying machine.

6.8 Marking tyres and valve stem readings

(1) An authorised person may –

- (a) mark the tyres of a vehicle with chalk or any other non-indelible substance;
 - (b) take a valve stem reading of a vehicle; or
 - (c) record vehicle registration numbers,
- for a purpose connected with the authorised person's functions.

(2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.

6.9 Exemption when complying with directions

A person who complies with a direction given by a police officer or an authorised person does not commit an offence against this local law while complying with that direction.

6.10 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle or an emergency vehicle may, only in the course of the driver's functions and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.

6.11 Interfere with or damage to City property

A person must not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in a parking station, carriageway or any other place.

6.12 Vehicles not to obstruct a public place

Unless permitted under this local law, or unless authorised under any other written law, a person must not leave a vehicle, or any part of a vehicle, in a public place if it –

- (a) obstructs the use of any part of the public place; or
- (b) appears to an authorised person to have been abandoned, having regard to factors such as –
 - (i) whether there are any licence plates on the vehicle;
 - (ii) whether the vehicle is unregistered;
 - (iii) the extent of any damage to the vehicle;
 - (iv) whether the vehicle has been in the same position for more than 24 hours; and
 - (v) whether the vehicle appears to be inoperable.

PART 7 – OFFENCES AND MODIFIED PENALTIES**7.1 Offences**

- (1) A person who fails to do anything required 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 commits an offence under this local law is liable, on 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 continues.
- (3) An offence against a provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

7.2 Form of notices

For the purposes of this local law –

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.3 Modified penalty

- (1) Subject to subclauses (3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If it appears to the City that an alleged offence cannot be adequately punished by the payment of the modified penalty, the City may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.
- (4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign –
 - (a) the amount of the modified penalty is to be the amount referred to in Schedule 1 where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
 - (b) the amount of the modified penalty is to be payable again in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500 on the amount of modified penalties payable for each offence.

City of Joondalup

Parking Local Law 2023

SCHEDULE 1**CITY OF JOONDALUP PARKING LOCAL LAW 2023****PRESCRIBED OFFENCES****[Clause 7.3]**

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
1	2.3(1)(a)	Stopping or parking by vehicles of a different class	100
2	2.3(1)(b)	Stopping or parking by persons of a different class	100
3	2.3(1)(c)	Stopping or parking during prohibited period	100
4	2.3(1)(d)	Stopping or parking for longer than maximum period	100
5	2.3(1)(e)	Failure to park wholly within parking bay or metered space	100
6	2.3(1)(f)	Stopping or parking contrary to signage	100
7	2.3(2)(a)	Stopping or parking in a no stopping area	150
8	2.3(2)(b)	Stopping or parking contrary to a 'clearway' sign	150
9	2.3(2)(c)	Stopping or parking at a continuous yellow edge line	150
10	2.3(2)(d)	Stopping or parking in a keep clear area of carriageway	150
11	2.3(2)(e)	Stopping or parking vehicle other than motorcycle in 'M/C' bay	100
12	2.3(2)(f)	Stopping or parking in a bus lane or busway	150
13	2.3(2)(g)	Stopping or parking in a truck lane	150
14	2.3(2)(h)	Stopping or parking in a bicycle lane or path	150
15	2.3(3)	Parking in a no parking area	100
16	2.4(2)	Parking in a permit parking area without a valid parking permit	100
17	2.5(2)	Stopping or parking on private land without consent	150
18	2.5(3)	Stopping or parking on private land not in accordance with consent	100
19	2.6(a)	Failure to park or stop as near as practicable and parallel to boundary of carriageway	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
20	2.6(b)	Failure to stop or park at approximately right angles to the centre of the carriageway	100
21	2.7	Failure to park at an appropriate angle in an angle parking area	100
22	2.8	Stopping or parking unlawfully in a loading zone	100
23	2.9	Driving, stopping or parking on a reserve	150
24	2.10	Stopping or parking, or attempting to stop or park in a bay occupied by another vehicle	100
25	2.11(4)	Stopping or parking contrary to permission given by an authorised person	100
26	2.12	Stopping or parking a vehicle contrary to the direction of an authorised person	150
26	2.13	Selling or hiring goods in a parking facility without authorisation	100
27	2.14	Removing, damaging, defacing, misusing or interfering with parking facility	150
28	2.15(3)	Stopping or parking unlawfully in a designated event area	100
29	2.167	Stopping or parking unauthorised vehicle in an area designated for 'Authorised Vehicle Only'	100
30	2.178	Stopping or parking on City property	100
31	3.1(a)	Stopping or parking against the flow of traffic on a two-way carriageway	100
32	3.1(b)	Stopping or parking against the flow of traffic on a one-way carriageway	100
33	3.1(c)	Stopping or parking a vehicle when distance from farther boundary, continuous line or median strip is less than 3 metres	150
34	3.1(d)	Stopping or parking a vehicle less than 1 metre from any other vehicle	100
35	3.2	Parking or stopping on a median strip or traffic island	150
36	3.3(1)	Stopping or parking a vehicle unlawfully on a verge	100
37	3.4(a)	Parking vehicle on any portion of a road or within a parking station for purpose of sale or hire	100
38	3.4(b)	Parking unlicensed vehicle on any portion of a road or within a parking station	100
39	3.4(c)	Parking unattached trailer or caravan on any portion of a road or within a parking station	100
40	3.4(d)	Parking vehicle on any portion of a road or within a parking station for the purpose of repairs	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
41	3.5(3)(a)	Stopping or parking a vehicle on a road so as to cause obstruction	150
42	3.5(3)(b)	Stopping or parking a vehicle so as to obstruct an entrance, exit, carriageway, passage or thoroughfare in a parking facility	150
43	3.5(3)(c)	Stopping or parking a vehicle on a roundabout or intersection	200
44	3.5(3)(d)	Stopping or parking within 20 metres from an intersecting carriageway with traffic-control signals	100
45	3.5(3)(e)	Stopping or parking within 10 metres of the prolongation of nearest edge of intersecting carriageway	100
46	3.5(3)(f)	Stopping or parking on or over a footpath, pedestrian crossing, children's crossing or place for pedestrians	200
47	3.5(3)(g)	Stopping or parking alongside or opposite construction works where vehicle obstructs traffic	150
48	3.5(3)(h)	Stopping or parking on a bridge or within a tunnel or underpass	100
49	3.5(3)(i)	Stopping or parking between the boundaries of a carriageway and any continuous double line	100
50	3.5(3)(j)	Stopping or parking within head of a cul-de-sac	100
51	3.6(1)	Double parking	150
52	3.7	Stopping or parking unlawfully across a crossover or other way of access	200
53	3.8(a)	Stopping or parking on a crest or curve	100
54	3.9(a)	Stopping or parking within 1 metre of fire hydrant	100
55	3.9(b)	Stopping or parking within 3 metres of public post box	100
56	3.10(1)(a)	Stopping or parking a vehicle within 10 metres of the departure side of a bus bay, bus stop or bus zone	100
57	3.10(1)(b)	Stopping or parking a vehicle within 10 metres of the departure side of a pedestrian or children's crossing	100
58	3.10(2)(a)	Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus stop or bus zone	100
59	3.10(2)(b)	Stopping or parking a vehicle within 20 metres of the approach side of a pedestrian or children's crossing	100
60	3.11(1)	Moving a vehicle along carriageway to avoid time limitation	100
61	3.11(2)	Moving a vehicle within parking station to avoid time limitation	100
62	3.11(3)	Obtaining more than one free parking ticket or parking period	100

City of Joondalup

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Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
63	3.12(1)	Stopping or parking a vehicle in a public bus zone	150
64	3.12(2)	Stopping or parking public bus in bus zone when not picking up or setting down passengers	100
65	3.13(1)	Stopping or parking unlawfully in a taxi zone	100
66	3.13(2)	Leaving taxi unattended while in a taxi zone	100
67	3.14(1)	Stopping or parking in charter vehicle zone when not a charter vehicle	100
68	3.14(2)(a)	Stopping or parking charter vehicle (12 or more seats) in charter vehicle zone for longer than maximum period	100
69	3.14(2)(b)	Stopping or parking charter vehicle (less than 12 seats) in charter vehicle zone for longer than maximum period	100
70	3.14(3)	Leaving charter vehicle unattended in charter vehicle zone	100
71	3.14	Stopping or parking unlawfully in shared zone	100
72	3.15	Stopping or parking heavy or long vehicles for longer than 1 hour	100
73	4.2(2)	Failure to pay fee in a fee-paying zone	100
74	4.3	Operating a fee-paying machine contrary to instructions	100
75	4.4	Stopping or parking when meter has expired	100
76	4.5(1)	Failure to correctly display valid parking ticket in a ticket machine zone	100
77	4.6	Unlawfully stopping or parking a vehicle in a reserved fee-paying zone	100
78	4.7(a)	Stopping or parking in a fee-paying zone outside the period which stopping or parking is allowed	100
79	4.7(b)	Stopping or parking in a fee-paying zone for longer than the permitted period	100
80	4.8	Displaying a counterfeit, altered, obliterated or interfered with parking ticket	150
81	4.9	Inserting anything other than the permitted forms of payment in a fee-paying machine	150
82	5.1(1)	Unlawfully removing a parked vehicle from a parking station without paying the exit fee	150
83	5.1(2)	Failure to pay fee within 3 working days from the time of issue of the notice	100
84	5.2	Failure to enter and exit parking facility through authorised entry or exit	100

City of Joondalup

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Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
85	5.4	Failure to leave parking station at the direction of an authorised person	100
86	5.5	Driving a vehicle past a low clearance sign	150
87	6.4	Impersonating an authorised person	200
88	6.5	Obstructing an authorised person	200
89	6.6	Unlawfully removing notice from vehicle	150
90	6.7(a)	Unauthorised display, marking, setting up, exhibiting of a sign	150
91	6.7(b)	Removing, defacing or misusing a sign or the property of the City	150
92	6.7(c)	Affixing anything to a sign or fee-paying machine	100
93	6.8(2)	Removing or interfering with a lawful mark on a tyre	200
94	6.11	Interfering with, damaging or obstructing City property	200
95	6.12(a)	Leaving vehicle so as to obstruct a public place	150
96	6.12(b)(i)	Park vehicle without number plates in a public place	100
97	6.12(b)(ii)	Park unregistered vehicle in a public place	100
98	6.12(b)(iv)	Park vehicle in a public place in excess of 24 hours	100
99		All other offences not specified	100

City of Joondalup

Parking Local Law 2023

Dated 202~~4~~³

The Common Seal of the City of Joondalup)
was affixed by authority of the resolution)
of the Council in the presence of:)

HON. ALBERT JACOB, JP

MAYOR

JAMES PEARSON

CHIEF EXECUTIVE OFFICER

Local Government Act 1995

City of Joondalup

PARKING LOCAL LAW 2023

City of Joondalup

Parking Local Law 2023

Local Government Act 1995
City of Joondalup
PARKING LOCAL LAW 2023

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City of JoondalupParking Local Law 2023

Local Government Act 1995
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PARKING LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on [REDACTED] 2024 to make the *City of Joondalup Parking Local Law 2023*.

PART 1 - DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the *City of Joondalup Parking Local Law 2023*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of parking within the district.
- (2) The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

1.4 Repeal

The following local laws are repealed on the day that this local law comes into operation –

- (1) *City of Joondalup Parking Local Law 2013*, as published in the *Government Gazette* on 19 August 2013.
- (2) *City of Joondalup Parking Amendment Local Law 2015*, as published in the *Government Gazette* on 4 September 2015.
- (3) *City of Joondalup Parking Amendment Local Law 2018*, as published in the *Government Gazette* on 3 August 2018.

1.5 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to –
 - (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads Western Australia;
 - (b) the prohibition areas that apply to all existing and future bridges and subways as determined by the Commissioner of Main Roads, Western Australia;
 - (c) a thoroughfare that comes under the control of the Commissioner of Main Roads Western Australia unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads Western Australia to the City; and
- (3) This local law does not apply to a parking station that –
 - (a) is not owned, controlled or occupied by the City; or
 - (b) is owned by the City but is leased to another person,unless the City and the owner or occupier of the parking station have agreed in writing (on whatever terms and conditions they think fit) that this local law is to apply to the parking station.

1.6 Definitions

In this local law, unless the context requires otherwise –

Act means the *Local Government Act 1995*;

authorised person means a person appointed by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

authorised vehicle means a vehicle authorised by the City, the CEO, an authorised person or by any written law to stop or park on (or on part of) a thoroughfare or parking facility;

bicycle has the meaning given in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given in the Code;

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus lane has the meaning given in the Code;

bus stop has the meaning given in the Code;

busway has the meaning given in the Code;

bus zone has the meaning given in the Code;

caravan means a vehicle that is fitted or designed to allow human habitation and which is capable of being drawn by another vehicle, or which is capable of self-propulsion;

carriageway has the meaning given in the Code;

centre, in relation to a carriageway, means a line or a series of lines, marks or other indications-

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

CEO means the Chief Executive Officer of the City;

charter vehicle means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966*, and includes a passenger transport vehicle, but does not include a public bus;

children's crossing has the meaning given in the Code;

City means the City of Joondalup;

City property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the City;

clearway means a length of carriageway which carries a high traffic volume that has clearway no stopping signs erected appurtenant to it, to facilitate the unhindered flow of traffic;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle that is –

- (a) constructed, adapted or fitted for the conveyance of goods; and
- (b) used primarily for the conveyance of goods,

but does not include a vehicle constructed for the conveyance of materials used in any trade, business, industry or any other work;

Council means the Council of the City;

crossover means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to the property;

disability parking permit has the meaning given in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the City;

driver means a person driving or in control of a vehicle;

driveway means an area of land on private property which abuts a crossover and is designed primarily for vehicles to ingress and egress to that property;

edge line has the meaning given in the Code;

electric rideable vehicle means a bicycle, scooter, skateboard, wheelchair or any other vehicle that –

- (a) has at least 1 wheel; and

(b) is designed to be used by a single person; and

(c) has an electric motor or motors,

but does not include an electric vehicle;

electric vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via ‘plug in’ connection to an external power source and includes a car, truck, moped and motorbike but does not include an electric rideable device.

electronic parking detection device means an electronic device placed in a position to detect and record the parking time of a vehicle on any road, parking facility, or other public place and includes any instrument, display panel or transmitting apparatus associated with the device;

emergency vehicle has the meaning given in the Code;

entrance ticket means a ticket or token issued by an entrance ticket machine;

entrance ticket machine means a machine –

(a) installed at an entrance to a parking station; and

(b) from which tickets are issued to vehicles entering that parking station;

exit ticket means a ticket issued after payment of the fee by a fee collection machine;

fee collection machine means a machine installed in a parking station which, on the insertion of an entrance ticket or vehicle registration details, and payment of the required fee, issues an exit ticket or allows exit through a gate;

fee-paying machine means a ticket issuing machine, fee collection machine or parking meter;

fee-paying zone means where a fee payable is indicated by a sign where the vehicle is stopped or parked within the same –

(a) parking station; or

(b) section of the road between two intersections or an intersection and head of a cul-de-sac as the case may be;

fire hydrant has the meaning given in the Code;

funeral vehicle means a vehicle designed or modified for use in conducting funeral services;

footpath has the meaning given in the Code;

GVM (which stands for ‘gross vehicle mass’) means for a vehicle, the maximum loaded mass of the vehicle –

(a) specified by the manufacturer on an identification plate on the vehicle; or

(b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General under section 49 of the *Transport Co-ordination Act 1966*;

head of a cul-de-sac means the part of a road that is closed at one end and is shaped in such a way that it can be used for vehicles to turn, and includes bulb or hammer-head shaped closed roads;

intersection has the meaning given in the Code;

keep clear marking has the meaning given in the Code;

kerb means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

length of carriageway means the section on the same side of the carriageway, between intersections on that side of the carriageway;

loading zone means –

- (a) a parking facility or length of carriageway to which a loading zone sign applies; or
- (b) a parking bay designated by a sign for use by commercial vehicles as a loading zone;

loading zone sign has the meaning given in the Code;

low clearance sign means a sign indicating the height clearance restriction (in metres) when entering a parking station so as not to allow an oversize vehicle to attempt to pass under the object that is part of the sign;

median strip has the meaning given in the Code;

metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in a way that indicates where a vehicle may be parked on payment of a fee or charge;

metered zone means a road or reserve, or part of a road or reserve, in which a parking meter regulates the stopping or parking of vehicles;

money means any legal tender under the *Currency Act 1965* (Cth);

motorcycle means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;

motor vehicle means a self-propelled vehicle that is not operated on rails, and includes –

- (a) a trailer, semi-trailer or caravan while attached to a motor vehicle;
- (b) a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel; or
- (c) a 3-wheeled motor vehicle,

but does not include an electric rideable device;

nature strip has the meaning given in the Code and includes a verge;

no parking area has the meaning given in the Code;

no parking sign means a sign with –

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given in the Code;

no stopping sign means a sign with –

- (a) the words 'no stopping' or 'no standing' in red letters on a white background; or

- (b) the letter 'S' within a red annulus and a red diagonal line across it on a white background;

number plate has the meaning given in the *Road Traffic (Vehicles) Act 2012*;

obstruction has the meaning given in the Code;

occupier has the meaning given in the Act;

one-way carriageway has the meaning given in the Code;

owner –

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, has the meaning given to ‘responsible person’ in the *Road Traffic (Administration) Act 2008*;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle; and
- (c) where used in relation to land, has the meaning given in the Act;

park has the meaning given in the Code;

parking app means a software program used by a computer, tablet, smartphone or other electronic device for the payment of parking by a vehicle for a specified period of time;

parking app zone means a parking facility within a fee-paying zone in which a parking app is available for use;

parking area has the meaning given in the Code;

parking bay means a section of a parking facility or carriageway which is marked or defined in any way to indicate where a vehicle may stop or park;

parking bay for people with disabilities has the meaning given to permit parking area in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

parking control sign has the meaning given in the Code;

parking facility includes –

- (a) land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

parking meter means a machine or device which, as a result of a payment by any permitted means, indicates (with or without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered space to which the machine or device relates;

parking period means an electronic authorisation to park a vehicle issued from a ticket issuing machine, a parking meter or a parking app;

parking permit means a permit issued by the City or an authorised person and includes a written or electronic permit;

parking region means the area to which this local law applies, as described in clause 1.5;

parking station means any land, building or other structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged, but does not include a road or reserve;

parking ticket means a ticket which is issued from a ticket issuing machine or parking meter and which authorises the parking of a vehicle;

passenger transport vehicle has the meaning given in the *Transport (Road Passenger Services) Act 2018*;

path has the meaning given in the Code;

pedestrian has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

permissive parking sign means a sign inscribed with –

- (a) the word ‘parking’, but excludes a sign inscribed with the words ‘no parking’; or
- (b) the letter ‘P’ with any arrow, figure, letter or words in green;

postal vehicle has the meaning given in the Code;

property line means the boundary between the land comprising a road and the land that abuts that road;

public bus has the meaning given in the Code;

public bus zone means a parking bay, bus embayment or length of carriageway designated for use by a public bus;

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land –

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

but does not include a verge;

road means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land including the nature strip and paths appurtenant thereto lying between the property lines abutting the road;

Road Traffic Act means the *Road Traffic Act 1974*;

roundabout has the meaning given in the Code;

Schedule means a schedule to this local law;

shared zone has the meaning given in the Code;

sign includes a traffic sign, permissive parking sign, inscription, mark, structure or device approved by the City on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

special purpose vehicle has the meaning given in the Code and also includes any commercial vehicle owned by the City;

stop has the meaning given in the Code;

symbol includes a symbol specified by Australian Standard 1742.11- 1999 and a symbol specified from time to time by Standards Australia for use in the regulation of parking;

taxi has the meaning given in the Code;

taxi zone has the meaning given in the Code;

thoroughfare has the meaning given in the Act;

ticket includes a token;

ticket issuing machine means a machine or device which, as a result of a payment by any permitted means, issues a ticket showing the period during which it is lawful to remain parked in the area to which the machine or device relates;

ticket machine zone means a parking facility within a fee-paying zone in which a ticket issuing machine is installed;

T-intersection means an intersection where the end of a road intersects with the continuous side of a continuing road but does not include a roundabout;

traffic includes the passage of both vehicles and pedestrians;

traffic-control signal has the meaning given to it by the Code;

traffic island has the meaning given in the Code;

trailer has the meaning given in the Code;

truck means a vehicle which has a minimum load capacity of 1,000 kilograms;

truck bay means a parking bay designated for use by trucks only;

truck lane is the meaning given in the Code;

unattended, in relation to a vehicle, means where the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle;

unexpired parking period means a parking period on which a date and expiry time is specified and the time specified has not expired;

unexpired parking ticket means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

valve stem means the self-contained valve on a tyre used for inflation;

valve stem reading means observing and recording the position of a vehicles valve stem in relation to the associated tyre as a means of determining whether a vehicle has moved;

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008*; and

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.7 Interpretation

- (1) For the purposes of the definitions of *no parking area*, *no stopping area* and *parking area*, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.
- (3) Where a term is used but is not defined in the Act or this local law and that term is defined in the Road Traffic Act or the Code then, unless the context requires otherwise, the term is to have the meaning given in the Road Traffic Act or the Code.
- (4) A reference to a *thoroughfare*, *parking station*, *parking facility*, *metered zone*, *ticket machine zone*, *parking app zone* or *reserve* includes a reference to any part of the *thoroughfare*, *parking station*, *parking facility*, *metered zone*, *ticket machine zone*, *parking app zone* or *reserve*.

1.8 Sign erected by the Commissioner of Main Roads

A sign that –

- (a) was erected by the Commissioner of Main Roads Western Australia prior to the commencement of this local law; and
- (b) relates to the stopping or parking of vehicles,

is taken to have been erected by the City under this local law.

1.9 Application of signs

- (1) Where under this local law the stopping or parking of a vehicle on a road is controlled by a sign, the sign is to apply to that part of the road which –
 - (a) lies beyond the sign;
 - (b) lies between that sign and the next sign; and
 - (c) is on that half of the road nearest to that sign.
- (2) A sign may prohibit or regulate parking or stopping by the use of a symbol.
- (3) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it is to be taken to operate and have effect as if it also related to the parking of vehicles.
- (4) The first three letters of any day of the week when used on a sign indicate that day of the week.

1.10 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows –

- (a) public buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) taxis;
- (e) emergency vehicles;
- (f) special purpose vehicles;
- (g) charter vehicles;
- (h) funeral vehicles;
- (i) electric vehicles; and
- (j) all other vehicles.

1.11 Establishment of parking facilities

The City may establish and vary parking facilities for the purposes of this local law.

1.12 Permitted payment

The City may authorise a person to pay for parking, in advance or in arrears, by any means other than or in addition to the insertion of money in a ticket issuing machine or parking meter or by use of a parking app.

1.13 Alternative method of payment

- (1) Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the City may authorise a person to park in the parking facility, without paying the Relevant Fee in the usual way, by giving the person (electronically or otherwise) a permit, invoice, ticket or pass (alternative method of payment).
- (2) A person who is given an alternative method of payment, and who complies with the terms of the alternative method of payment, is exempt from paying the Relevant Fee.
- (3) An alternative method of payment may not be used by any person other than the person to whom it was given by the City.

PART 2 – STOPPING AND PARKING GENERALLY

2.1 Power to prohibit and regulate

The Council may by resolution prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle, or of any class of person or vehicle, or both, but is to do so consistently with this local law.

2.2 Determinations in relation to stopping and parking

- (1) The Council may by resolution determine –
 - (a) permitted times and conditions of stopping and parking which may vary with the parking region;
 - (b) permitted classes of persons who may stop or park their vehicles;
 - (c) permitted classes of vehicles which may stop or park; or
 - (d) the manner of stopping or parking.
- (2) Where the Council makes a determination under subclause (1), the City –
 - (a) must erect one or more signs to give effect to the determination; and
 - (b) may vary the determination.

2.3 Stopping or parking generally

- (1) A person must not stop or park a vehicle in a parking facility or in a thoroughfare –
 - (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;
 - (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) for more than the maximum time specified by a sign unless –
 - (i) clause 2.4 applies; or
 - (ii) the vehicle displays a disability parking permit in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;
 - (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces – unless the vehicle is too wide or long to fit completely within a single parking bay or metered space, in which case it must be parked within the minimum number of parking bays or metered spaces needed to park it; or
 - (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked.
- (2) A person must not stop or park a vehicle –
 - (a) in a no stopping area;
 - (b) in an area to which a ‘clearway’ sign applies;
 - (c) at the side of a carriageway marked with a continuous yellow edge line;
 - (d) in an area of a carriageway signed or marked with a keep clear marking;

- (e) in a bay marked 'M/C' unless it is a motorcycle;
 - (f) in a bus lane or busway;
 - (g) in a truck lane; or
 - (h) in a bicycle lane or on a bicycle path,
- unless the person is driving a public bus or a taxi and is immediately dropping off, or picking up, passengers.
- (3) A person must not park a vehicle in a ***no parking area***, unless the driver –
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) within 2 minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.

2.4 Parking with a parking permit

- (1) The City may issue to a person a parking permit which exempts the holder of the permit from a prohibition under this local law against the stopping or parking of vehicles on any part of a road or parking station subject to any conditions that the City considers appropriate.
- (2) Where –
 - (a) A parking permit issued is a physical parking permit, the parking permit must be displayed inside the vehicle on the dashboard of the vehicle and be clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the parking permit relates; or
 - (b) A parking permit is issued in electronic form, the vehicle registration number must be able to be entered into the City's electronic system when the permit is used and be able to be located by an authorised person in a database that contains all relevant information about the permit, permit holder and vehicle.
- (3) The City may, at any time, revoke a permit issued under subclause (1).

2.5 Stopping or parking contrary to consent

- (1) In this clause a reference to ***land*** does not include land –
 - (a) which belongs to the City;
 - (b) of which is an 'otherwise unvested facility' within section 3.53 of the Act; or
 - (c) which is the subject of an agreement referred to in clause 1.5(3).
- (2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.

- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

2.6 Parking positions

Where a sign referring to a parking area is not inscribed with the words ‘angle parking’, then unless a sign referring to the parking area indicates, or a mark on the carriageway indicates, that a vehicle must park in a different position –

- (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and
- (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in the parking area must stop or park it at approximately right angles to the centre of the carriageway.

2.7 Angle parking

Where a sign referring to a parking area is inscribed with the words ‘angle parking’, a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by a mark on the carriageway.

2.8 Loading zones

- (1) A person must not stop or park a vehicle in a loading zone unless—
 - (a) the vehicle is a commercial vehicle; and
 - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle; or
 - (c) alternatively to paragraphs (a) and (b), the vehicle is an authorised vehicle.
- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign, or if no time is indicated on the sign for longer than 30 minutes, unless authorised by an authorised person.

2.9 Reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person –

- (a) is an employee of the City in the course of the employee’s duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the City or an authorised person.

2.10 Occupied parking bays

A person must not stop or park, or attempt to stop or park, a vehicle in a parking bay or metered space in which another vehicle is stopped or parked.

2.11 Urgent, essential or official functions

(1) Where –

- (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
- (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility,

the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.

(2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.

(3) Permission given under subclause (1) may –

- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and
- (b) be revoked or suspended at any time by an authorised person.

(4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

2.12 Direction to move vehicle

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after being directed by an authorised person or a police officer to move the vehicle.

2.13 Selling or hiring in a parking facility

A person must not sell, hire or give away any goods or erect an advertisement in a parking facility without the written authorisation of an authorised person or the City.

2.14 Damage to parking facilities

A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

2.15 Removal and impounding of vehicles

- (1) The impounding of vehicles and other goods is dealt with in Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.
- (2) The power of an authorised person to remove and impound any goods that are involved in a contravention that can lead to impounding is dealt with in section 3.39(1) of the Act.
- (3) The power of a person to use reasonable force to exercise the power given by section 3.39(1) of the Act is dealt with in section 3.39(2) of the Act.

2.16 Authorised parking

A person must not, without the permission of the City or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by a sign for the parking of an authorised vehicle only.

2.17 Stopping or parking on City property

A person must not stop or park a vehicle on or over any portion of the City's property, other than an area specifically set aside for that purpose, unless the person –

- (a) is an authorised person; or
- (b) has obtained the permission of the City or an authorised person.

PART 3 – STOPPING AND PARKING ON ROADS AND OTHER AREAS**3.1 Stopping or parking on a carriageway**

Subject to clauses 2.3, 2.6 and 2.7, a person stopping or parking a vehicle on a carriageway must stop or park it –

- (a) in the case of a two-way carriageway - so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (b) in the case of a one-way carriageway - so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (c) so that at least three metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway;

- (d) so that it is more than one metre from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway.

3.2 Median strips and traffic islands

A person must not stop or park a vehicle, trailer or caravan (other than a bicycle or an animal) so that any portion of the vehicle, trailer or caravan is on a traffic island or median strip unless the person stops or parks in an area to which a parking control sign applies and the person is permitted to stop or park at that place under this local law.

3.3 Verges

- (1) A person shall not –
 - (a) stop or park a vehicle (other than a bicycle);
 - (b) stop or park a commercial vehicle or bus; or
 - (c) stop or park a vehicle during any period when the stopping or parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the person if that person is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

3.4 Prohibited parking of vehicles

A person must not park a vehicle on any portion of a road or within a parking station –

- (a) for the purpose of exposing the vehicle for sale or hire;
- (b) if the vehicle is not licensed under the Road Traffic Act or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if the vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the road or parking station.

3.5 Obstructions generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space.
- (2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is –
 - (a) on a road and causes an obstruction on the road - unless it is a public bus stopping in a bus zone;
 - (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
 - (c) on a roundabout or intersection, subject to paragraphs (d) and (e);
 - (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals - unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
 - (e) on a carriageway within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked - unless the vehicle stops or parks –
 - (i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this local law; or
 - (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
 - (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;
 - (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway – if the vehicle would obstruct traffic;
 - (h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign;
 - (i) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines; or
 - (j) within the head of a cul-de-sac.

3.6 Double parking

- (1) Subject to subclause (2), a person must not stop or park a vehicle on a road so that any portion of the vehicle is between any other stationary vehicle and the centre of the carriageway of that road.
- (2) Subclause (1) does not apply to –

- (a) a person who parks a motorcycle in a bay marked 'M/C'; or
- (b) a person who stops or parks a vehicle in a parking bay or metered space abreast of or alongside another vehicle.

3.7 Crossovers

A person shall not stop or park a vehicle on or across a crossover or other way of access for vehicles travelling to or from adjacent land, unless –

- (a) the vehicle is dropping off, or picking up, passengers and shall not remain for longer than two minutes;
- (b) the vehicle stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law; or
- (c) the driver is the owner or occupier of the premises that abuts the crossover or is a person permitted by the owner or occupier of the premises.

3.8 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a person shall not stop or park a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres.
- (2) A person may stop or park a vehicle on a crest or curve on a carriageway if the vehicle stops at a place on the carriageway, or in an area, to which parking control signs apply and the vehicle is permitted to stop at that place under this local law.

3.9 Stopping or parking near fire hydrant or post box

A person must not stop or park a vehicle, otherwise than in a marked bay, on a road so that any portion of the vehicle is –

- (a) within one metre of a fire hydrant, or of any sign or mark indicating the existence of a fire hydrant; or
- (b) within three metres of a public post box unless the vehicle is a postal vehicle.

3.10 Bus stops, pedestrian, children and train crossings

- (1) A person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –
 - (a) a bus embayment, bus stop or a bus zone unless the vehicle is a public bus stopping to take up or set down passengers; or
 - (b) a pedestrian crossing or children's crossing.
- (2) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 metres of the approach side of–

- (a) a bus embayment, bus stop or a bus zone, unless the vehicle is a public bus stopping to take up or set down passengers; or
 - (b) a pedestrian crossing or children's crossing.
- (3) This clause does not apply if –
 - (a) the vehicle is stopped or parked in a marked bay;
 - (b) the driver of the vehicle is prevented from proceeding by circumstances beyond their control; or
 - (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

3.11 Restrictions on avoiding time limitations

- (1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along, or return to, that length of carriageway so that the total time of parking the vehicle exceeds the maximum time permitted - unless the vehicle has first been removed from the length of carriageway for at least two hours.
- (2) Where the stopping or parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within that parking facility so that the total time of parking the vehicle exceeds the maximum time allowed for parking in that parking facility – unless the vehicle has first been removed from the parking facility for at least two hours.
- (3) Where in a parking facility –
 - (a) the parking of a vehicle is prohibited unless:
 - (i) a parking ticket from a ticket issuing machine is displayed on the dashboard of the vehicle; or
 - (ii) a parking period is obtained from a ticket issuing machine or parking app;
 - and
 - (b) a period of free parking is permitted before a fee for parking applies,

a person must not, at any time within the same day, obtain or use more than one parking ticket or parking period for the same vehicle in that parking facility.

3.12 Public bus zones

- (1) A person must not stop or park a vehicle, other than a public bus, in a public bus zone.
- (2) Unless otherwise stated on a sign, a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers.

3.13 Stopping or parking in a taxi zone

- (1) A person must not stop or park a vehicle in a taxi zone, unless the person is driving a taxi.
- (2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

3.14 Charter vehicle zones

- (1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.
- (2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for not more than –
 - (a) 15 minutes – if the charter vehicle has 12 or more seats including the driver; or
 - (b) 5 minutes – if the charter vehicle has less than 12 seats including the driver.
- (3) If subclause (2) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

3.15 Stopping or parking in a shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle –

- (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law;
- (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;
- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

3.16 Stopping or parking - heavy and long vehicles

- (1) A person must not stop or park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes on a carriageway, verge or in a parking station for any period exceeding one hour, unless the vehicle is –
 - (a) engaged in the picking up or setting down of goods; or
 - (b) stopped in a truck bay;
- (2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

PART 4 – FEE-PAYING ZONES**4.1 Fee-paying zones**

The fee-paying zones are –

- (a) a metered zone;
- (b) a ticket machine zone;
- (c) a parking app zone; and
- (d) any other fee-paying zone established by the local government under clause 1.11.

4.2 Payment of fees

- (1) This clause does not apply to a parking station that requires payment on exit.
- (2) A person who stops or parks a vehicle in a fee-paying zone must –
 - (a) in the case of a metered stall - immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the parking meter referable to the metered stall;
 - (b) in the case for a ticket issuing machine zone – immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone; or
 - (c) in the case of a parking app zone –
 - (i) immediately commence the parking app transaction and obtain notification that the transaction has commenced;
 - (ii) ensure that the transaction remains active at all times while the vehicle is stopped or parked; and
 - (iii) immediately before the vehicle is driven from where it had been stopped or parked, complete the pay by phone transaction and obtain notification that the required fee has been paid.
- (3) Subject to the provisions of this Part 4, the payment of the fee referred to in subclause (2) entitles a person to stop or park a vehicle in –
 - (a) a metered stall for the period shown on the sign referable to the stall; or
 - (b) the relevant ticket issuing machine zone or parking app zone for the period shown on the parking ticket,

but does not authorise the parking of the vehicle during any time when stopping or parking in that stall or zone is prohibited under this local law.

4.3 Operations of fee-paying machines

A person must not operate a fee-paying machine except in accordance with the operating instruction appearing on the fee-paying machine.

4.4 Metered space, parking limit

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

4.5 Display of parking tickets and parking limits

- (1) A person must not stop or park a vehicle in a fee-paying zone during the period in which stopping or parking is permitted only on the purchase of a printed parking ticket unless –
 - (a) an unexpired parking ticket issued by a ticket issuing machine in that fee-paying zone is displayed inside the vehicle; and
 - (b) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in that fee paying zone.
- (2) Unless subclause (3) applies, where in a ticket machine zone more than one printed parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of –
 - (a) the aggregate of those periods; or
 - (b) the maximum period of time a vehicle is permitted to park in the fee-paying zone,whichever occurs first.
- (3) If a trailer is attached to a vehicle or if a vehicle is too long or too wide to fit completely within a single metered stall or parking stall, the person parking the vehicle must –
 - (a) park the vehicle (or, as the case may be, the vehicle and the trailer) within the minimum number of metered stalls or parking stalls needed to park the vehicle (or, as the case may be, the vehicle and the trailer);
 - (b) purchase and obtain a parking ticket for each occupied metered stall or parking stall as permitted under this local law; and
 - (c) display each printed ticket inside the vehicle in accordance with subclause (1).

4.6 Reserved fee-paying zones

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space, parking stall, or fee-paying zone if –

- (a) the parking meter or ticket machine or sign advising of a parking app zone is hooded with a covering bearing words or symbols that indicate parking is not permitted within the space or fee-paying zone; or
- (b) a parking zone is blocked or reserved by the City by any other physical means.

4.7 Parking restrictions in fee-paying zones

A person must not stop or park a vehicle in a fee-paying zone –

- (a) except during the period stated on a sign referable to the fee-paying zone during which stopping or parking is permitted; or
- (b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee-paying zone, as stated on a sign referable to the fee-paying zone.

4.8 Use of counterfeit or altered parking tickets

A person must not park a vehicle in a fee-paying zone that requires a ticket, if there is displayed in that vehicle, so as to be visible from outside the vehicle, a parking ticket which has been counterfeited, altered, obliterated or interfered with.

4.9 Payment for parking

A person must not insert into a fee-paying machine anything other than the designations of coin or banknote, or other form of permitted payment indicated by a sign on the fee-paying machine and only in accordance with the instructions printed on the fee-paying machine.

PART 5 – PARKING STATIONS

5.1 Removal of vehicles

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until –
 - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the City has issued a notice stating the fee.
- (2) Where a notice has been issued under subclause (1)(b), the fee must be paid within three working days from the time of issue of the notice.

5.2 Entering and exiting parking facilities

A person must not, in a vehicle, enter or exit a parking facility other than through an authorised entry or exit designated as such by a sign.

5.3 Locking of parking stations

At the expiration of the hours of operation of a parking station, whether or not any vehicle remains parked in the parking station, an authorised person may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.

5.4 Behaviour in a parking station

A person must not remain in a parking station after having been required to leave by an authorised person.

5.5 Low clearance signs

A person must not drive a vehicle past a low clearance sign if the vehicle, or any part of the vehicle connected to it or any load carried by the vehicle, is higher than the height (in metres) indicated by the sign.

PART 6 – MISCELLANEOUS**6.1 Authorised person certificate of appointment**

The requirement for an authorised person to be given the appropriate certificate of the person's appointment is dealt with in section 9.10(2) of the Act.

6.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out the person's functions.

6.3 Power of an authorised person

- (1) An authorised person has all necessary power to perform that authorised person's functions under this local law.
- (2) An authorised person may –
 - (a) carry into effect the provisions of this local law;
 - (b) report to the City on the working effectiveness of this local law;
 - (c) recommend to the CEO the institution of prosecutions; and

- (d) institute and conduct prosecutions as directed by the CEO.

6.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the functions of an authorised person.

6.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of the authorised person's duties.

6.6 Removal of notices

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.

6.7 Display of signs

A person must not, without the authorisation of the City or an authorised person –

- (a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the City under this local law;
- (b) remove, deface or misuse a sign or property set up by the City under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to, or paint or write on, any part of a sign or fee-paying machine.

6.8 Marking tyres and valve stem readings

- (1) An authorised person may –
 - (a) mark the tyres of a vehicle with chalk or any other non-indelible substance;
 - (b) take a valve stem reading of a vehicle; or
 - (c) record vehicle registration numbers,for a purpose connected with the authorised person's functions.
- (2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.

6.9 Exemption when complying with directions

A person who complies with a direction given by a police officer or an authorised person does not commit an offence against this local law while complying with that direction.

6.10 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle or an emergency vehicle may, only in the course of the driver's functions and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.

6.11 Interfere with or damage to City property

A person must not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in a parking station, carriageway or any other place.

6.12 Vehicles not to obstruct a public place

Unless permitted under this local law, or unless authorised under any other written law, a person must not leave a vehicle, or any part of a vehicle, in a public place if it –

- (a) obstructs the use of any part of the public place; or
- (b) appears to an authorised person to have been abandoned, having regard to factors such as –
 - (i) whether there are any licence plates on the vehicle;
 - (ii) whether the vehicle is unregistered;
 - (iii) the extent of any damage to the vehicle;
 - (iv) whether the vehicle has been in the same position for more than 24 hours; and
 - (v) whether the vehicle appears to be inoperable.

PART 7 – OFFENCES AND MODIFIED PENALTIES**7.1 Offences**

- (1) A person who fails to do anything required 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 commits an offence under this local law is liable, on 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 continues.

- (3) An offence against a provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

7.2 Form of notices

For the purposes of this local law –

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.3 Modified penalty

- (1) Subject to subclauses (3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If it appears to the City that an alleged offence cannot be adequately punished by the payment of the modified penalty, the City may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.
- (4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign –
 - (a) the amount of the modified penalty is to be the amount referred to in Schedule 1 where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
 - (b) the amount of the modified penalty is to be payable again in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500 on the amount of modified penalties payable for each offence.

City of Joondalup

Parking Local Law 2023

SCHEDULE 1**CITY OF JOONDALUP PARKING LOCAL LAW 2023****PRESCRIBED OFFENCES****[Clause 7.3]**

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
1	2.3(1)(a)	Stopping or parking by vehicles of a different class	100
2	2.3(1)(b)	Stopping or parking by persons of a different class	100
3	2.3(1)(c)	Stopping or parking during prohibited period	100
4	2.3(1)(d)	Stopping or parking for longer than maximum period	100
5	2.3(1)(e)	Failure to park wholly within parking bay or metered space	100
6	2.3(1)(f)	Stopping or parking contrary to signage	100
7	2.3(2)(a)	Stopping or parking in a no stopping area	150
8	2.3(2)(b)	Stopping or parking contrary to a 'clearway' sign	150
9	2.3(2)(c)	Stopping or parking at a continuous yellow edge line	150
10	2.3(2)(d)	Stopping or parking in a keep clear area of carriageway	150
11	2.3(2)(e)	Stopping or parking vehicle other than motorcycle in 'M/C' bay	100
12	2.3(2)(f)	Stopping or parking in a bus lane or busway	150
13	2.3(2)(g)	Stopping or parking in a truck lane	150
14	2.3(2)(h)	Stopping or parking in a bicycle lane or path	150
15	2.3(3)	Parking in a no parking area	100
16	2.4(2)	Parking in a permit parking area without a valid parking permit	100
17	2.5(2)	Stopping or parking on private land without consent	150
18	2.5(3)	Stopping or parking on private land not in accordance with consent	100
19	2.6(a)	Failure to park or stop as near as practicable and parallel to boundary of carriageway	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
20	2.6(b)	Failure to stop or park at approximately right angles to the centre of the carriageway	100
21	2.7	Failure to park at an appropriate angle in an angle parking area	100
22	2.8	Stopping or parking unlawfully in a loading zone	100
23	2.9	Driving, stopping or parking on a reserve	150
24	2.10	Stopping or parking, or attempting to stop or park in a bay occupied by another vehicle	100
25	2.11(4)	Stopping or parking contrary to permission given by an authorised person	100
26	2.12	Stopping or parking a vehicle contrary to the direction of an authorised person	150
27	2.13	Selling or hiring goods in a parking facility without authorisation	100
28	2.14	Removing, damaging, defacing, misusing or interfering with parking facility	150
29	2.16	Stopping or parking unauthorised vehicle in an area designated for 'Authorised Vehicle Only'	100
30	2.17	Stopping or parking on City property	100
31	3.1(a)	Stopping or parking against the flow of traffic on a two-way carriageway	100
32	3.1(b)	Stopping or parking against the flow of traffic on a one-way carriageway	100
33	3.1(c)	Stopping or parking a vehicle when distance from farther boundary, continuous line or median strip is less than 3 metres	150
34	3.1(d)	Stopping or parking a vehicle less than 1 metre from any other vehicle	100
35	3.2	Parking or stopping on a median strip or traffic island	150
36	3.3(1)	Stopping or parking a vehicle unlawfully on a verge	100
37	3.4(a)	Parking vehicle on any portion of a road or within a parking station for purpose of sale or hire	100
38	3.4(b)	Parking unlicensed vehicle on any portion of a road or within a parking station	100
39	3.4(c)	Parking unattached trailer or caravan on any portion of a road or within a parking station	100
40	3.4(d)	Parking vehicle on any portion of a road or within a parking station for the purpose of repairs	100
41	3.5(3)(a)	Stopping or parking a vehicle on a road so as to cause obstruction	150

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
42	3.5(3)(b)	Stopping or parking a vehicle so as to obstruct an entrance, exit, carriageway, passage or thoroughfare in a parking facility	150
43	3.5(3)(c)	Stopping or parking a vehicle on a roundabout or intersection	200
44	3.5(3)(d)	Stopping or parking within 20 metres from an intersecting carriageway with traffic-control signals	100
45	3.5(3)(e)	Stopping or parking within 10 metres of the prolongation of nearest edge of intersecting carriageway	100
46	3.5(3)(f)	Stopping or parking on or over a footpath, pedestrian crossing, children's crossing or place for pedestrians	200
47	3.5(3)(g)	Stopping or parking alongside or opposite construction works where vehicle obstructs traffic	150
48	3.5(3)(h)	Stopping or parking on a bridge or within a tunnel or underpass	100
49	3.5(3)(i)	Stopping or parking between the boundaries of a carriageway and any continuous double line	100
50	3.5(3)(j)	Stopping or parking within head of a cul-de-sac	100
51	3.6(1)	Double parking	150
52	3.7	Stopping or parking unlawfully across a crossover or other way of access	200
53	3.8(a)	Stopping or parking on a crest or curve	100
54	3.9(a)	Stopping or parking within 1 metre of fire hydrant	100
55	3.9(b)	Stopping or parking within 3 metres of public post box	100
56	3.10(1)(a)	Stopping or parking a vehicle within 10 metres of the departure side of a bus bay, bus stop or bus zone	100
57	3.10(1)(b)	Stopping or parking a vehicle within 10 metres of the departure side of a pedestrian or children's crossing	100
58	3.10(2)(a)	Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus stop or bus zone	100
59	3.10(2)(b)	Stopping or parking a vehicle within 20 metres of the approach side of a pedestrian or children's crossing	100
60	3.11(1)	Moving a vehicle along carriageway to avoid time limitation	100
61	3.11(2)	Moving a vehicle within parking station to avoid time limitation	100
62	3.11(3)	Obtaining more than one free parking ticket or parking period	100
63	3.12(1)	Stopping or parking a vehicle in a public bus zone	150

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
64	3.12(2)	Stopping or parking public bus in bus zone when not picking up or setting down passengers	100
65	3.13(1)	Stopping or parking unlawfully in a taxi zone	100
66	3.13(2)	Leaving taxi unattended while in a taxi zone	100
67	3.14(1)	Stopping or parking in charter vehicle zone when not a charter vehicle	100
68	3.14(2)(a)	Stopping or parking charter vehicle (12 or more seats) in charter vehicle zone for longer than maximum period	100
69	3.14(2)(b)	Stopping or parking charter vehicle (less than 12 seats) in charter vehicle zone for longer than maximum period	100
70	3.14(3)	Leaving charter vehicle unattended in charter vehicle zone	100
71	3.14	Stopping or parking unlawfully in shared zone	100
72	3.15	Stopping or parking heavy or long vehicles for longer than 1 hour	100
73	4.2(2)	Failure to pay fee in a fee-paying zone	100
74	4.3	Operating a fee-paying machine contrary to instructions	100
75	4.4	Stopping or parking when meter has expired	100
76	4.5(1)	Failure to correctly display valid parking ticket in a ticket machine zone	100
77	4.6	Unlawfully stopping or parking a vehicle in a reserved fee-paying zone	100
78	4.7(a)	Stopping or parking in a fee-paying zone outside the period which stopping or parking is allowed	100
79	4.7(b)	Stopping or parking in a fee-paying zone for longer than the permitted period	100
80	4.8	Displaying a counterfeit, altered, obliterated or interfered with parking ticket	150
81	4.9	Inserting anything other than the permitted forms of payment in a fee-paying machine	150
82	5.1(1)	Unlawfully removing a parked vehicle from a parking station without paying the exit fee	150
83	5.1(2)	Failure to pay fee within 3 working days from the time of issue of the notice	100
84	5.2	Failure to enter and exit parking facility through authorised entry or exit	100
85	5.4	Failure to leave parking station at the direction of an authorised person	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
86	5.5	Driving a vehicle past a low clearance sign	150
87	6.4	Impersonating an authorised person	200
88	6.5	Obstructing an authorised person	200
89	6.6	Unlawfully removing notice from vehicle	150
90	6.7(a)	Unauthorised display, marking, setting up, exhibiting of a sign	150
91	6.7(b)	Removing, defacing or misusing a sign or the property of the City	150
92	6.7(c)	Affixing anything to a sign or fee-paying machine	100
93	6.8(2)	Removing or interfering with a lawful mark on a tyre	200
94	6.11	Interfering with, damaging or obstructing City property	200
95	6.12(a)	Leaving vehicle so as to obstruct a public place	150
96	6.12(b)(i)	Park vehicle without number plates in a public place	100
97	6.12(b)(ii)	Park unregistered vehicle in a public place	100
98	6.12(b)(iv)	Park vehicle in a public place in excess of 24 hours	100
99		All other offences not specified	100

City of Joondalup

Parking Local Law 2023

Dated 2024

The Common Seal of the City of Joondalup)
was affixed by authority of the resolution)
of the Council in the presence of:)

HON. ALBERT JACOB, JP
MAYOR

JAMES PEARSON
CHIEF EXECUTIVE OFFICER



COMMUNITY CONSULTATION OUTCOMES REPORT

Parking Local Law 2023 and Pest
Plant Amendment Local Law 2023

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OVERVIEW

The community was invited to provide feedback from Thursday 2 November 2023 to Thursday 14 December 2023 on two local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

Written feedback was sought by way of an online submission form, email or letter.

The City received a total of 29 submissions throughout the 43-day consultation period. This included 24 submissions from individual community members and 4 submissions from the following identified stakeholders:

- Joondalup Community Coast Care Forum
- Friends of Sorrento Beach and Marmion Foreshore
- Whitford Community, Ratepayers & Recreation Association Inc
- Woodvale Waters Landowners Association.

Submissions related to the *Parking Local Law 2023* commonly referred to the need to improve the policing of the laws, while submissions about the *Pest Plant Amendment Local Law 2023* were mostly supportive of the inclusion of Golden Crownbeard.

STAKEHOLDERS

A total of 36 stakeholders were directly engaged by the City of Joondalup. Stakeholders identified included:

- Environmental/friends' groups (20)
 - Joondalup Community Coast Care Forum
 - Friends of Cadogan Park
 - Friends of Carnaby Reserve
 - Friends of Central Park Bushland
 - Friends of Craigie Bushland
 - Friends of Harman Park
 - Friends of Hepburn and Pinnaroo Bushland
 - Friends of Hillarys and Kallaroo Foreshore
 - Friends of Korella Park Bushland
 - Friends of Maritana Bushland
 - Friends of North Ocean Reef/Iluka Foreshore
 - Friends of Periwinkle Bushland
 - Friends of Porteous Park
 - Friends of Robin Park Bush Reserve
 - Friends of Shepherd Bush Park
 - Friends of Sorrento Beach and Marmion Foreshore
 - Friends of Trigonometric Park
 - Friends of Warwick Bushland and Friends of Sorrento Beach
 - Friends of Yellagonga Regional Park
 - Mullaloo Beach Community Group*
- Resident/ratepayer groups (16)
 - Beldon Residents Association Inc
 - Burns Beach Residents Association Inc
 - Connolly Residents Association
 - Currambine Residents' Association
 - Edgewater Community Residents' Association
 - Harbour Rise Home Owners Association Inc
 - Heathridge Residents' Association
 - Iluka Homeowners Association
 - Kallaroo Residents' Association
 - Kingsley & Greenwood Residents Association
 - Marmion, Sorrento, Duncraig Progress and Ratepayers Association
 - North Shore Country Club and Residents Association
 - Padbury Residents' Association Inc
 - Warwick Residents' Group
 - Whitford Community, Ratepayers & Recreation Association Inc
 - Woodvale Waters Landowners Association.

* Note, in addition to being an environmental/friends group the Mullaloo Beach Community Group also identify as a resident/ratepayer group. The City accepts one response per organisation.

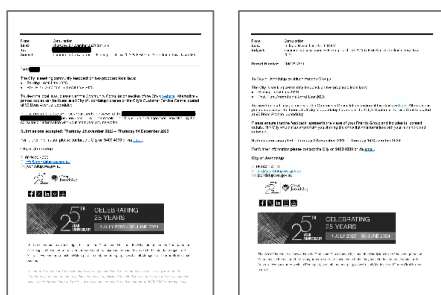
CONSULTATION MATERIALS

Resident/ratepayer groups were sent emails on 2 November 2023 which advised them of the consultation and directed them to the City's website to view the proposed local laws and provide feedback using the Online Submission Form.

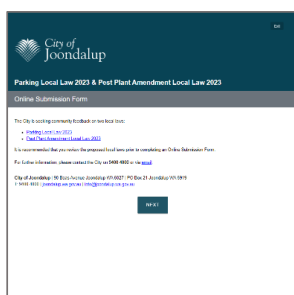
Environmental/friends' groups were sent emails on 3 November 2023 which advised them of the consultation and directed them to the City's website to view the proposed local laws and provide feedback using the Online Submission Form.

These stakeholders were also encouraged to promote the consultation and the Online Submission Form to their members and networks.

Emails to resident/ratepayer and environmental/friends' groups (see Appendix 1–2 for full):



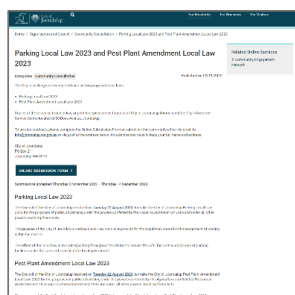
Online submission form (see Appendix 3 for full):



In addition to directly contacting identified stakeholders via post and email, the City advertised the consultation to other community members via the following means:

- Webpage linked through the "Community Consultation" section of the City's website visible from 2 November 2023 to 14 December 2023.
- Public Notice newspaper advertisement published in *PerthNow Joondalup* community newspaper on 2 November 2023.
- Item published in the Public Notice eNewsletter emailed to subscribers on 2 November 2023.
- Public Notice post on Facebook through the City's Facebook account on 2 November 2023.
- Public Notice posters on display at the City's administration building and the City's libraries.
- Item published in the Joondalup Voice insert of the *PerthNow Joondalup* community newspaper on 16 November 2023 and emailed to subscribers of the Joondalup Voice eNewsletter on 16 November 2023.
- E-screen displays visible on the electronic display boards at the City administration building, libraries, and Craigie Leisure Centre from 2 November 2023 to 14 December 2023.
- Item published in the Community Engagement Network eNewsletter emailed to subscribers on 30 November 2023.

Community Consultation webpage of the City's website (see Appendix 4 for full):



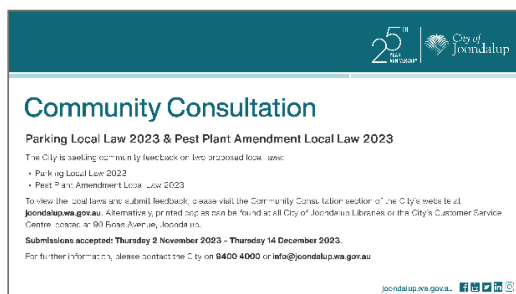
Public Notice newspaper advertisement published in *PerthNow Joondalup* community newspaper, Public Notice eNewsletter, Public Notice Facebook post, and Public Notice poster (see Appendix 5–8 for full):



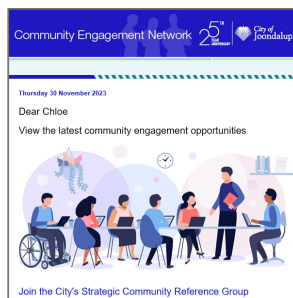
Joondalup Voice insert of the *PerthNow Joondalup* community newspaper and Joondalup Voice eNewsletter (see Appendix 9–10 for full):



E-screen display (see Appendix 11 for full):



Community Engagement Network eNewsletter (see Appendix 12 for full):



RESPONSE RATE

The City received a total of 29 submissions during the consultation period (Thursday 2 November 2023 to Thursday 14 December 2023). A total of 4 stakeholders who were engaged directly provided a submission, including:

- Joondalup Community Coast Care Forum
- Friends of Sorrento Beach and Marmion Foreshore
- Whitford Community, Ratepayers & Recreation Association Inc
- Woodvale Waters Landowners Association.

This indicates an overall response rate of 11.1% from stakeholders who were engaged directly by the City. This data is shown in the table below.

Note that the submissions from the above identified stakeholders have been extracted and are provided at Appendix 13–16.

	Feedback sought	Feedback received	Response rate
Submissions received by stakeholder type:	N	N	%
Environmental/friends' groups	20	2	10.0%
Joondalup Community Coast Care Forum	1	1	100.0%
Friends of Cadogan Park	1	0	0.0%
Friends of Carnaby Reserve	1	0	0.0%
Friends of Central Park Bushland	1	0	0.0%
Friends of Craigie Bushland	1	0	0.0%
Friends of Harman Park	1	0	0.0%
Friends of Hepburn and Pinnaroo Bushland	1	0	0.0%
Friends of Hillarys and Kallaroo Foreshore	1	0	0.0%
Friends of Korella Park Bushland	1	0	0.0%
Friends of Maritana Bushland	1	0	0.0%
Friends of North Ocean Reef/Iluka Foreshore	1	0	0.0%
Friends of Periwinkle Bushland	1	0	0.0%
Friends of Porteous Park	1	0	0.0%
Friends of Robin Park Bush Reserve	1	0	0.0%
Friends of Shepherd Bush Park	1	0	0.0%
Friends of Sorrento Beach and Marmion Foreshore	1	1	100.0%
Friends of Trigonometric Park	1	0	0.0%
Friends of Warwick Bushland and Friends of Sorrento Beach	1	0	0.0%
Friends of Yellagonga Regional Park	1	0	0.0%
Mullaloo Beach Community Group	1	0	0.0%

	Feedback sought	Feedback received	Response rate
Resident/ratepayer groups	16	2	12.5%
Beldon Residents Association Inc	1	0	0.0%
Burns Beach Residents Association Inc	1	0	0.0%
Connolly Residents Association	1	0	0.0%
Currambine Residents' Association	1	0	0.0%
Edgewater Community Residents' Association	1	0	0.0%
Harbour Rise Home Owners Association Inc	1	0	0.0%
Heathridge Residents' Association	1	0	0.0%
Iluka Homeowners Association	1	0	0.0%
Kallaroo Residents' Association	1	0	0.0%
Kingsley & Greenwood Residents Association	1	0	0.0%
Marmion, Sorrento, Duncraig Progress and Ratepayers Association	1	0	0.0%
North Shore Country Club and Residents Association	1	0	0.0%
Padbury Residents' Association Inc	1	0	0.0%
Warwick Residents' Group	1	0	0.0%
Whitford Community, Ratepayers & Recreation Association Inc	1	1	100.0%
Woodvale Waters Landowners Association.	1	1	100.0%
Total response rate (engaged directly)	36	4	11.1%
Total submissions	—	29	—

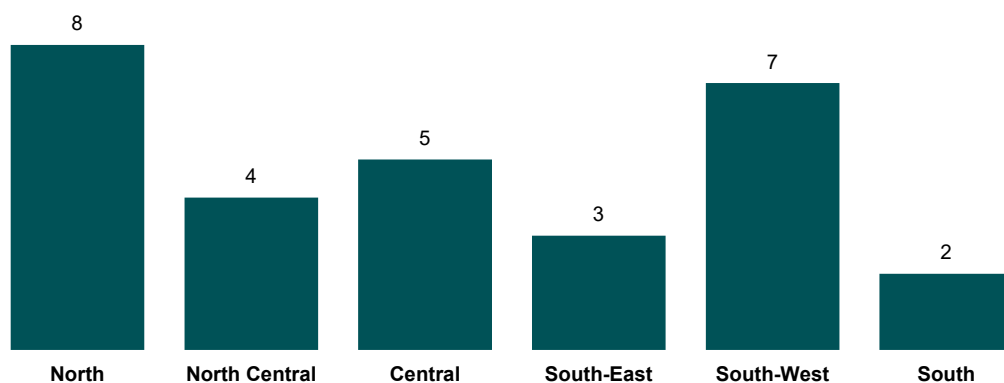
DEMOGRAPHICS

Respondent address

Respondents were asked to provide their contact address. Over one-quarter of respondents were from the North Ward (8), and approximately one-fifth were from the South-West Ward (7). This data is shown in the table and chart below.

Responses received by ward and suburb:	N	%
North Ward	8	27.6%
Burns Beach	0	0.0%
Currambine	2	6.9%
Joondalup	6	20.7%
Kinross	0	0.0%
North Central Ward	4	13.8%
Connolly	0	0.0%
Edgewater	2	6.9%
Heathridge	1	3.4%
Iluka	1	3.4%
Ocean Reef	0	0.0%
Central Ward	5	17.2%
Beldon	1	3.4%
Craigie	1	3.4%
Mullaloo	2	6.9%
Woodvale	1	3.4%
South-East Ward	3	10.3%
Greenwood	0	0.0%
Kingsley	2	6.9%
Warwick	1	3.4%
South-West Ward	7	24.1%
Hillarys	1	3.4%
Kallaroo	2	6.9%
Sorrento	4	13.8%
South Ward	2	6.9%
Duncraig	1	3.4%
Marmion	0	0.0%
Padbury	1	3.4%
Total responses	29	100.0%

Responses received by ward:



OUTCOMES

QUESTION: "Please provide your feedback on the *Parking Local Law 2023* below."

Respondents were asked to provide their feedback on the *Parking Local Law 2023*. A total of 23 individual community members provided feedback. Verbatim comments have been randomised and are provided in the table below.

Verbatim responses [†] — Please provide your feedback on the <i>Parking Local Law 2023</i> below (N = 23):
<i>I agree with the Updated Parking Local Law 2023</i>
<i>I note the updated inclusion of electric vehicles.</i>
<i>We live next to the [- - -]. The bus stop & the bushes [- - -] obscures the vision to the north & south. We must reverse on2 the road bcos we have an archaic easement on our strata. We cannot EVER see cyclists or vehicles travelling at speed. The increased parking & obscurity in summer increases the risk of impact. The 20km zone needs to take effect from Mullaloo Roundabout to the 2nd Roundabout north on Oceanside Prom. The 70 zone at Northshore needs to reduce to 50 at the top of the hill BEFORE the bus stop. This year there have been several accidents with cyclists & vehicles because of speed. Also, just move the wooden posts in the parks 500cm from Mullaloo Drive to Whitford Ave & the summer cars will park along the verges without danger to traffic & pedestrians.</i>
<i>I do not feel that this law should go through, if in the city district and shopping areas maybe but not in suburbs</i>
<i>Resident parking permits: The current allocation is inadequate and AT LEAST two (2) more need to be added to the current allocation to ensure residents, visitors and tradespeople have easy and fair access to residences.</i>
<i>I have some comments: 1. I couldn't see in the document any mention how you will address vehicles that park in a permit area week after week and don't move. 2. I couldn't see in the document any mention how you will address work vehicles that arrive and park, place a permit on the dashboard and then go off to work with a resident of the street, thus taking up a bay for the whole day – they aren't a visitor as such and certainly aren't using the bay for the purpose intended. 3. I couldn't see in the document any mention how you will address work vehicles starting up at 5.30am and waking residents that just want to sleep to a normal wake up time. 4. I couldn't see in the document any mention how you will address motor bike riders who park their motor bike in a permit area and then walk off to work in Joondalup. 5. I couldn't see in the document any mention how you will address more on street parking around school areas. 6. I couldn't see in the document any mention how you will ensure cars that overstay in permit bay don't just move an inch and they can then park for another 24 hours.</i>
<i>The only feedback I have is that people park on the yellow lines all the time [multiple submissions] As it is good to have signs for different types of parking, they are not always adhered to. An example is out side Arthouse where there is a yellow lines but cars are always stopping on them. There is too many car park bays there which clogs up the drivethrough Seriously? 38 pages of waffle. Do you really think anyone is going to read through this gibberish.</i>
<i>I commend JCC for updating the Parking Local Law, however, it does require more rigorous policing. Some verge parking is almost more permanent than temporary, with vehicles, trailers etc. sometimes parked in opposition to the carriageway heading & often hindering a clear view when reversing from a cross-over, particularly when on a curve. I understand that people "must have" their stuff, but perhaps JCC could rent them space to park their gear if they are unable to park it behind their boundary. With properties becoming smaller & more vehicles & gear increasing this problem will only get worse.</i>

[†] Words that may identify respondents or contain offensive language have been removed and replaced with square brackets, ie [- - -]. No alterations have been made to spelling/grammar.

A Parking Local Law. Why would you have one when your staff are so useless they can't properly monitor a small section of car parking at Joondalup Shopping Centre. Time and time again staff at Lakeside Park for longer than 4 hours in a small section outside Targets truck bay and next to the car wash people. These bays are great for people who are older or vision impaired but can still drive etc. I have brought this up god how many times and considering [- - -] you think you would listen and act. You wonder why people have a distaste for local government. You clearly don't have respect for the elderly, the vision impaired or my golly her, the people who actually spend their money in Joondalup.

I refer to Clause 3.3 Verges. With the influx of caravans, boats, etc.. parking on property verges, I question if the use of "vehicle" is descriptive enough to cover what is allowed to be parked on the verge. There is no time limits apart from "reasonable" for commercial vehicles and that is abused in many cases with overnight parking of large tradies ute's etc.. Clause 1.6 Definitions. motor vehicle (a) caravan Would this not allow the permanent parking of a caravan on the verge providing the caravan is attached to a motor vehicle?

Submission on City of Joondalup Parking Local Law 2023 I am submitting this feedback in response to the City of Joondalup's call for community input on the Parking Local Law 2023. I appreciate the opportunity to provide my perspective on this matter, and I hope my input will be considered so that the existing law may be refined. Background: I recently had an interaction with a City of Joondalup compliance officer, and a neighbour. Subsequently, I became aware of the Parking Local Law 2023. My concerns primarily revolve around the enforcement of regulations related to the parking of recreational vehicles, such as caravans, on private residential verges (City of Joondalup Property). Specific Concerns and Feedback: Fair and Equal Treatment: I have been the recipient of what appears to be inconsistent enforcement of the parking regulations, leading to what I perceive as unfair treatment. It is disheartening to note that the City's Rangers seem to only act on complaints, leaving numerous instances of residents parking their caravans, boats, and trailers on verges without repercussions. The current bylaws seem to disproportionately affect residents living next to individuals who make frequent complaints. This creates a situation where a small number of neighbors can potentially abuse their rights, making the entire experience exasperating and costly for affected residents. Permanent Change to Bylaws: I strongly advocate for a thorough reconsideration and permanent amendment of the current bylaws to eliminate discrimination in the parking regulations. The present bylaw creates an unfair situation where homeowners living next to grumpy neighbors are disproportionately targeted for enforcement based on individual complaints, while others who may also park their caravans, trailers, and boats on the verge go unaffected. It is crucial to address this discriminatory aspect of the bylaws and allow all residents the lawful right to park their caravans, trailers, and boats on private residence verges. Such a revision would promote equality and fairness among all residents, eliminating the need for targeted enforcement based on individual complaints. Conclusion: In conclusion, I urge the City of Joondalup to carefully consider the concerns raised by residents during the drafting of the Parking Local Law 2023. A fair and equitable approach to enforcement, as well as flexibility in accommodating residents' needs, will contribute to a positive and harmonious community. I appreciate the City's commitment to seeking community feedback, and I hope my input, along with that of other residents, will contribute to the creation of a Parking Local Law that reflects the diverse needs and perspectives within our community. Thank you for considering my submission. Sincerely, [- - -]

The parking laws for verges and parking across or on pedestrian areas is great in theory but how is this to be more effectively implemented? In my experience living on the same road as a school, these laws are rarely adhered to and by the time a ranger has arrived the offender has gone. Everyday, the footpath is blocked to pedestrians due to parents parking on and across the pathway and plants on my verge have been driven over countless times. If you ask for a driver to move their vehicle you are more often than not ignored or abused.

its hard to understand what you are looking to change in the parking laws

The city has not made it clear what the proposed changes are to the local parking law which makes it difficult for the rate payer to reasonably provide constructive feedback. The emphasis on the parking law should be that the city act reasonably when enforcing the law day to day for the reasons it's intended and not as an opportunity boost revenue.

<p>The Law is comprehensive and appears to capture any scenario. The issues I have are primarily around urban infill and the problems of multiple vehicles taking up road side parking on an almost constant basis, verge parking of vehicles and residents parking with the vehicle pointing the wrong way. The law appears to address these issues but it may be necessary to do random checks by the CoJ as a public education process before more stringent penalties are applied to transgressors.</p>
<p>I have lived in my home since it was built in [- - -] and haven't had any issues with the area apart from the 2 points of reference stated below. 1 - Cul-de-sac parking near schools. Our court used to have parking lines painted on the road, but they have now faded and this causes issues at school drop off and pick up times. For the safety of the K-7 children that use our court it would be beneficial to have parking lines repainted and also added in all cul-de-sacs in school areas. 2 - Parking at local sports fields. Our local sports grounds do not have enough designated parking for the number of players, staff and supporters. The verge around the ground is often the only place to park and it would be beneficial to allow parking on these verges without risking a parking fine. There are some families with 3 or 4 generations attending some of the sports on the weekend. I am the [- - -] of [- - -] generations (maybe [- - -] within the next few years) that are members of one our local sporting clubs. Thank you for your consideration on both of the above issues.</p>
<p>There needs to be a way for commercial vehicles or vehicles with trailers ie trades to park while providing a service. The proposed amendments allow for reasonable unloading of vehicles, however they do not cover the provision of a service. The addition of a phrase something like "provision of a service" into 3.3(1)(3) and 3.16 (1) (a) should be enough</p>
<p>3.3 Verges (1) A person shall not – (a) stop or park a vehicle (other than a bicycle); (b) stop or park a commercial vehicle or bus; or (c) stop or park a vehicle during any period when the stopping or parking of (A) vehicles on that verge is prohibited by a sign adjacent and referable to that verge, (2) Subclause (1)(a) does not apply to the person if that person is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path. (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a reasonable expedition with goods, merchandise or (B) materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path. so that any portion of it is on a verge. ##### THESE ARE MY requests on a very vexed matter for us Re (A) Is the council going to specify an acceptable form of the sign, or even its wording. Can it be stencilled onto brick paving, or onto the curbing? Why would you not include a fine for removing or destroying whatever the sign be made of? Such a fine should be > \$500 Re (B) Why is it necessary to have this clause at all. If someone wants something delivered and wont grant access to the verge they should not get the delivery.</p>
<p>My only comment is that it does not address overnight or vehicles camping in City parking areas. This is an increasing problem with Rangers having little affect in policing.</p>
<p>Dear CoJ, The legislation should be more forward-looking by including reference to parking behaviour in charging station bays. Should these be occupied if the vehicle is not being charged / has completed being charged?</p>
<p>The law is long and it would be nice if proposed changes were highlighted in the document so you can get genuine feedback from the community. My main concern with parking is that I think there needs to be protected areas of the city where parking is free and accessible so significant community assets are kept available to all. For example - the city's lakes and coast (including the new marina). Don't copy South Perth's example of ticket parking at all times along possibly all of their riverfront. We now visit the area less as a result as it puts up the price of a picnic/walk.</p>
<p>I believe the city should look at ePark like in City of Victoria park, Subiaco and Cambridge. It allows people attending to City of Joondalup east way to pay that avoids contact with parking machines and things like COVID-19</p>

QUESTION: “Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:”

Respondents were asked to provide their feedback on the *Pest Plant Amendment Local Law 2023*. A total of 5 individual community members provided feedback. Verbatim comments have been randomised and are provided in the table below. Identifying information has been removed and replaced with a square bracket (ie [- - -]).

Verbatim responses[‡] — Please provide your feedback on the <i>Pest Plant Amendment Local Law 2023</i> below (N = 5):
<i>I agree with the Updated Pest Plant Amendment Local Law 2023</i>
<i>Good idea</i>
<i>CofJ cleared out the introduced plants on the beach at Tom Simpson park couple of years ago. This removed the resident quenda protection. I now have an itinerant quenda (I am happy about this) which lives in my tangle spaces. Please be aware that whilst removal of introduced species is a good idea, it needs to be done in small batches so that any indigenous residents can move to another protected area until the new growth gives them cover from the elements.</i>
<i>I would like to support this proposal. I have notice a undeveloped block nearby ([- - -], Sorrento) that is becoming more and more infested with this weed. In addition, the City is proposing to include Golden Crownbeard as a prescribed pest plant within the City's Pest Plant Amendment Local Law 2023.</i>
<i>Golden Crownbeard is a short-lived flowering weed species that looks like a sunflower and ranges in size from 0.3 to 1.5 metres in height. Golden Crownbeard can survive in a variety of habitats, is a drought-tolerant plant, displaces native vegetation and can be toxic to animals when consumed. Golden Crownbeard is spread through soil movement and disturbance to the soil, such as road maintenance, construction and landscaping.</i>
<i>I agree with the Updated Pest Plant Amendment Local Law 2023</i>
<i>I am supportive of the amendment to the Pest Plant Local Law. In addition to it, I would like to see the City of Joondalup transition of their own unused areas (easements, areas surrounding drainage sites, wide verges) from weedy grassy areas to native groundcover. I understand this is not possible in all areas, due to maintenance requirements, but it could be done in many locations. It would be one mechanism to encourage citizens to do the same on their verges, thus promoting native biodiversity and reducing the pressure of introduced and invasive species.</i>

[‡] Words that may identify respondents or contain offensive language have been removed and replaced with square brackets, ie [- - -]. No alterations have been made to spelling/grammar.

APPENDIX 1 — Email to resident/ratepayer groups

From: Consultation
Sent: Thursday, 2 November 2023 8:44 AM
To: [REDACTED]
Subject: Community Consultation — Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Dear [REDACTED]

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, please visit the Community Consultation section of the City's [website](#). Alternatively, printed copies can be found at all City of Joondalup libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

Please ensure that the feedback represents the views of the [REDACTED] and includes full contact details. The City would also appreciate you sharing the consultation information with your members and networks.

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023

For further information please contact the City on **9400 4000** or via [email](#).

City of Joondalup

T: 08 9400 4000
E: info@joondalup.wa.gov.au
W: joondalup.wa.gov.au



The City of Joondalup acknowledges the Traditional Custodians of this land, the Whadjuk people of the Noongar nation. We recognise the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. We pay our respects to Elders past, present, and emerging, as well as all Aboriginal and Torres Strait Islander peoples.

The information contained in this communication may be confidential or commercially sensitive. If you are not the intended recipient you must not copy this communication, disclose its contents to any other party, or take any action in reliance on it. Please delete and destroy all copies and immediately notify the sender on 9400 4000 or by reply email.

APPENDIX 2 — Email to environmental/friends' groups

From: Consultation
Sent: Friday, 3 November 2023 1:41 PM
Subject: Community Consultation — Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Record Number: EMO23/7651

To City of Joondalup Bushland Friends Groups

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, please visit the Community Consultation section of the City's [website](#). Alternatively, printed copies can be found at all City of Joondalup libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

Please ensure that the feedback represents the views of your Friends Group and includes full contact details. The City would also appreciate you sharing the consultation information with your members and networks.

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023

For further information please contact the City on **9400 4000** or via [email](#).

City of Joondalup

T: 08 9400 4000


E: info@joondalup.wa.gov.au

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APPENDIX 3 — Online submission form

Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

The City is seeking community feedback on two local laws:

- [Parking Local Law 2023](#)
- [Pest Plant Amendment Local Law 2023](#)


It is recommended that you review the proposed local laws prior to completing an Online Submission Form.

For further information, please contact the City on **9400 4000** or via [email](#).

City of Joondalup | 90 Boas Avenue Joondalup WA 6027 | PO Box 21 Joondalup WA 6919
T: 9400 4000 | joondalup.wa.gov.au | info@joondalup.wa.gov.au

NEXT

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Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

*** Your contact details:**

Please note that for your feedback to be validated, your full contact details must be provided. This information will be treated as confidential and will not be published in any document or report on the outcomes of the consultation.

Only one submission per person will be accepted.

Full Name:

Residential Address (not PO Box):

Suburb:

Postcode:

Phone:

Email:

Are you providing feedback on behalf of an organisation?

Organisation:

Role/position:

Which local law do you want to provide feedback on?

☐ Parking Local Law 2023

☐ Pest Plant Amendment Local Law 2023


☐ Both of the above

City of Joondalup | 90 Boas Avenue Joondalup WA 6027 | PO Box 21 Joondalup WA 6919
T: 9400 4000 | joondalup.wa.gov.au | info@joondalup.wa.gov.au

PREV

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Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

Parking Local Law 2023

Click [here](#) to access this proposed local law in full.


Please provide your feedback on the Parking Local Law 2023 below:

Note: The City will not edit your comment for grammar or spelling. However, any information that may identify you will be redacted. The City appreciates respectful and constructive comments.

PREV

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Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

Pest Plant Amendment Local Law 2023

Click [here](#) to access this proposed local law in full.


Please provide your feedback on the Pest Plant Amendment Local Law 2023 below:

Note: The City will not edit your comment for grammar or spelling. However, any information that may identify you will be redacted. The City appreciates respectful and constructive comments.

PREV

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Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

Pest Plant Amendment Local Law 2023

Click [here](#) to access this proposed local law in full.


Please provide your feedback on the Pest Plant Amendment Local Law 2023 below:

Note: The City will not edit your comment for grammar or spelling. However, any information that may identify you will be redacted. The City appreciates respectful and constructive comments.

PREV

NEXT

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Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Online Submission Form

Review your submission:

A copy of your submission is available below for your review, this can be printed through your browser. If you would like to make any changes, please click on the PREV button at the bottom of the screen. If you would like to proceed with the submission, please click on the NEXT button.


Your feedback on the Parking Local Law 2023:

Your feedback on the Pest Plant Amendment Local Law 2023:

PREV

NEXT

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Exit

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

Request to be informed:

Community consultation assists Council in deliberating and then making decisions on certain matters. The analysis from this consultation will be provided to Council to assist them in their decision-making role first at a Briefing Session and then at a Council meeting. Deputations can be made at Briefing Sessions by appointment and questions and public statements can be presented at Council meetings.

☐ I would like to be informed via email when this consultation will be presented at a Briefing Session and Council meeting
Please ensure your email address is provided below

Email address

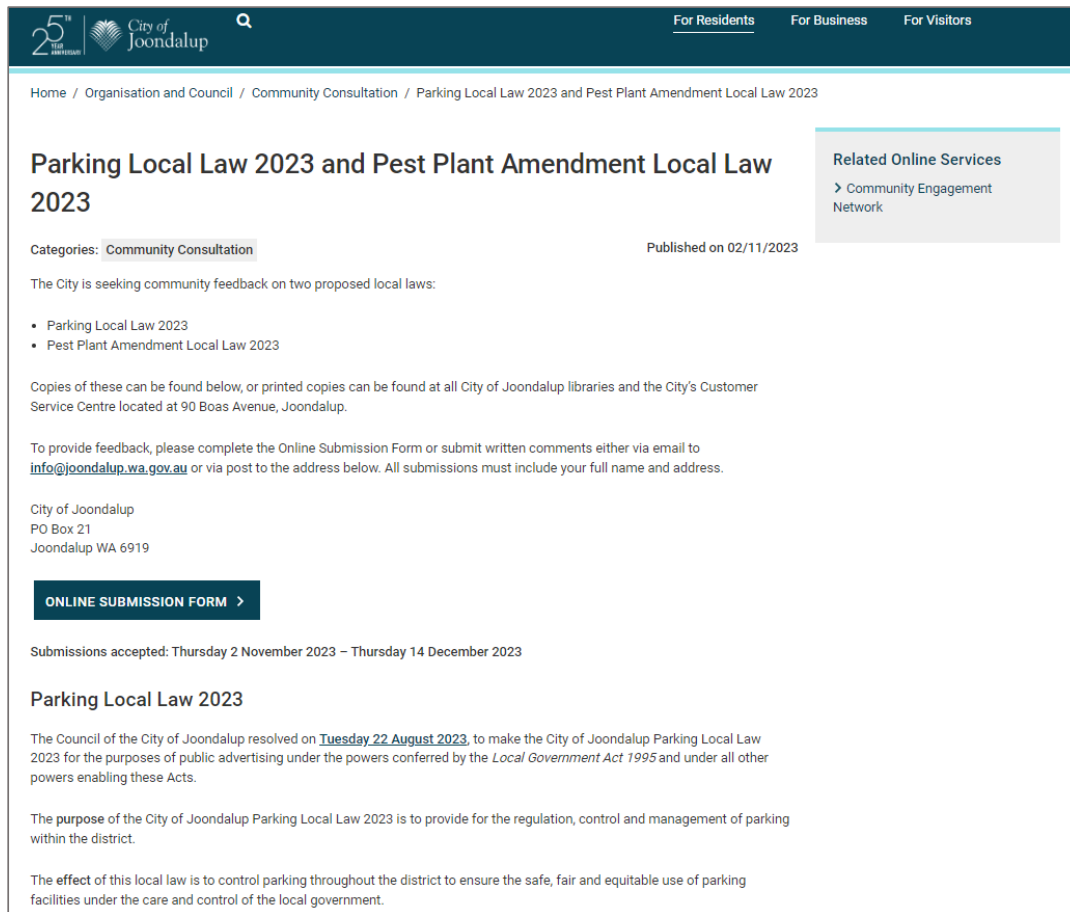
City of Joondalup Community Engagement Network eNewsletter:
The Community Engagement Network eNewsletter is an online newsletter for community members who want to keep up to date on community consultation activities in the City of Joondalup. If you are interested in subscribing, visit the City's website at joondalup.wa.gov.au

Thank you for taking the time to complete this Online Submission Form. Please click on the SUBMIT FORM button below to finalise.

City of Joondalup | 90 Boas Avenue Joondalup WA 6027 | PO Box 21 Joondalup WA 6919
T: 9400 4000 | joondalup.wa.gov.au | info@joondalup.wa.gov.au

PREVSUBMIT FORM

APPENDIX 4 — Community Consultation webpage of the City's website



The screenshot displays the City of Joondalup website's community consultation page for the 'Parking Local Law 2023 and Pest Plant Amendment Local Law 2023'. The page features a dark blue header with the City of Joondalup logo, a search icon, and navigation links for 'For Residents', 'For Business', and 'For Visitors'. Below the header, a breadcrumb trail reads: 'Home / Organisation and Council / Community Consultation / Parking Local Law 2023 and Pest Plant Amendment Local Law 2023'.

The main heading is 'Parking Local Law 2023 and Pest Plant Amendment Local Law 2023'. To the right, a 'Related Online Services' box lists 'Community Engagement Network'. Below the heading, the page indicates it was 'Published on 02/11/2023' and categorizes it under 'Community Consultation'.

The text states: 'The City is seeking community feedback on two proposed local laws:' followed by a bulleted list:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

It further informs that copies can be found at all City of Joondalup libraries and the City's Customer Service Centre at 90 Boas Avenue, Joondalup.

For feedback, users are directed to complete the 'Online Submission Form' or submit written comments via email to info@joondalup.wa.gov.au or by post to the City of Joondalup address: PO Box 21, Joondalup WA 6919. A prominent button labeled 'ONLINE SUBMISSION FORM >' is provided.

The submission period is specified as 'Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023'.

The page then details the 'Parking Local Law 2023', noting that the Council resolved on Tuesday 22 August 2023 to make the law for public advertising under the *Local Government Act 1995*. It defines the purpose as regulating parking and the effect as controlling parking to ensure safe and equitable use of facilities.

(continues...)

Pest Plant Amendment Local Law 2023

The Council of the City of Joondalup resolved on [Tuesday 22 August 2023](#), to make the City of Joondalup Pest Plant Amendment Local Law 2023 for the purposes of public advertising under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** of the Pest Plant Amendment Local Law 2023 is to amend the City of Joondalup *Pest Plant Local Law 2012*.

The **effect** of this local law is to better clarify the provisions and requirements within the City of Joondalup *Pest Plant Local Law 2012*.

In addition, the City is proposing to include Golden Crownbeard as a prescribed pest plant within the City's Pest Plant Amendment Local Law 2023.

Golden Crownbeard is a short-lived flowering weed species that looks like a sunflower and ranges in size from 0.3 to 1.5 metres in height. Golden Crownbeard can survive in a variety of habitats, is a drought-tolerant plant, displaces native vegetation and can be toxic to animals when consumed. Golden Crownbeard is spread through soil movement and disturbance to the soil, such as road maintenance, construction and landscaping.

Documents and Downloads

- [Proposed Parking Local Law 2023 \(pdf 425 KB\)](#)
- [Pest Plant Amendment Local Law 2023 \(pdf 232 KB\)](#)
- [City-of-Joondalup-Parking-Local-Law-2013-amended-2018 \(pdf 78 KB\)](#)
- [City_of_Joondalup_Pest_Plant_Local_Law_2012 \(pdf 707 KB\)](#)

i Main Number - Customer Care

☎ 9400 4000

✉ info@joondalup.wa.gov.au

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- > Library catalogue and member log in
- > Booking a bulk hard waste service
- > Dogs - registration renewal payments
- > Find waste collection dates

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- Current job vacancies
- Music in the Park
- Contact the City
- About City libraries

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CONTACT US

☎ 9400 4000

The City of Joondalup acknowledges the Traditional Custodians of this land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging as well as all Aboriginal and Torres Strait Islander peoples.

Something wrong with this page?

APPENDIX 5 — Public Notice (*PerthNow Joondalup* community newspaper (2 November 2023))

10 **NEWS**

perthNOW
Thursday, November 2, 2023

Racegoers in the saddle

MICHAEL PALMER

Melbourne Cup punters will be able to take part in the big race via virtual reality at Ascot Racecourse.

A JockeyCam racing experience that enables people to experience the heart-pounding perspective of a jockey through VR headsets will be among attractions at what has been described as WA's biggest live party on Tuesday, November 7.

Melbourne Cup Day at Ascot is one of Perth's largest event days, with more than 900 Perth Racing

staff and volunteers on the ground at Ascot Racecourse.

"We anticipate that around 15,000 people will gather for the Cup at Ascot Racecourse to enjoy glamorous fashions, stylish bars, delicious food options and entertainment," Perth Racing chief executive James

Oldring said. "The track at Ascot is in great condition and everyone at Perth Racing is looking forward to once again hosting a fabulous TAB Touch Melbourne Cup Day, on one of the most iconic racing days of the year."

The team at JockeyCam have filmed mock races using real jockeys and horses

at major racing venues. The jockeys all wore 360-degree cameras mounted on helmets to create the raw footage for the VR experience.

Five 'riders' will be able to compete simultaneously in the Bookmakers Pavilion.

Other attractions trackside include the new Ponytails cocktail bar and the White Claw Beach Club, an Ibiza-styled VIP chillout zone that transforms trackside into a sandy oasis, with crisp white lounges and DJs spinning Balearic house music.

The Melbourne Cup will be

screened at noon, live from Flemington, on Ascot Racecourse's \$2.4 million LED 'SuperScreen'.

Not everyone is looking forward to the race: the Coalition for the Protection of Racehorses said 10 thoroughbreds were killed from race-track injuries in the first week of the 2023-24 racing season.

"The Australian people have a right to know the truth about what happens to horses," campaign director Elio Celotto said.

"I'm sure the champagne wouldn't taste so sweet if people were aware."



Legacy of Tara crosses the line at Ascot on last year's Melbourne Cup Day.
Picture: Simon Merritt





Public Notice

Community consultation on Parking Local Law 2023 and Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, including the effect and purpose of each law, please visit the Community Consultation section of the City's website at joondalup.wa.gov.au.

Alternatively, printed copies can be found at all City of Joondalup libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

To provide feedback, please complete the Online Submission Form, or submit written comments either via email to info@joondalup.wa.gov.au or via post to the address below. All submissions must include your full name and address.

City of Joondalup
PO Box 21
Joondalup WA 6919

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023




For further information, please contact the City on **9400 4000** or info@joondalup.wa.gov.au

JAMES PEARSON
Chief Executive Officer

joondalup.wa.gov.au    

APPENDIX 6 — Public Notice eNewsletter (2 November 2023)

Public Notice



Dear Chloe

Community consultation on Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, please click the Have Your Say below. Alternatively, printed copies can be found at all City of Joondalup Libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

To provide feedback, please complete the Online Submission Form, or submit written comments either via email to info@joondalup.wa.gov.au or via post to the address below. All submissions must include your full name and address.

City of Joondalup
PO Box 21
Joondalup WA 6919

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023

Have Your Say

Parking Local Law 2023

The Council of the City of Joondalup resolved on **Tuesday 22 August 2023** to make the *City of Joondalup Parking Local Law 2023*, for the purposes of public advertising under the powers conferred by the *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** of the *City of Joondalup Parking Local Law 2023* is to provide for the regulation, control and management of parking within the district.

The **effect** of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

(continues...)

Pest Plant Amendment Local Law 2023

The Council of the City of Joondalup resolved on **Tuesday 22 August 2023** to make the *City of Joondalup Parking Local Law 2023*, for the purposes of public advertising under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** of the *Pest Plant Amendment Local Law 2023* is to amend the *City of Joondalup Pest Plant Local Law 2012*.

The **effect** of this local law is to better clarify the provisions and requirements within the *City of Joondalup Pest Plant Local Law 2012*.

For further information, please contact the City on [9400 4000](tel:94004000) or info@joondalup.wa.gov.au.

JAMES PEARSON
Chief Executive Officer

Keep up to date via social media:



City of Joondalup
90 Boas Ave Joondalup WA 6027
joondalup.wa.gov.au | [08 9400 4000](tel:0894004000)

The City of Joondalup acknowledges the Traditional Custodians of this land, the Whadjuk people of the Noongar nation. We recognise the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. We pay our respects to Elders past, present, and emerging, as well as all Aboriginal and Torres Strait Islander peoples.

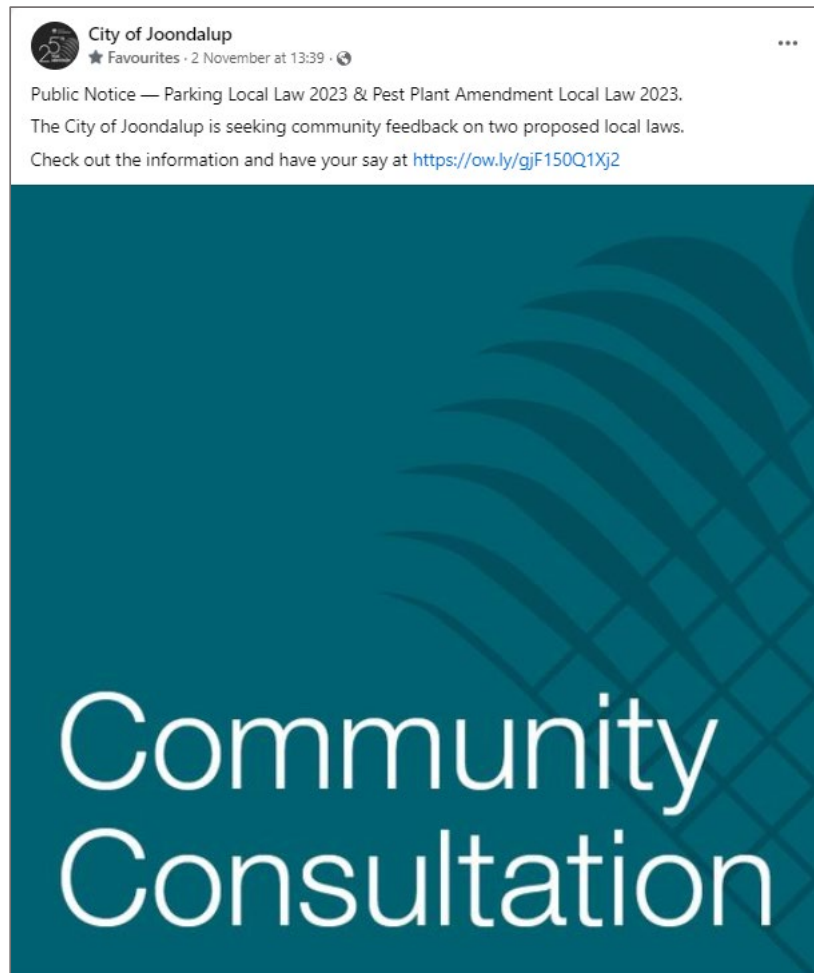
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To unsubscribe from all City of Joondalup newsletters click [Unsubscribe](#).


You have subscribed to the City of Joondalup.

[Preferences](#) | [Unsubscribe](#)

APPENDIX 7 — Public Notice Facebook post (2 November 2023)



APPENDIX 8 — Public Notice posters on display at the City's administration building and the City's libraries



Public Notice

Community consultation on Parking Local Law 2023 and Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws, please visit the Community Consultation section of the City's website at joondalup.wa.gov.au. Alternatively, printed copies can be found at all City of Joondalup libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

To provide feedback, please complete the Online Submission Form, or submit written comments either via email to info@joondalup.wa.gov.au or via post to the address below. All submissions must include your full name and address.

City of Joondalup
PO Box 21
Joondalup WA 6919

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023

Parking Local Law 2023

The Council of the City of Joondalup resolved on Tuesday 22 August 2023 to make the City of Joondalup Parking Local Law 2023, for the purposes of public advertising under the powers conferred by the *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** the City of Joondalup Parking Local Law 2023 is to provide for the regulation, control and management of parking within the district.

The **effect** of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

Pest Plant Amendment Local Law 2023






The Council of the City of Joondalup resolved on Tuesday 22 August 2023 to make the City of Joondalup Pest Plant Amendment Local Law 2023, for the purposes of public advertising under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and *Local Government Act 1995* and under all other powers enabling these Acts.

The **purpose** of the Pest Plant Amendment Local Law 2023 the is to amend the *City of Joondalup Pest Plant Local Law 2012*.

The **effect** of this local law is to better clarify the provisions and requirements within the *City of Joondalup Pest Plant Local Law 2012*.

For further information, please contact the City on **9400 4000** or info@joondalup.wa.gov.au

JAMES PEARSON
Chief Executive Officer

joondalup.wa.gov.au






APPENDIX 9 — Joondalup Voice insert of the *PerthNow* Joondalup community newspaper (16 November 2023)

PERTHNOW.COM.AU
THURSDAY, NOVEMBER 16, 2023 • 9

joondalup voice

16 November 2023

25TH
YEAR
ANNIVERSARY

City of
Joondalup

DEPUTY MAYOR'S COLUMN – CR ADRIAN HILL

A new role

It's an honour and a privilege to have been elected Deputy Mayor of the City of Joondalup.

I'd like to thank my Council colleagues for their support and the trust they have put in me to fulfil this important and esteemed role.

I'd like to congratulate my predecessor John Logan who did an outstanding job as Deputy Mayor in the 12 months prior to my appointment. I look forward to working alongside Mayor Jacob, the Council and City administration as we work to make Joondalup an even better place to live and visit.

One of the key projects I am excited to see progress during my term is a City of Joondalup Young Musician of the Year competition. You'll hear more about this soon.

Cr Hill officially becomes Deputy Mayor of the City of Joondalup at the October Special Meeting of Council.

Festival of Motoring

The Tyrepower Joondalup Festival of Motoring takes over the Joondalup City Centre from **Friday evening 24 November to Sunday 26 November**.

Back for a second year, the family-friendly free program features static vehicle displays across the event site, activations, food vans and bars, music and movies.

The highlight event is the Joondalup City Sprint where 150 cars, of all shapes and sizes, will take on a challenging 2.2km circuit in a time-trial format.

Visit jfrom.com.au for all program details, including planned road closures.

Make a difference to those in need

By taking part in the City of Joondalup's Food for Fines campaign, library members can have their overdue library fines cleared... \$1 at a time.

In return, all they need to do is drop off non-perishable boxed, bottled or canned food items at one of the City's four library branches - Duncraig, Joondalup, Whitford or Woodvale.

At the end of the month, food donations will be distributed to the Patricia Giles Centre for Non-Violence, The Spiers Centre and No Limits, making life a little easier for those families doing it tough in the lead-up to Christmas.

This campaign, which runs until **30 November**, is also open to members of the community who are not library members, so you don't have to be a library member or have a late fine to participate.

See Joondalup.wa.gov.au for more information.

Lest we forget

It was pleasing to see hundreds of people in attendance at the City's 2023 Remembrance Day Ceremony at Joondalup's Central Park War Memorial on **Saturday 11 November**.

Held in conjunction with Joondalup City RSL, this poignant service commemorated the anniversary of the end of the First World War – the 11th hour of the 11th day of the 11th month in 1918.

**Valentine's
Concert**

— 25 Years Together —

Thursday 8 February 2024
Joondalup Resort
BOOK NOW

Community Consultation

Parking Local Law 2023 and Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws and provide feedback please visit the Community Consultation section of the City's website at Joondalup.wa.gov.au

Submissions accepted:
Thursday 2 November 2023 – Thursday 14 December 2023

CECE DESIST

**SUNDAY 19 NOVEMBER,
2.00PM – 3.00PM**
Redmond Theatre,
Prendiville Catholic College

Cece and her band of Perth's finest musicians are ready to wow you with their performance of Broadway and West End classics and big-band showstoppers in an afternoon of Vegas-style excess!

Final tickets on sale now at Joondalup.wa.gov.au

SUBSCRIBE
AND WIN

Subscribe to a variety of City of Joondalup eNewsletters for your chance to win a \$200 Lakeside Joondalup Shopping Voucher. Terms and conditions apply. Scan the QR code or visit Joondalup.wa.gov.au to subscribe!

joondalup.wa.gov.au

APPENDIX 10 — Joondalup Voice eNewsletter (distributed 16 November 2023)



(continues...)

Cr Hill officially becomes Deputy Mayor of the City of Joondalup at the October Special Meeting of Council.

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At the end of the month, food donations will be distributed to the Patricia Giles Centre for Non-Violence, The Spiers Centre and No Limits, making life a little easier for those families doing it tough in the lead-up to Christmas.

This campaign, which runs until **Thursday 30 November**, is also open to members of the community who are not library members, so you don't have to be a library member or have a late fine to participate.

Visit the [City's website](#) for more information.

Lest we forget


It was pleasing to see hundreds of people in attendance at the City's 2023 Remembrance Day Ceremony at Joondalup's Central Park War Memorial on **Saturday 11 November**.

Held in conjunction with Joondalup City RSL, this poignant service commemorated the anniversary of the end of the First World War – the 11th hour of the 11th day of the 11th month in 1918.

[View more City of Joondalup news](#)

(continues...)

Valentine's Concert



Thursday 8 February 2024
7.30pm
Joondalup Resort

In a special edition concert, we'll be celebrating the City's 25th anniversary by taking it back to the late 90s.

Join Paulini (Young Divas, Australian Idol) and Tim Campbell (Home and Away, Dancing With The Stars) with the Perth Symphony Orchestra for an unforgettable night.

[Learn more](#)


Cece Desist

Sunday 19 November
2.00pm – 3.00pm
Redmond Theatre, Prendiville Catholic College

Cece and her band of Perth's finest musicians are ready to wow you with their performance of Broadway and West End classics and big-band showstoppers in an afternoon of Vegas-style excess.


Final tickets are on sale now.

[Book now](#)



(continues...)

Subscribe and Win



Subscribe to a variety of City of Joondalup eNewsletters for your chance to win a \$200 Lakeside Joondalup Shopping Voucher.

Terms and conditions available on the City's website.

Spread the word and share with your friends and neighbours to stay informed about Joondalup.

[Learn more](#)

Community Consultation

Parking Local Law 2023 and Pest Plant Amendment Local Law 2023.


The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws and provide feedback please visit the Community Consultation section of the City's website.

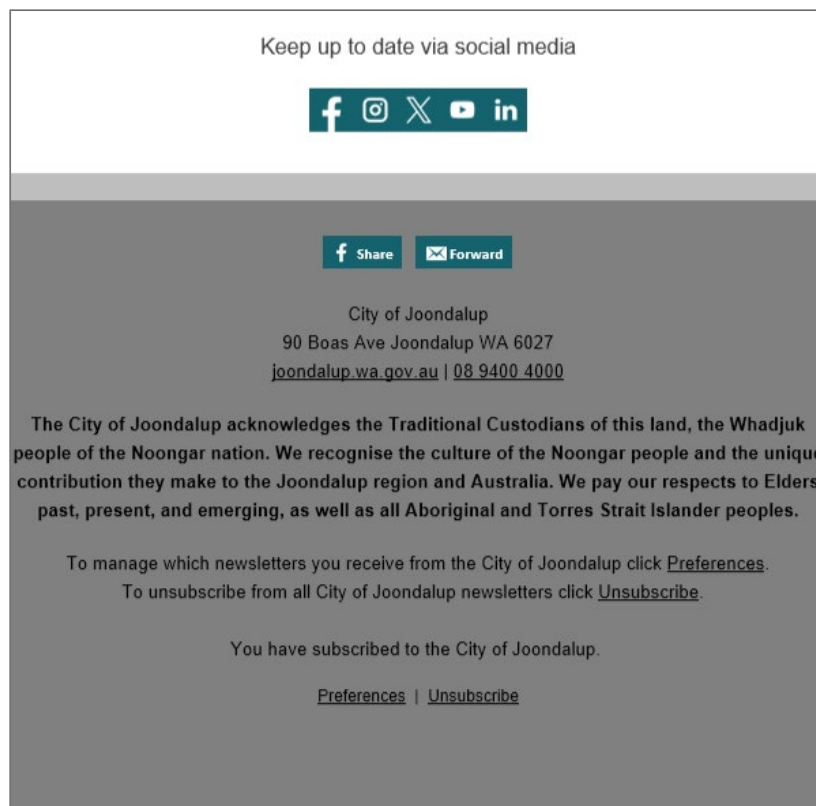
Submissions accepted:
Thursday 2 November 2023
Thursday 14 December 2023

[Learn more](#)



Community Consultation

(continues...)



APPENDIX 11 — E-screen displays visible at the City administration building, libraries, and Craigie Leisure Centre



Community Consultation

Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws and submit feedback, please visit the Community Consultation section of the City's website at joondalup.wa.gov.au. Alternatively, printed copies can be found at all City of Joondalup Libraries or the City's Customer Service Centre located at 90 Boas Avenue, Joondalup.

Submissions accepted: Thursday 2 November 2023 – Thursday 14 December 2023.

For further information, please contact the City on **9400 4000** or info@joondalup.wa.gov.au

joondalup.wa.gov.au






APPENDIX 12 — Community Engagement Network eNewsletter (distributed 30 November 2023)

Community Engagement Network


5TH
YEAR
ANNIVERSARY

City of
Joondalup

Thursday 30 November 2023

Dear Chloe

View the latest community engagement opportunities



Join the City's Strategic Community Reference Group

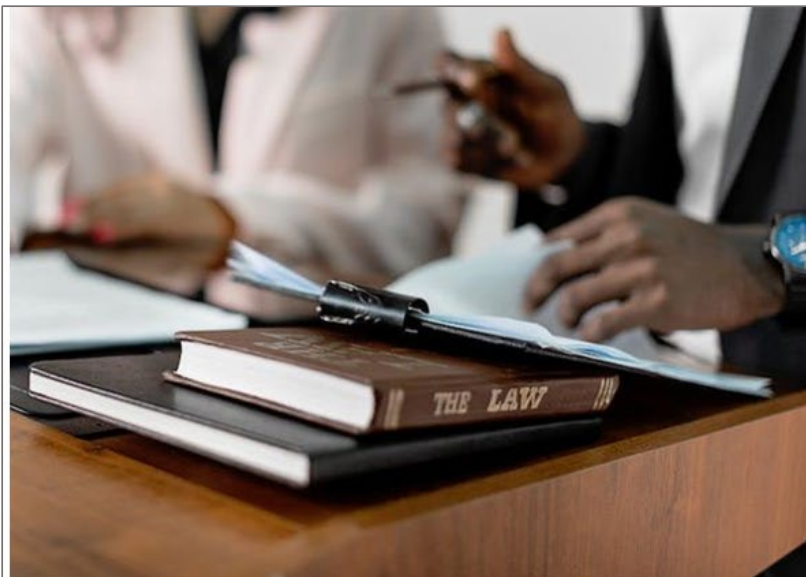
The City of Joondalup is seeking 12 community representatives and two youth representatives (aged 16–24 years) to fill positions on the City's Strategic Community Reference Group for 2024-25.

The City encourages Joondalup residents from all ages, backgrounds and identities to nominate.

Nominations close: **Thursday 14 December 2023.**

Nomination form

(continues...)



Community Consultation — Parking Local Law 2023 & Pest Plant Amendment Local Law 2023

The City is seeking community feedback on two proposed local laws:

- Parking Local Law 2023
- Pest Plant Amendment Local Law 2023

To view the local laws and submit feedback, please click the 'Have Your Say' below.

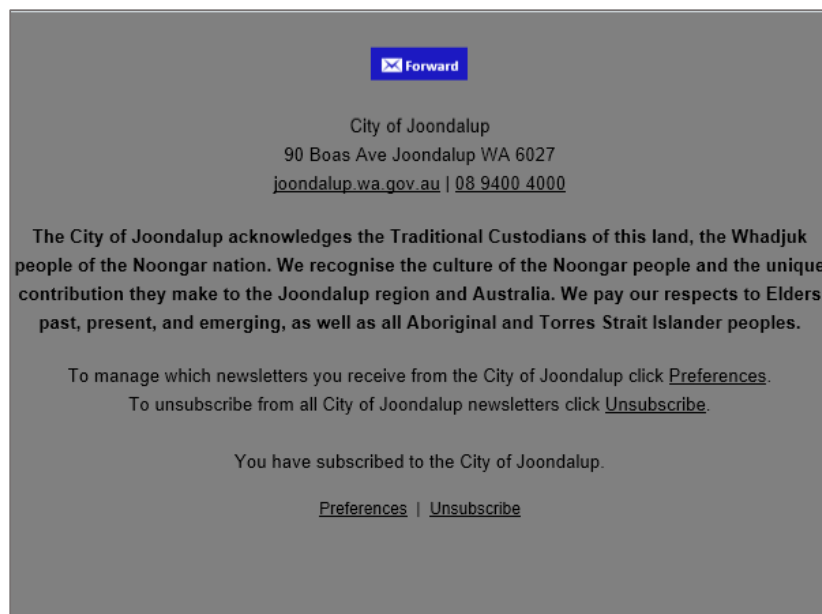
Submissions accepted: **Thursday 2 November 2023 – Thursday 14 December 2023.**

[Have your say](#)

Keep up to date via
social media:



(continues...)



APPENDIX 13 — Response from Joondalup Community Coast Care Forum

Note: Any offensive language has been removed and replaced with square brackets, ie [- -]. No alterations have been made to spelling/grammar.

Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:

Golden Crownbeard has been seen to spread rapidly up laneways and vacant blocks in Sorrento. It has also appeared in the coastal reserves of Sorrento and Marmion, and now adds to the group's annual weed control effort. The only way to stop it becoming as widespread as the weed "fleabane" is to require its control on both public and private land via the City's Pest Plant Local Law. So we are very supportive of this amendment.

APPENDIX 14 — Response from Friends of Sorrento Beach & Marmion Foreshore

Note: Any offensive language has been removed and replaced with square brackets, ie [- - -]. No alterations have been made to spelling/grammar.

Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:

Golden Crownbeard has been spotted locally and in coastal reserves of Sorrento and Marmion, and now adds to the group's annual weed control effort. The only way to stop it becoming as widespread is to require its control on both public and private land via the City's Pest Plant Local Law. So we are very supportive of this amendment.

APPENDIX 15 — Response from Whitfords Community Ratepayers & Recreation Association

Note: Any offensive language has been removed and replaced with square brackets, ie [- - -]. No alterations have been made to spelling/grammar.

Please provide your feedback on the *Parking Local Law 2023* below:

38 pages wow this is bureaucracy over the top looks like it needs a rewrite into plain english. No mention of the latest technology like eletronic readers like being used on police cars that would read the offender(s) take a photo and deliver the fine by mail.

Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:

Only 4 pages to add a new species to the list of weeds. A little more background and a photo with its recorded locations in the city would be helpful or is this a preventative measure for when it comes to the City. Luckily we have Wikipedia to help us and the fact it has been moving south down Indian Ocean Drive since its first recording back in 2010 shows we are on top of it.

APPENDIX 16 — Response from Woodvale Waters Landowners Association

Note: Any offensive language has been removed and replaced with square brackets, ie [- -]. No alterations have been made to spelling/grammar.

Please provide your feedback on the *Pest Plant Amendment Local Law 2023* below:

Great move by the city to list this highly invasive weed as a Pest Plant

City of Joondalup Pest Plant Amendment Local Law 2023 – Schedule of Submissions

Submission No.	Organisation	Objection / Support / Comment	Comments	Officer's comment
1	Minister for Agriculture	Comment	<p>Both the proposed law and consultation plan include references to the <i>Agriculture and Related Resources Protection Act 1976</i> (AARPA).</p> <p>Please note that AARPA has now been superseded by the <i>Biosecurity and Agriculture Management Act 2007</i> (BAM Act), and both the proposed law and the consultation plan should be amended to refer to the BAM Act.</p> <p>I confirm that the plant of concern, <i>Verbesina encelioides</i>, meets the criteria under section 193 subsection (2)(a) of the BAM Act for local laws made by a local government authority.</p>	Noted and changed.
2	Department of Local Government, Sport and Cultural Industries	Comment	<p>1. Enacting provision</p> <p>The enacting provision currently refers to the <i>Agriculture and Related Resources Protection Act 1976</i>. It is suggested that this reference be updated to refer to the <i>Biosecurity and Agriculture Management Act 2007</i> (BAM Act). While the ARRP Act used to provide the power to make pest plant local laws, this power was shifted to the BAM Act in 2007.</p> <p>2. Notification of Agriculture Minister</p> <p>The local law is partially created using powers under the BAM Act. Accordingly, the Shire should ensure that a copy of the draft and public notice is sent to the Minister for Agriculture. The local law will be potentially invalid if this does not occur.</p> <p>3. Clause 2.2</p>	<p>Noted and changed.</p> <p>This has been done.</p>

			<p>It is suggested to reword this clause as follows: In Schedule 1 delete the existing table and replace with the following:</p> <table><tr><td>Common Name</td><td>Scientific name</td></tr><tr><td>Caltrop</td><td>Tribulus terrestris</td></tr><tr><td>Golden Crownbeard</td><td>Verbesina encelioides</td></tr></table>	Common Name	Scientific name	Caltrop	Tribulus terrestris	Golden Crownbeard	Verbesina encelioides	Noted and changed.
Common Name	Scientific name									
Caltrop	Tribulus terrestris									
Golden Crownbeard	Verbesina encelioides									
3	Resident/Ratepayer	Support	I agree with the Updated Pest Plant Amendment Local Law 2023.	Noted.						
4	Resident/Ratepayer	Support	Good idea.	Noted.						
5	Resident/Ratepayer	Comment	CofJ cleared out the introduced plants on the beach at Tom Simpson park couple of years ago. This removed the resident quenda protection. I now have an itinerant quenda (I am happy about this) which lives in my tangle spaces. Please be aware that whilst removal of introduced species is a good idea, it needs to be done in small batches so that any indigenous residents can move to another protected area until the new growth gives them cover from the elements.	Noted.						
6	Resident/Ratepayer	Support	<p>I would like to support this proposal. I have notice an undeveloped block nearby ([- -], Sorrento) that is becoming more and more infested with this weed. In addition, the City is proposing to include Golden Crownbeard as a prescribed pest plant within the City's Pest Plant Amendment Local Law 2023.</p> <p>Golden Crownbeard is a short-lived flowering weed species that looks like a sunflower and ranges in size from 0.3 to 1.5 metres in height. Golden Crownbeard can survive in a variety of habitats, is a drought-tolerant plant, displaces native vegetation and can be toxic to animals when consumed. Golden Crownbeard is spread through</p>	Noted.						

			soil movement and disturbance to the soil, such as road maintenance, construction and landscaping.	
7	Resident/Ratepayer	Support	I agree with the Updated Pest Plant Amendment Local Law 2023.	Noted.
8	Resident/Ratepayer	Support	I am supportive of the amendment to the Pest Plant Local Law. In addition to it, I would like to see the City of Joondalup transition of their own unused areas (easements, areas surrounding drainage sites, wide verges) from weedy grassy areas to native groundcover. I understand this is not possible in all areas, due to maintenance requirements, but it could be done in many locations. It would be one mechanism to encourage citizens to do the same on their verges, thus promoting native biodiversity and reducing the pressure of introduced and invasive species.	Noted.

~~Agriculture and Related Resources Protection Act 1976~~

Biosecurity and Agriculture Management Act 2007

Local Government Act 1995

City of Joondalup

Pest Plant Amendment Local Law 2023

Agriculture and Related Resources Protection Act 1976
Biosecurity and Agriculture Management Act 2007

Local Government Act 1995

City of Joondalup

Pest Plant Amendment Local Law 2023

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~~*Agriculture and Related Resources Protection Act 1976*~~

~~*Biosecurity and Agriculture Management Act 2007*~~

Local Government Act 1995

City of Joondalup

Pest Plant Amendment Local Law 2023

Under the powers conferred by the ~~*Agriculture and Related Resources Protection Act 1976*~~ ~~*Biosecurity and Agriculture Management Act 2007*~~ and the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Joondalup resolved on (insert date) to make the following local law.

Part 1 – Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Pest Plant Amendment Local Law 2023*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to amend the *City of Joondalup Pest Plant Local Law 2012*.
- (2) The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Pest Plant Local Law 2012*.

Part 2 – Amendments

2.1 City of Joondalup Pest Plant Local Law 2012 amended

This Part of the *City of Joondalup Pest Plant Amendment Local Law 2023* amends the *City of Joondalup Pest Plant Local Law 2012* as published in the Government Gazette on 18 December 2012.

2.2 Schedule 1 amended

In Schedule 1 ~~insert~~delete the existing table and replace with the following:

Common Name	Scientific Name
<u>Caltrop</u>	<u>Tribulus terrestris</u>
Golden Crownbeard	Verbesina encelioides

Dated XXXX of XXXX.

The Common Seal of the City of Joondalup)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....
HON. ALBERT JACOB JP
MAYOR

.....
JAMES PEARSON
CHIEF EXECUTIVE OFFICER

Biosecurity and Agriculture Management Act 2007

Local Government Act 1995

City of Joondalup

Pest Plant Amendment Local Law 2023

Biosecurity and Agriculture Management Act 2007

Local Government Act 1995

City of Joondalup

Pest Plant Amendment Local Law 2023

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Biosecurity and Agriculture Management Act 2007***Local Government Act 1995*****City of Joondalup****Pest Plant Amendment Local Law 2023**

Under the powers conferred by the *Biosecurity and Agriculture Management Act 2007* and the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Joondalup resolved on (insert date) to make the following local law.

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.....
HON. ALBERT JACOB JP

MAYOR

.....
JAMES PEARSON

CHIEF EXECUTIVE OFFICER

CJ006-02/21**EIGHT YEAR REVIEW OF LOCAL LAWS**

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05885, 101515
ATTACHMENTS	Attachment 1 Community Consultation Outcomes Report Attachment 2 Table of Submissions
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the City's eight-year statutory review process.

EXECUTIVE SUMMARY

Section 3.16 of the *Local Government Act 1995* requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended.

The City commenced a statutory review of its local laws in August 2020 with local public notices advertising the review and seeking public comment on the content and suitability of the City's local laws. The public submission period closed on 21 September 2020, with 39 submissions being received.

In addition to the public consultation process, officers have undertaken a preliminary review of the local laws and subsequently identified a number of changes that will assist in improving the operation and application of a number of the City's local laws.

It is therefore recommended that a number of local laws be amended.

BACKGROUND

It is a requirement that local governments undertake a review of their local laws within eight years from when the local law commenced or was last reviewed. The City's local laws were last formally reviewed in 2012 resulting in Council receiving the eight year review outcome report at its meeting held on 19 March 2013 (CJ026-03/13 refers) where it was resolved at that time to repeal and create a number of local laws.

Since the completion of the previous review, a number of new local laws and amendments have been gazetted as indicated in the following table:

Year	Name of Local Law
New	
20 November 2012	<i>Pest Plant Local Law 2012</i>
16 July 2013	<i>Parking Local Law 2013</i>
20 August 2013	<i>Meeting Procedures Local Law 2013</i>
18 November 2014	<i>Fencing Local Law 2014</i>
9 December 2014	<i>Local Government and Public Property Local Law 2014</i>
18 July 2017	<i>Repeal Local Law 2017</i>
18 July 2017	<i>Waste Local Law 2017</i>
Amendments	
9 November 2015	<i>Local Government and Public Property Amendment Local Law 2015</i>
17 August 2015	<i>Parking Amendment Local Law 2015</i>
13 December 2016	<i>Animals Amendment Local Law 2016 (Disallowed)</i>
26 June 2018	<i>Parking Amendment Local Law 2018</i>
26 June 2018	<i>Animals Amendment Local Law 2018</i>
21 August 2018	<i>Waste Amendment Local Law 2018</i>
19 November 2019	<i>Local Government and Public Property Amendment Local Law 2019</i>

In August 2020, the City commenced an eight-year review process involving local public notices and other consultation processes to seek public comment and opinion on the contents and suitability of the City's local laws. The public submission period closed on 21 September 2020, with 39 submission being received. The Community Consultation Report, and an outline of the submissions including officer's responses, is provided in Attachments 1 and 2 to Report CJ006-02/21 respectively.

The following local laws, and their respective purpose are the subject of the statutory review process:

- *Animals Local Law 1999.*
To provide for the regulation, control and management of the keeping of animals within the City of Joondalup.
- *Fencing Local Law 2014.*
To prescribe a sufficient fence and the standard for the construction of fences throughout the district.
- *Health Local Law 1999.*
To provide for the regulation, control and management of day to day health matters within the district.
- *Local Government and Public Property Local Law 2014.*
To provide for the regulation, control and management of activities and facilities on local government and public property within the district.

- *Meeting Procedures Local Law 2013.*
To provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- *Parking Local Law 2013.*
To provide for the regulation, control and management of parking within the district.
- *Pest Plant Local Law 2012.*
To prescribe pest plants within the City of Joondalup district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.
- *Repeal Local Law 2017.*
To repeal those local laws made obsolete by new legislation or considered no longer relevant within the City of Joondalup.
- *Waste Local Law 2017.*
To provide for the regulation, control and management of waste services, including the use and control of receptacles for the deposit and collection of waste, undertaken by or on behalf of the local government within the district.

In conjunction with the public consultation process, an internal review of the above local laws was also conducted by City officers to:

- identify potential inconsistencies between the local laws and State legislation
- assess their operational and enforcement efficiency
- identify and preliminary changes or amendments in drafting.

DETAILS

A number of matters have been identified on a majority of the local laws under review to improve their operation and application. A summary of these matters, including any relevant comments received during the public comment period are detailed below:

Animals Local Law 1999

The City's *Animals Local Law 1999* provides a centralised local law framework for the management of certain animals throughout the City of Joondalup district. A number of the submissions received through the public comment period, focused around the need for better cat control measures by the City, including but not limited to restricting the number of cats; designating prohibited areas to protect fauna; and the prevention of urban nuisances caused by cats.

The *Cat Act 2011* gives local governments the power to make local laws around certain provisions around cat management and some provisions are already included in the *Cat Act 2011*. Although the *Animals Local Law 1999* was created well before the *Cat Act 2011* came into operation and provides for some cat control measures (clause 45) it is open for Council to create a Cat Local Law in its own right, and possibly a Dog Local Law, considering these are the two dominant animal types throughout the City of Joondalup district. If supported this is a matter that will subsequently be investigated and reported back to Council.

Notwithstanding the above, certain provisions of the *Animals Local Law 1999* have been identified as needing possible amendment, including but not limited to:

- better clarity around assistance dogs in replacement of references to bona fide guide dogs for the vision impaired
- removal of references to rural areas and special rural areas as the City no longer has any land zoning along these lines
- revised bee keeping and poultry keeping provisions.

It is therefore recommended that the *Animals Local Law 1999* be amended to consider the above as well as to allow further investigation into the possible creation of two new local laws; being one for cats and one for dogs.

Fencing Local Law 2014

The *Dividing Fences Act 1961* allows local governments to create local laws to prescribe the minimum standards for sufficient fences throughout the district. This standard is used by the courts when ruling on disputes between neighbours around dividing fence issues.

Currently the *Fencing Local Law 2014* prescribes a sufficient fence as being a corrugated fibre reinforced pressed cement sheeting for residential lots; chain link fabric fences for commercial lots; and post and wire fencing for rural lots. In the main fencing standards and construction requirements are not covered by the local law however provided for in some way under the *Building Regulations 2012*, the City's *Local Planning Scheme No. 3*, *State Planning Policy 7.3 Residential Design Codes* and the City's *Residential Development Local Planning Policy*.

Notwithstanding and as raised in some public submissions, it is suggested that the City expand its sufficient fence standards in residential areas to include Colorbond metal sheet fencing. Some minor wording and definition changes within the local law are also required, as well as the removal of sufficient fence standards for rural lots, as the City no longer has any such zoned properties.

It is therefore recommended that the *Fencing Local Law 2014* be amended.

Health Local Law 1999

The City's *Health Local Law 1999* supports the *Health Act 1911*, the *Public Health Act 2016*, the *Food Act 2008* and an array of other public health regulations. Progress is being made by the State Government to replace the outdated *Health Act 1911* however as it is a complex piece of legislation, its replacement by the *Public Health Act 2016* is taking some time and being staged over a number of years.

No public submissions were received on the City's *Health Local Law 1999* during the public consultation period however City officers have identified possible amendments to the local law including, but not limited to:

- revised lodging house provisions
- possible inclusion of nuisance provisions around smoke from fire pits in residential areas
- revised sanitary convenience provisions for outdoor festivals to accord with Department of Health guidelines
- construction requirements for laundries in residential properties
- nuisances created by the feeding of birds
- revised refuse disposal enclosure requirements for multiple dwellings
- revised provisions relating to the discharge of swimming pool backwash water.

The provisions around eating houses are required to also be removed as they were repealed on 23 October 2009 with the introduction of the *Food Act 2008*.

It is therefore recommended that the *Health Local Law 1999* be amended.

The City's *Health Local Law 1999* is currently created under the head of power provided under the *Health Act 1911*. The *Public Health Act 2016* will not allow local laws to be created however any health-related local law will instead need to be made under the *Local Government Act 1995*. Therefore, there will need to be a transitioning of the existing *Health Local Law 1999* under a different head of power.

Local Government and Public Property Local Law 2014

The City's *Local Government and Public Property Local Law 2014* assists with the management of activities on local government property (including thoroughfares, City buildings and facilities and jetties) as well as other specific public places the public can use.

As the local law is relatively new, only a number of minor drafting amendments have been identified such as a need to update some definitions and improved drafting. Of significance however is the need to further investigate possible provisions relating to portable advertising signs in thoroughfares; real estate signs; and general provisions around verge treatments.

In respect of signage, at its meeting held on 20 October 2020 (CJ162-10/20 refers) Council consented to the preparation and advertising of a draft *Advertisements Local Planning Policy* which seeks to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City's position regarding signs currently prohibited by the City's existing *Signs Policy*.

While the draft *Advertisements Local Planning Policy* sets out a framework and City policy position around advertising signs on private property, signage in thoroughfares is currently prohibited under the City's *Local Government and Public Property Local Law 2014*. The issue of business demand for portable signs in verges, where these signs cannot be accommodated on private land due to nil building setbacks in city centre areas, cannot be resolved by amendments to the draft *Advertisements Local Planning Policy*. In view of this further discussion and Council direction is required as to whether it wishes to progress an approval system for the placement of temporary advertising signs in thoroughfares by businesses throughout the City of Joondalup.

It is therefore recommended that the *Local Government and Public Property Local Law 2014* be amended, with further investigation into the signage and verge provisions within the local law.

Meeting Procedures Local Law 2013

The *Meeting Procedures Local Law 2013* provides for the rules that apply to the conduct of meetings of the Council, committees and meetings of electors. At its meeting held on 21 April 2020 (CJ045-04/20 refers), Council adopted the revised *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* as a means to support the provisions within the local law, and to provide procedures that apply to meetings such as Briefing Sessions and Strategy Sessions, that are not covered by the local law. At that meeting, Council also requested the Chief Executive Officer to present these procedures to a Strategy Session of elected members at a later date, for further discussion and refinement.

At the Strategy Session held on 3 November 2020 elected members were presented a report for discussion around the local law; the revised procedures adopted by Council in April 2020; as well as the public comments received during the local law review process. While most of the comments received during the local law consultation process related more so to the Council adopted *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* it was suggested that the local law be amended to better clarify the use of electronic devices at meetings (clauses 5.16 and 5.17 of the local law).

City officers have also identified some possible improvements to the provisions within the local law, such as:

- revised order of business for committees with the removal of the ability for committee members to call for a report
- better clarification around who can move amendments to motions at meetings
- revised wording for some procedural motions.

It is therefore recommended that the *Meeting Procedures Local Law 2013* be amended. In terms of the *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* it is advised that a report will be presented to a future meeting of Council to consider some improvements to the procedures as identified by elected members at the Strategy Session held on 3 November 2020.

Parking Local Law 2013

The *Parking Local Law 2013* provide for the regulation, control and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations.

Some of the submissions received reflected on the need for the City to consider additional free parking which is a budget consideration as opposed to a local law provision. Other matters raised included the ability to better enforce parking contraventions and general traffic matters again which are not aspects covered by the local law.

The *Parking Local Law 2013* was last amended by the *Parking Amendment Local Law 2018* and is generally current and not requiring major amendment. However, the City is investigating fee payment and permit technology that could see over 4,000 parking permits replaced with an electronic system and in view of this some aspects of the *Parking Local Law 2013* will require amendment to cater for such technology being used.

It is therefore recommended that the *Parking Local Law 2013* be amended.

Pest Plant Local Law 2012

Local laws relating to pest plants were originally made under the *Agriculture and Related Resources Protection Act 1976* but are instead now able to be made under the *Biosecurity and Agriculture Management Act 2007*. The objects of the *Biosecurity and Agriculture Management Act 2007* in part are to provide effective biosecurity and agriculture management for the State by providing the means to control the entry, establishment, spread and impact of organisms that have or may have an adverse effect on other organisms; human beings; the environment; agricultural activities; fishing or pearling activities or related commercial activities.

Council considered the control of pest plants on a number of occasions during 2011 and 2012 with various motions and reports being presented to Council on the matter (C15-04/11, CJ195-10/11, CJ119-06/12 and CJ127-07/12 refer). Ultimately at its meeting held on 20 November 2012 (CJ232-11/12 refers) Council resolved to make the *Pest Plant Local Law 2012* as a means to prescribe pest plants within the City of Joondalup that, in the City's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.

The City's local law only lists Caltrop (*Tribulus terrestris*) as a pest plant. It is important to note that this local law only applies to private property not weed and pest plant control on City owned or managed land. Although no remedial action notices under the local law have been issued to private property owners to control Caltrop on their property since the laws operation, approximately 55 advice letters have been sent to property owners advising of Caltrop on their property.

The head of power to create local laws relating to pest plants is generally aligned to biosecurity and agricultural activities of the State as opposed to controlling pest plants in urban environmental metropolitan settings and therefore a local law of this nature may be misplaced due to the lack of applicability around biosecurity and agricultural matters for the City of Joondalup.

Notwithstanding Council may be of the view to retain the *Pest Plant Local Law 2012* to enable control of dedicated pest plants through more formal mechanisms should it be required.

Repeal Local Law 2017

The *Repeal Local Law 2017* is deemed an administrative local law, created to repeal old and outdated local laws that are no longer relevant, or have been superseded by the City's new local law framework. It is not considered that the local law be amended or repealed.

Waste Local Law 2017

The *Waste Local Law 2017* provides for the regulation, control and management of waste services, including the use and control of receptacles for the deposit and collection of waste, undertaken by or on behalf of the City. Comments received during the public consultation period include the need for more emphasis on recycling in general and at public events, which is a community education activity as opposed to a local law provision. Some other comments made related to the need to bring back kerbside bulk waste collections as opposed to the current bin service offered by the City. While the local law still accounts for the City to undertake bulk waste collections, it is not recommended that the local law provision be removed so that a legislative framework is still in place should such changes to the collection method be made in the future, although not recommended.

City officers have not identified any need to amend the local law at this time and therefore it is recommended that the *Waste Local Law 2017* be retained in its current form.

Issues and options considered

Council is to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the eight-year statutory review.

Legislation / Strategic Community Plan / policy implications**Legislation**

Section 3.16 of the *Local Government Act 1995*.
Biosecurity and Agriculture Management Act 2007.
Cat Act 2011.
Dividing Fences Act 1961.
Dog Act 1976.
Health Act 1911.
Public Health Act 2016.
Waste Avoidance and Resource Recovery Act 2007.
Animals Local Law 1999.
Fencing Local Law 2014.
Health Local Law 1999.
Local Government and Public Property Local Law 2014.
Meeting Procedures Local Law 2013.
Parking Local Law 2013.
Pest Plant Local Law 2012.
Repeal Local Law 2017.
Waste Local Law 2017.

Strategic Community Plan**Key theme**

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

Continuously strive to improve performance and service delivery across all corporate functions.

Policy

Not applicable.

Risk management considerations

The City is required to undertake an eight-year review of its local laws to ensure statutory compliance.

Financial/budget implications

All costs associated with the review will be met within existing budget allowances and proposed budgets.

Regional significance

Not applicable.

Sustainability implications

A revised and modern set of local laws will assist in maintaining the lifestyle of the City's residents and the amenity which they enjoy.

Consultation

Public consultation occurred in accordance with section 3.16 of the Act. Where the City wishes to amend, repeal or create a local law, the statutory advertising process as described in the Act must be followed. This includes a six-week public consultation period.

COMMENT

The review of the City's local laws has identified that the majority of the local laws require minor amendment. It is anticipated that to amend the existing local laws will take in the vicinity of six to eight months.

VOTING REQUIREMENTS

Absolute Majority.

Cr Taylor left the Chamber at 8.23pm.

MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:

- 1 **NOTES** the submissions received during the eight-year review of its local laws undertaken in accordance with section 3.16 of the *Local Government Act 1995*, as outlined in Attachment 1 to Report CJ006-02/21;
- 2 **BY AN ABSOLUTE MAJORITY APPROVES** the details of the review of the City of Joondalup's local laws as follows:
 - 2.1 **Local laws to be amended:**
 - 2.1.1 *City of Joondalup Animals Local Law 1999;*
 - 2.1.2 *City of Joondalup Fencing Local Law 2014;*
 - 2.1.3 *City of Joondalup Health Local Law 1999;*
 - 2.1.4 *City of Joondalup Local Government and Public Property Local Law 2014;*
 - 2.1.5 *City of Joondalup Meeting Procedures Local Law 2013;*
 - 2.1.6 *City of Joondalup Parking Local Law 2013;*

2.2 Local laws to be retained:**2.2.1 *City of Joondalup Pest Plant Local Law 2012;*****2.2.2 *City of Joondalup Repeal Local Law 2017;*****2.2.3 *City of Joondalup Waste Local Law 2017;***

- 3 NOTES the amendments or repeal of the local laws detailed in part 2.1 above will be subject to further reports to the Council in accordance with section 3.12 of the *Local Government Act 1995*.**

The Motion was Put and**CARRIED (12/0)**

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210209.pdf](#)

CJ014-02/22 PROPOSED AMENDMENT LOCAL LAW 2021 – CONSENT TO ADVERTISE

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	05885, 101515
ATTACHMENTS	<p>Attachment 1 <i>City of Joondalup Amendment Local Law 2021</i></p> <p>Attachment 2 <i>City of Joondalup Animals Local Law 1999</i> (marked up with changes)</p> <p>Attachment 3 <i>City of Joondalup Local Government and Public Property Local Law 2014</i> (marked up with changes)</p> <p>Attachment 4 <i>City of Joondalup Meeting Procedures Local Law 2013</i> (marked up with changes)</p> <p>Attachment 5 <i>City of Joondalup Parking Local Law 2013</i> (marked up with changes)</p>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to make the *City of Joondalup Amendment Local Law 2021* for the purpose of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on the statutory review of its local laws, and resolved that amendments were required to the following:

- *City of Joondalup Animals Local Law 1999.*
- *City of Joondalup Local Government and Public Property Local Law 2014.*
- *City of Joondalup Meeting Procedures Local Law 2013.*
- *City of Joondalup Parking Local Law 2013.*

In view of this resolution and to put it into effect, a *City of Joondalup Amendment Local Law 2021* (Amendment Local Law) has been developed for Council's consideration, for the purposes of public advertising.

It is therefore recommended that Council:

- 1 *MAKES the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising;*
- 2 *in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*

- 2.1 *the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:*

Purpose: The purpose of this local law is to amend certain provisions within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meeting Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013.

Effect: The effect of this local law is to better clarify the provisions and requirements within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meetings Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013 and to ensure information is current with prevailing legislation.

- 2.2 *copies of the proposed local law may be inspected at or obtained from the City's Administration office, Public Libraries or the City's website;*

- 2.3 *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*

- 3 *in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;*

- 4 *in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*

- 5 *the results of the public consultation be presented to Council for consideration of any submissions received;*

- 6 *in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in part 1 above;*

- 7 *NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the Dog Act 1976 and the Cat Act 2011 are better known;*

- 8 *NOTES a review of the City of Joondalup Pest Plant Local Law 2012 will be progressed in 2022;*

- 9 *NOTES there will be no change to the City of Joondalup Local Government and Public Property Local Law 2014, at this time, in regards to the suggested amendments for shopping trolleys.*

BACKGROUND

As part of a local government's legislative functions under the *Local Government Act 1995* (the Act), the City has created a number of local laws with the purpose of protecting amenity and regulating (with an appropriate enforcement regime) certain activities throughout the City of Joondalup district. In this regard the following local laws, the subject of this report, have been made by the City over a number of years:

- *Animals Local Law 1999*

The City's *Animals Local Law 1999* (Animals Local Law) provides a centralised local law framework for the management of certain animals throughout the City of Joondalup district.

- *Local Government and Public Property Local Law 2014*

The City's *Local Government and Public Property Local Law 2014* (Local Government Property Local Law) assists with the management of activities on local government property (including thoroughfares, City buildings and facilities and jetties) as well as other specific public places the public can use.

- *Meeting Procedures Local Law 2013*

The *Meeting Procedures Local Law 2013* (Meeting Procedures Local Law) provides for the rules that apply to the conduct of meetings of the Council, committees and meetings of electors.

- *Parking Local Law 2013*

The *Parking Local Law 2013* (Parking Local Law) provides for the regulation, control and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations.

Section 3.16 of the Act requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended and involves a public consultation period.

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on its most recent statutory review of its local laws, and in view of the information presented, resolved that amendments were required to the above local laws.

DETAILS

In terms of making amendments to the City's Animals Local Law, Local Government Property Local Law, Meeting Procedures Local Law and Parking Local Law, a consolidated Amendment Local Law has been created for this purpose (Attachment 1 refers). The Amendment Local Law has been structured in parts, dealing with the necessary amendments to the specific local law that has been identified as needing amendment. In summary the following amendment provisions have been included in the Amendment Local Law:

Part 2 – Animals Local Law 1999

The Animals Local Law (along with the City's *Health Local Law 1999*) is an old historic local law that is no longer conducive to modern day drafting standards. The Animals Local Law contains a mixture of provisions relating to public health and land use requirements in relation to certain animals. Since this local law was originally adopted back in 1999, the knowledge, requirements and constraints around local laws has evolved and become clearer, more so as a result of the various findings and reports of the WA Parliament's Joint Standing Committee on Delegated Legislation (which reviews local laws of local governments) and clearer guidance on the operation of the Act.

Within the local law eight-year review report submitted to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers), it was highlighted that the local law framework around health related matters is under review as a result of the implementation of the *Public Health Act 2016* and in view of the remaining provisions under the *Health (Miscellaneous Provisions) Act 1911*. Public health matters are complex, and the legislation is being changed in stages and over time. In this regard any broad changes to the Animals Local Law as it relates to public health should occur once the higher-level legislative framework around public health is better known and implemented. This could include the creation of model local laws around health, or supporting regulations that may go into more detail and cover a broad range of matters. Notwithstanding, the provisions and requirements in the Animals Local Law should remain if it is necessary to continue to regulate such matters around animals.

In the report to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers), it was also suggested that the City investigate the creation of two new local laws; one relating to cats and another for dogs. Any new local law around these types of animals will be guided by local law-making requirements under the *Cat Act 2011* and the *Dog Act 1976*, and created under specific heads of power. Until such time new local laws are created, the existing cat and dog provisions within the Animals Local Law will remain, but subsequently repealed at the time of creating the new local laws.

In view of this, the Amendment Local Law (Part 2) contains the following clauses to amend certain provisions in the Animals Local Law (marked up in Attachment 2 to Report CJ014-02/22):

- Clause 2.2 – this clause amends clause 6 in the Animals Local Law by deleting, inserting or amending various definitions used throughout the Animals Local Law.
- Clause 2.3 – this clause deletes clause 13(3) in the Animals Local Law which relates to fencing requirements for dogs in rural areas. There are no rural areas within the City's district and therefore the clause is no longer relevant.
- Clause 2.4 – this clause replaces clause 14 in the Animals Local Law relating to the maximum number of dogs that can be kept. The only reason it has been replaced is to remove the references to the number of dogs in rural areas.
- Clause 2.5 – this clause amends clause 15 in the Animals Local Law by correctly referencing the City's local planning scheme.
- Clause 2.6 – this clause deletes clause 24(2) in the Animals Local Law which relates to the fencing requirements for livestock in rural or special rural areas. There are no rural or special rural areas in the City's district, and any fencing requirements for livestock throughout land in the district are still detailed in clause 24(1), which is to remain.
- Clause 2.7 – this clause deletes clause 27 in the Animals Local Law which relates to fouling in public places by a horse. Similar provisions are now included in the City's *Local Government and Public Property Local Law 2014* (clause 10.2) and therefore this clause is redundant and a repeat of a new provision.
- Clause 2.8 – this clause includes a new clause 28A in the Animals Local Law in relation to restrictions for pigeons and doves nesting or perching. The provision allows an environmental health officer to order an owner or occupier of a premises to take steps to prevent the perching or nesting of pigeons or doves, due to a general health risk such activity can have.

- Clause 2.9 – this clause replaces clause 30 in the Animals Local Law by requiring the City to seek the written opinion of adjacent land owners and occupiers, where an application is made for a person to keep pigeons (clause 28). Clause 30 currently places that onus on the applicant to seek such opinion, not the City.
- Clause 2.10 – this clause amends clause 34(1)(a) in the Animals Local Law by removing the prescriptive construction requirements for the base floor of a loft used to house pigeons (currently 50mm thick concrete), and replacing it with a suitable impervious material standard that is approved by an environmental health officer.
- Clause 2.11 – this clause replaces Part 6 in the Animals Local Law which relates to the keeping of bees. The new Part provides more detail in relation to the needs for permits; permit application requirements; how the City will determine applications; the circumstances where a permit will be cancelled; the general conditions for keeping beehives; and removal notices.
- Clause 2.12 – this clause amends clause 40 in the Animals Local Law (relating to keeping miniature horses) by removing the references to special residential and special rural areas, as these areas no longer exist within the City's district.
- Clause 2.13 – this clause amends clause 41 in the Animals Local Law that prevents a person from keeping a pig within the district. It removes references to licenced piggeries as well as the references to special residential areas and special rural areas in terms of keeping miniature pigs, in which one can be kept by a person in a residential area. There are a number of miniature pigs kept in the City's district (although classed as runts not bona fide miniature pigs, which are prevented from importation into Australia).
- Clause 2.14 – this clause amends clause 45(3) in relation to the keeping of cats through the removal of references to particular land use zonings within the City of Joondalup.
- Clause 2.15 – this clause deletes clause 46 in the Animals Local Law in respect of the burial of animals for commercial poultry farms, licensed piggeries or other intensive animal or bird farming activities. There are no land uses of the description within the City's district and is a restricted land use under the City's local planning scheme.
- Clause 2.16 – this clause amends clause 47 in the Animals Local Law by preventing the keeping of ostriches or emus completely throughout the district. Under the current provision a person was able to keep up to three adult pairs of ostrich or emu under certain land conditions in a special rural area (which do not exist in the City's district).
- Clause 2.17 – this clause amends clause 48 in the Animals Local Law by clarifying the circumstances around the keeping of poultry in the district. The amendments include:
 - that a person cannot keep a rooster, turkey, goose or geese, peacock or peahen on any land throughout the district
 - the removal of the requirement preventing poultry being kept in an open yard (thereby allowing poultry to free range, roam and scratch throughout a person's land)
 - inserting a provision restricting poultry approaching premises and boundary lines to protect possible residue accumulation of certain termite treatments in both the poultry itself and their eggs
 - poultry being provided a shed or hut as opposed to being kept in a structure (again allowing poultry to free range)
 - reducing the number of poultry that can be kept on land from 12 to six

- removing the diagram for the specification for a domestic deep litter poultry shed, which is more appropriately placed in guiding documents and advice from the City and relevant associations, as opposed to the local law.
- Clause 2.18 – this clause deletes clause 49 in the Animals Local Law in relation to the keeping of poultry in special rural areas as these land areas do not exist under the City's local planning scheme.
- Clause 2.19 - this clause deletes clause 50 in the Animals Local Law in relation to the keeping of poultry in rural areas as these land areas do not exist under the City's local planning scheme.
- Clause 2.20 – this clause replaces the First Schedule of the Animals Local Law which provides a list of modified penalties through the local law, in which an infringement notice can be issued by an authorised person. There are no changes to the modified penalty levels within the local law, however it was more conducive to replace the schedule in its entirety due to the extent of amendments that are being recommended throughout the local law.

As detailed above, it is likely that the Animals Local Law will be completely repealed in the future with provisions included in new local laws based on the legislative constraints that are imposed under legislation. Therefore, the suggested amendments above are only minor to improve the operation of the local law as it currently stands.

Part 3 – Local Government and Public Property Local Law 2014

Within the local law eight-year review report submitted to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers), it was highlighted that the Local Government Property Local Law is relatively new, with only a number of minor drafting amendments being identified. Of significance however is the proposed amendments relating to portable advertising signs in thoroughfares; real estate signs; and general provisions around verge treatments.

Related to this matter, at its meeting held on 16 August 2016, Council received a 51 signature petition requesting that Council create a working group that includes representatives from the City's planning department to review and develop appropriate signage guidelines and policy that allows small business to have a say on signage and placemaking within the City of Joondalup.

In respect of the signage review on private property, the matter could only progress following the gazettal of the City's *Local Planning Scheme No. 3* on 23 October 2018, that culminated in a review of the City's *Signs Policy* that existed at that time. Council at its meeting held on 20 October 2020 (CJ162-10/20 refers), consented to the advertising of a new *Advertisements Local Planning Policy* which sought to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City's position regarding signs currently prohibited by the City's existing *Signs Policy*.

At its meeting held on 16 March 2021 (Item CJ037-03/21 refers) Council adopted its new *Advertisements Local Planning Policy* and the lead petitioner was advised of Council's decision.

Notwithstanding, while the *Advertisements Local Planning Policy* sets out a framework and the City's policy position around advertising signs on private property, signage in thoroughfares is currently prohibited under the City's Local Government Property Local Law. The issue of business demand for portable signs in verges, where these signs cannot be accommodated on private land due to nil building setbacks in city centre areas, cannot be resolved by the *Advertisements Local Planning Policy*. In view of this, amendments are suggested for an approval system for the placement of temporary advertising signs in thoroughfares by businesses throughout the City of Joondalup.

The Amendment Local Law (Part 3) contains the following clauses to amend certain provisions in the Local Government Property Local Law (marked up in Attachment 3 to Report CJ014-02/22):

- Clause 3.2 – this clause amends clause 1.6 in the Local Government Property Local Law by deleting, inserting, or amending various definitions used throughout the Local Government Property Local Law.
- Clause 3.3 – this clause amends clause 2.8(3) in the Local Government Property Local Law (in relation to activities which may be prohibited on specified local government property) by inserting the words “built structure” in the definition of “premises”. The definition of premises relates to the ability for the City to make a determination under the local law regarding smoking on premises. By including the words “built structure” (in addition to a building or stadium) would mean that smoking would be prevented at built structures such as skate parks or playgrounds (as they would be deemed built structures).
- Clause 3.4 – this clause amends clause 3.1 in the Local Government Property Local Law (relating to activities needing a permit) by including a new subclause (x) to enable permits to be issued by the City for the placement of a container receptacle on local government property by community organisations.

At the Council meeting held on 18 May 2021 the motions of the Annual General Meeting of Electors were considered (CJ063-05/21 refers) and subsequently a resolution was made where Council supported changes to the Local Government Property Local Law to allow cash container deposit infrastructure to be placed on local government property. The purpose of the electors' motion, as stated by the electors, was not only to divert recyclables away from the City's waste stream, but to also provide a revenue source for community groups.

The cash container deposit scheme is managed and controlled by the *Waste Avoidance and Resource Recovery Act 2007* (Part 5A) and the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019*. Both pieces of legislation are specific and legalistic in terms of where bona fide cash container infrastructure can be placed and who can operate such infrastructure. However, it is not considered that the intent of the electors' motion was to install cash container infrastructure per se, but to offer a collection receptacle point where members of the community could deposit appropriate containers, and the community organisation could subsequently collect the receptacle and empty its contents.

In view of this intent, it is considered a permit system could be implemented, whereby a community organisation could make an application for a permit to the City to install a container receptacle on local government property. In this way the City could condition a permit and responsibilities of a permit holder on matters such as, but not limited to, size; cleanliness; frequency of emptying; and disposal of other rubbish and waste.

For this purpose, the definitions for “container” and “container receptacle” are suggested to be included in the Local Government Property Local Law as well as an amendment to the definitions of “collection bin” (see clause 1.6 in the marked up version of the local law at Attachment 3).

- Clause 3.5 - this clause amends clause 5.1 in the Local Government Property Local Law (relating to refusal of entry to pool areas or direction to leave) by inserting a new subclause (g) allowing a pool attendant or authorised person to direct a person to leave a pool area in situations where they may be operating a camera device to record or transmit an image. Although such a provision may prevent parents from filming their children at aquatic events, it provides a framework to enforce behaviour that may not be so honourable, or making other pool patrons uncomfortable.
- Clause 3.6 – this clause amends clause 8.2 in the Local Government Property Local Law to allow permits to be issued for container receptacles to be placed on a thoroughfare by community organisations. The justification for this amendment is detailed above in clause 3.4. Clause 8.2 is also amended by adding a new subclause (n) that allows a permit to be issued to conduct a function, or undertake any promotional activity on a thoroughfare.
- Clause 3.7 – this clause amends clause 8.6 in the Local Government Property Local Law by amending the definition of “acceptable material”, used for the purposes of prescribing appropriate verge treatments. This suggested amendment allows the City to determine what is deemed an acceptable material for a verge treatment, that doesn’t necessarily have to create a hard and stable surface, and which may not be either lawn or a garden.
- Clause 3.8 – this clause amends clause 8.15 in the Local Government Property Local Law (relating to signs erected by the City) to clarify that a person authorised by the City can erect a sign on a public place specifying any condition of use which apply to that place.
- Clause 3.9 – this clause replaces Part 9 in the Local Government Property Local Law, relating to advertising signs on thoroughfares and is the most significant amendment to the Local Government Property Local Law. The new part maintains the current local law provisions regarding general prohibitions for advertising signs; permit requirements for temporary community organisation signs (such as school fetes and sport club registration days); permit exemptions; election and poll signs; and impounding provisions. However, the new part includes new or revised provisions around portable direction signs (for garage sales and home opens); property disposal signs; and portable business signs.

In regard to portable direction signs, the time restriction on when these can be installed in a thoroughfare or verge has been lifted. The existing clause restricts portable direction signs from being installed no earlier than 9.00am on the day of a home open, whereas the new clause allows them to be installed on the day of the home open (therefore including before 9.00am). The current restrictions as to their actual placement are maintained.

The new part includes a provision that allows property disposal signs (that is 'for sale' signs or 'for lease' signs) to be installed on a verge adjoining the property being disposed of (new clause 9.4). Any such placement is subject to conditions, in the main, to protect sight lines; prevent obstructions on the verge for pedestrians and road users; as well as to protect utilities and City infrastructure.

The most significant change to the local law, and as described in the opening paragraphs regarding amendments to the Local Government Property Local Law, is the new direction the City is proposing in regard to portable business signs. The new clause 9.5 allows a business to place a temporary portable business sign on a verge that is adjacent to their business. Similarly, it also allows a business that has an access point from a particular thoroughfare to also have an ability to place a business sign on that verge area.

Any placement of such signs must conform to certain requirements in terms of their construction, size and location for placement. Any such business must have the necessary public liability insurance to protect the business against any claims for personal injury or property damage resulting from the display of the portable sign.

However, where a business does not have an adjacent verge to place a temporary business sign, or where they don't have direct access, an application for a permit to the City can be made. The requirements for permits are detailed in Part 12 of the Local Government Property Local Law which details how to apply for a permit; the decisions that can be made and the relevant considerations in relation to determining a permit by the City; the types of conditions that can be placed on a permit; and other general permit requirements.

It must be highlighted that this proposal is a significant change to the City's current position of prohibiting temporary business signs to be placed in the verge. Opening the ability for business to do so (as of right) could create visual amenity issues, proliferation of signage and potential obstructions to road users and pedestrians.

In addressing the petition received by Council at its meeting held on 16 August 2016, it is not recommended that the City establish a working group to develop signage guidelines and a policy to support small business, in view of the new *Advertisements Local Planning Policy* that has been adopted by Council, and the proposed amendment suggested in the Amendment Local Law. However, it is suggested that the lead petitioner be advised of the proposed changes to the Local Government Property Local Law and invite them to make a submission on the new sign provisions that are proposed.

- Clause 3.10 – this clause amends Schedule 1 of the Local Government Property Local Law by including new modified penalties as a result of the various amendments that are proposed to be made to the local law.

Further to the above amendments, a Notice of Motion was moved at the Ordinary Council Meeting on 16 November 2021, requesting:

“...the Chief Executive Officer to investigate and prepare a report on the possibility of amending the Council's Local Government and Public Property Local Law 2014 in relation to:

- 1 *Clause 10.6(2) “A retailer must remove a shopping trolley within 24 hours of so advised under subclause (1)” so that it is reduced to three hours; and*

- 2 *Item 68 (clause 10.6(2)) in "Schedule 1 – Prescribed Offences" be amended so that the modified penalty for the failure to remove shopping trolleys upon being advised of the location can be increased to more than \$200."*

The suggested amendments have been considered by the City's administration, with the following comments:

- Abandoned shopping trolleys are proactively dealt with by the City's Field Officers and retailers to reduce the number of abandoned shopping trolleys in public places. There are a large number of retailers within the CBD and Joondalup area including Whitford City.
- The City currently impounds shopping trolleys after 24 hours in line with the *City of Joondalup Local Government Public Property Local Law 2014*. Modified penalties of \$200 are imposed on retailers if the trolleys are not collected within the required timeframe.
- Illegal dumping of shopping trolleys is also addressed by the *Local Government Act 1995*. The *Local Government Act 1995* allows the City to impound trolleys and notify the retailer where and when they can be retrieved. The City can then require the retailer to pay a fee to collect trolleys in order to reimburse the costs associated with removing, impounding and storing the trolleys. Many local governments report that attempts to enforce fees on retailers to retrieve impounded shopping trolleys have been unsuccessful due to the low cost to retailers to replace lost shopping trolleys.
- The City can dispose of uncollected trolleys after one month of storage. Disposal includes selling trolleys to recoup any collection and storage costs. Trolleys can be auctioned, sold as scrap or be recycled. It is preferable that the metal in trolleys is recovered rather than disposed of to landfill.
- Clause 10.6(2) could be amended to reduce the hours in which to remove a shopping trolley down from 24 hours to three however, it is the City's view that to reduce the time that a retailer would need to remove the trolley to three hours would be impractical/difficult to maintain due to the core hours of business for local governments and retailers.
- The City has also obtained legal advice which suggests there could be '...significant evidentiary challenges in proving offences relating to shopping trolleys. To the extent that amending the local law might make it more difficult or impracticable for a local government to comply with this provision, it is more likely that retailers might choose to challenge infringements issued on this basis. Furthermore, there is an increased chance that a Court may find that a retailer has a possible defence to any prosecution which might be alleged, if the Court considers that the retailer was simply unable to comply with the three hour notice provision. However, on balance, the three hour notice provision should be capable of enforcement if it is acceptable to the Joint Standing Committee on Delegated Legislation.'
- Furthermore, the administration has some concerns around the fact that the City has not had time to consult with affected business owners around the suggested change.
- **It is therefore recommended that the City does not reduce the number of hours in which a retailer has to remove a shopping trolley down from 24 hours to three hours at this late stage in the process of the local law review.**
- In relation to Part 2 of the Motion, Item 68 of Schedule 1 – Prescribed Offences – the general position is that the modified penalty should not be more than 10 percent of the maximum penalty. Therefore, given that the maximum penalty is \$5,000 under the City's local law, it would be possible to increase the modified penalty to a maximum of \$500.
- City Officer's have conducted a review of some of the larger local governments in regard to the number of hours a retailer has in which to remove a trolley, and the modified penalty associated with non-compliance and removal of the trolley:

Local Government	Hours to remove a shopping trolley	Modified Penalty
Wanneroo	24 hours	\$100
Stirling	24 hours	\$200
Swan	24 hours	\$100
Vincent	3 hours	\$100
Perth	24 hours	\$125
Victoria Park	3 hours	\$100

- **In light of the above comments, it is not recommended to increase the modified penalty for the failure to remove a shopping trolley.**

Part 4 – Meeting Procedures Local Law 2013

The Meeting Procedures Local Law provides for the rules that apply to the conduct of meetings of the Council, committees and meetings of electors. At a Strategy Session held on 3 November 2020, elected members were presented a report for discussion around the local law; the revised procedures adopted by Council in April 2020; as well as the public comments received during the local law review process. While most of the comments received during the local law consultation process related more so to the Council adopted *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* a range of amendments were highlighted by City officers, and generally accepted by elected members.

In view of this, the Amendment Local Law (Part 4) contains the following clauses to amend certain provisions in the Meeting Procedures Local Law (marked up in Attachment 4 to Report CJ014-02/22):

- Clause 4.2 – this clause amends clause 1.4 in the Meeting Procedures Local Law by deleting the reference to the Rules of Conduct Regulations (that is the former *Local Government (Rules of Conduct) Regulations 2007*) and inserting reference to the new *Local Government (Model Code of Conduct) Regulations 2021*, which came into effect on 3 February 2021.
- Clause 4.3 – this clause amends clause 1.5 in the Meeting Procedures Local Law by inserting a new definition for the *Local Government (Model Code of Conduct) Regulations 2021* and deleting various other definitions used throughout the Meeting Procedures Local Law that no longer apply.
- Clause 4.4 – this clause amends clause 4.3 in the Meeting Procedures Local Law (relating to the order of business at a committee) by deleting the reference to petitions. It is current practice that Council receives petitions and not committees.

The ability for an elected member to request a report for future consideration at a committee is also suggested to be removed (clause 4.3(2)(m)). Any call for a report (or a request for a report), should be made, through a formal motion, that is carried by the required majority of members present at a Council or a committee meeting. Such motions can be raised through the current notice of motion provisions, or through an amendment to a presented recommendation, that is carried by the majority of members at the respective meeting. Such action will allow the Chief Executive Officer to provide background information in respect of any legal, financial or policy implications before it is considered and subsequently determined.

- Clause 4.5 – this clause amends clause 4.6 in the Meeting Procedures Local Law (relating to motions for which previous notice has been given) by including a new subclause that prevents a notice of motion being submitted that is similar to a notice of motion submitted in the previous three months, and subsequently defeated by the required majority vote. This suggestion places a time caveat on when Council can again deal with the same matter, that has already been dealt with by Council in the previous three months.
- Clause 4.6 – this clause amends clause 4.8 in the Meeting Procedures Local Law (relating to adoption by exception resolution) by deleting the reference to special majority voting as this no longer applies under the Act. The amendment also clarifies that an exception resolution can be used where an employee has declared a financial or proximity interest in an item, however, maintains that it cannot be used when the Mayor or a Councillor so declares. There is no legislative requirement for employees to leave meetings when such declarations are made.
- Clause 4.7 – this clause amends a typographical error in clause 5.7(5) in the Meeting Procedures Local Law.
- Clause 4.8 – this clause replaces clause 5.17(2) in the Meeting Procedures Local Law (relating to prevention of disturbances) to clarify a person must not use their mobile phone or other electronic device to cause an audible disturbance, which is the intent of the clause as opposed to preventing people from using such devices to read statements, or viewing such devices while in silent mode.
- Clause 4.9 – this clause amends clause 6.6 in the Meeting Procedures Local Law by correctly referencing the *Local Government (Model Code of Conduct) Regulations 2021* which deals with impartiality interests for elected members at meetings.
- Clause 4.10 – this clause replaces clause 9.12(1) in the Meeting Procedures Local Law (relating to amendments to motions) by inserting a new subclause that an amendment cannot be moved by a mover or seconder to a primary motion. The existing exceptions for amendments are maintained.
- Clause 4.11 – this clause amends clause 10.1 in the Meeting Procedures Local Law (relating to procedural motions) by correctly referencing the intent of the procedural motion that “the item be deferred”, not “the motion be deferred”. Motions can technically be deferred through the other listed procedural motion “that the debate be adjourned”.
- Clause 4.12 – this clause replaces clause 10.5 in the Meeting Procedures Local Law by correctly referencing the effect of the procedural motion of “that the item be deferred” as detailed above.
- Clause 4.13 – this clause amends clause 17.1 by correctly referencing the *Local Government (Model Code of Conduct) Regulations 2021*.

Part 5 – Parking Local Law 2013

The Parking Local Law provides for the regulation, control, and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations.

The Parking Local Law was last amended by the *Parking Amendment Local Law 2018* and does not require any substantial amendment. However, the City is investigating fee payment and permit technology that could see over 4,000 parking permits replaced with an electronic system and in view of this some aspects of the Parking Local Law need amendment to cater for such technology being used.

In view of this, the Amendment Local Law (Part 5) contains the following clauses to amend certain provisions in the Parking Local Law (marked up in Attachment 5 to Report CJ014-02/22):

- Clause 5.2 – this clause inserts a new clause 1.11 in the Parking Local Law to provide for the electronic systems for an array of permits, tickets or authorisations that may be issued under the Parking Local Law. This caters for the new electronic permit technology the City is investigating for parking permits.
- Clause 5.3 – this clause deletes clause 2.4(2) in the Parking Local Law (relating to parking where fees are payable) as it is now accommodated in the new overarching provision detailed above.
- Clause 5.4 – this clause replaces Part 7 in the Parking Local Law, that currently relates to Residential Parking Permits. The replacement part correctly terms the permits as annual parking permits (as opposed to residential parking permits) and also now provides for the issuing of annual parking permits through an electronic system approved by the City (see new clause 7.2(2)). The new provisions also removes the restriction on retail premises, that adjoin time restricted parking, from applying for an annual parking permit.

Local law-making procedure

The procedure for making local laws (including amendments) is detailed in the *Local Government Act 1995* (the Act) and is a specific legislative process that must be adhered to in order for the local law to be accepted by the Joint Standing Committee on Delegated Legislation (JSCDL) and by Parliament.

In the event that Council makes this local law, the following sequence of events will commence:

- 1 A public submission period of at least six weeks must be allowed, during which a copy of the proposed local law must also be submitted to the Minister for Local Government. At the close of advertising, Council must consider any submissions received and then resolve to make the local law either as proposed, or in a form that is not significantly different from what was proposed. If, as a result of public submissions, Council wishes to make substantial changes to the local law, then a further public submission period will be required.
- 2 Once the final version of the local law has been approved, it must be published in the Government Gazette, and a further copy provided to the Minister for Local Government.
- 3 After gazettal, local public notice must be given stating the title of the local law, its purpose and effect (including the date it comes into operation) and advising where copies of the local law may be inspected at or obtained.
- 4 A copy of the local law, together with an accompanying explanatory memorandum, must then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* also requires that, in commencing to make a local law (or amendment local law), the person presiding at a Council meeting is to give notice of the purpose and effect of the local law by ensuring that:

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting and
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In view of this, the **purpose** of the *Amendment Local Law 2021* is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

The **effect** of the *Amendment Local Law 2021* is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.

Issues and Options Considered

Council can either:

- make the *City of Joondalup Amendment Local Law 2021* as presented for the purposes of public advertising
- make the *City of Joondalup Amendment Local Law 2021* as proposed with any necessary amendments or
- not recommend the making of the *City of Joondalup Amendment Local Law 2021* and retain the existing local law.

The creation of the Amendment Local Law puts into effect the decisions of Council made at its meetings held on 16 February 2021 and 18 May 2021.

Legislation / Strategic Community Plan / Policy Implications

Legislation *Local Government Act 1995.*
 City of Joondalup Animals Local Law 1999.
 City of Joondalup Local Government and Public Property Local Law 2014.
 City of Joondalup Meeting Procedures Local Law 2013.
 City of Joondalup Parking Local Law 2013.

Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Corporate Capacity.
Strategic initiative	Continuously strive to improve performance and service delivery across all corporate functions.
Policy	Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law-making process will take approximately three to six months.

Risk Management Considerations

Should the City not follow the local law creation process as detailed in the Act, the local law may be disallowed by the JSCDL.

Financial / Budget Implications

The cost associated with the local law-making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the 2021-22 Budget for statutory advertising.

All amounts quoted in Report CJ014-02/22 are exclusive of GST.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

The provisions and requirements of other local governments have been assessed for the creations of the City's Amendment Local Law. The changes bring into line the City's local law framework with other comparable local governments.

Should Council decide to make the Amendment Local Law for the purposes of public advertising, statutory advertising, and consultation with all members of the public will occur, as follows:

- Giving local public notice advertising the proposed local law and inviting submissions to be made within no less than six weeks from the date of advertising, including:
 - advertising in a newspaper circulating throughout the district
 - displaying public notices at the City of Joondalup Administration Centre and public libraries
 - advertising on the City's website
 - advertising through the City's social media platforms.
- Providing a copy of the notice and a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government).

COMMENT

The local laws that are subject to the Amendment Local Law are created under the powers of the *Local Government Act 1995*. The suggested amendments are recommended to ensure that the local laws remain current and reflect operational requirements as well as legislative constraints. The Amendment Local Law progresses the amendments that were identified and reported to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers).

In the report to Council at its meeting held on 16 February 2021 (Item CJ006-02/21 refers), it was suggested that the City would investigate the creation of two new local laws; one relating to cats and another for dogs. Any new local law around these types of animals is guided by local law-making requirements and abilities under the *Cat Act 2011* and the *Dog Act 1976*, and created under specific heads of power.

The Department of Local Government, Sport and Cultural Industries has completed a review of both the *Dog Act 1976* and the *Cat Act 2011*, the purpose of which was to gather feedback and information about how effective the legislation has been, and whether they should continue and whether there is the need for a full review of both Acts. Following analysis of the issues raised during the consultation period, a number of findings were made which are highlighted in an outcomes report detailed on the Department's website (see <https://www.dlgsc.wa.gov.au/departments/publications/publication/statutory-review-of-the-cat-act-2011-and-dog-amendment-act-2013>).

Relevant to this matter is a formal resolution of WALGA State Council, at its 2021 July meeting, where it was agreed to seek a commitment from the State Government:

- for the conduct of comprehensive reviews of the *Cat Act 2011* and *Dog Act 1976*
- that the reviews incorporate local government-specific consultation processes, coordinated in discussion with WALGA and local government stakeholders.

In view of the above it may be prudent to withhold any formal consideration of a cat and dog local law by Council until the legislative framework, and possible amendments (if any) is known, and indeed progressed. The City is monitoring the progress of these matters so that clarity on the next steps for the City can be determined.

Similarly, Council at its meeting held on 18 May 2021, when considering the motions of the Annual General Meeting of Electors resolved that it supported a review of the City's *Pest Plant Local Law 2012* to include other species of weed, such as Fleabane (CJ063-05/21 refers). Although the eight-year review report did not make recommendations to amend this local law, investigations into this request will progress later in 2022.

VOTING REQUIREMENTS

Absolute Majority.

*The Director Planning and Community Development Services entered Chambers at 9.07pm.
Cr May left the Chambers at 9.08pm.
Cr McLean left the Chambers at 9.09pm.
Cr May entered the Chambers at 9.11pm.
Cr McLean entered the Chambers at 9.12pm.*

OFFICER'S RECOMMENDATION

That Council:

- 1 MAKES the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising;
- 2 in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:
 - 2.1 the City of Joondalup proposes to make the *City of Joondalup Amendment Local Law 2021*, and a summary of its purpose and effect is as follows:

Purpose: The purpose of this local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

Effect: The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meetings Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.;

- 2.2 copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;
- 2.3 submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 3 in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
- 4 in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 5 the results of the public consultation be presented to Council for consideration of any submissions received;
- 6 in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;
- 7 NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the *Dog Act 1976* and the *Cat Act 2011* are better known;
- 8 NOTES a review of the *City of Joondalup Pest Plant Local Law 2012* will be progressed in 2022;
- 9 NOTES there will be no change to the *City of Joondalup Local Government and Public Property Local Law 2014*, at this time, in regards to the suggested amendments for shopping trolleys.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

- 1 **MAKES the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising subject to the following amendments;**
 - 1.1 **In relation to the *City of Joondalup Meeting Procedures Local Law 2014*, RETAIN clause 4.3(2)(m) in regard to the requests for reports for future consideration at committee meetings;**
 - 1.2 **AMENDS clause 10.6(2) of the *City of Joondalup Local Government and Public Property Local Law 2014*, to read:**

“10.6 Retailer to remove abandoned trolley

- (2) *A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1).”;*

- 2 in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:
- 2.1 the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:
- Purpose: The purpose of this local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.
- Effect: The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meetings Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.;
- 2.2 copies of the proposed local law may be inspected at or obtained from the City’s Administration office, public Libraries or the City’s website;
- 2.3 submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 3 in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
- 4 in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 5 the results of the public consultation be presented to Council for consideration of any submissions received;
- 6 in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;
- 7 NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the *Dog Act 1976* and the *Cat Act 2011* are better known, and in addition NOTES that an additional review of the *City of Joondalup Animals Local Law 1999* will be progressed in 2022, in relation to additional measures being incorporated for the control of cats;
- 8 NOTES a review of the *City of Joondalup Pest Plant Local Law 2012* will be progressed in 2022.

It was requested that Parts 1.1, 1.2 and 7 be put separately.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

- 1 MAKES the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising subject to the following amendments;

- 1.1 In relation to the City of Joondalup Meeting Procedures Local Law 2014, retain clause 4.3(2)(m) in regard to the requests for reports for future consideration at committee meetings.

The MOTION was Put and

LOST (6/7)

In favour of the Motion: Crs Chester, Fishwick, Kingston, Poliwka, Raftis and Thompson.

Against the Motion: Mayor Jacob, Crs Hamilton-Prime, Hill, Jones, Logan, May and McLean.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

- 1 MAKES the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising subject to the following amendments;

- 1.2 **AMENDS** clause 10.6(2) of the *City of Joondalup Local Government and Public Property Local Law 2014*, to read:

“10.6 Retailer to remove abandoned trolley

- (2) **A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1).”**

The MOTION was Put and

CARRIED (9/4)

In favour of the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Logan, May, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Crs Chester, Hill, Jones and Kingston.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

- 7 NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the *Dog Act 1976* and the *Cat Act 2011* are better known, and in addition NOTES that an additional review of the *City of Joondalup Animals Local Law 1999* will be progressed in 2022, in relation to additional measures being incorporated for the control of cats.

The MOTION was Put and

CARRIED (11/2)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Crs Hill and May.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

- 2 in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:
 - 2.1 the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:

Purpose: The purpose of this local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

Effect: The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meetings Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.;
 - 2.2 copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;
 - 2.3 submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 3 in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
- 4 in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 5 the results of the public consultation be presented to Council for consideration of any submissions received;
- 6 in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;
- 8 **NOTES** a review of the *City of Joondalup Pest Plant Local Law 2012* will be progressed in 2022.

The Motion was Put and**CARRIED (12/1)**

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Cr Kingston.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf220208.pdf](#)

CJ124-08/22 AMENDMENT LOCAL LAW 2021- ADOPTION

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05885, 101515
ATTACHMENT / S	Attachment 1 Schedule of Submissions Attachment 2 <i>City of Joondalup Amendment Local Law 2021 – marked up</i> Attachment 3 <i>City of Joondalup Amendment Local Law 2021 adoption copy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to note the submissions received following the public advertising of the proposed *City of Joondalup Amendment Local Law 2021* and resolve to make the local law in accordance with section 3.12 of the *Local Government Act 1995* (the Act).

EXECUTIVE SUMMARY

At its meeting held on 15 February 2022 (CJ014-02/22 refers), Council resolved to make the proposed *City of Joondalup Amendment Local Law 2021* for the purpose of public advertising. The purpose of the local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*. The effect of the local law is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.

It is therefore recommended that Council:

- 1 *NOTES the submissions received at the close of the public submissions period for the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ124-08/22;*
- 2 *BY AN ABSOLUTE MAJORITY ADOPTS the City of Joondalup Amendment Local Law 2021, as detailed in Attachment 3 to Report CJ124-08/22;*
- 3 *AUTHORISES the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted City of Joondalup Amendment Local Law 2021;*
- 4 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the Local Government Act 1995;*
- 5 *ADVISES all submitters of Council's decision.*

BACKGROUND

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on its statutory review of its local laws, and resolved that amendments were required to the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

At its meeting held on 15 February 2022 (CJ014-02/22 refers), Council resolved to:

- "1 *MAKES the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising subject to the following amendment;*
- 1.2 *AMENDS clause 10.6(2) of the City of Joondalup Local Government and Public Property Local Law 2014, to read:*
 - "10.6 *Retailer to remove abandoned trolley*
 - (2) *A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1)."*
- 2 *in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*
 - 2.1 *the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:*

Purpose: The purpose of this local law is to amend certain provisions within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meeting Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013.

Effect: The effect of this local law is to better clarify the provisions and requirements within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meeting Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013 and to ensure information is current with prevailing legislation;
 - 2.2 *copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;*
 - 2.3 *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*
- 3 *in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;*
- 4 *in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*
- 5 *the results of the public consultation be presented to Council for consideration of any submissions received;*

- 6 *in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;*
- 7 *NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the Dog Act 1976 and the Cat Act 2011 are better known, and in addition NOTES that an additional review of the City of Joondalup Animals Local Law 1999 will be progressed in 2022, in relation to additional measures being incorporated for the control of cats;*
- 8 *NOTES a review of the City of Joondalup Pest Plant Local Law 2012 will be progressed in 2022"*

A notice advising of Council's intention to make the proposed local law, and of the purpose and effect of the proposed local law, was published in accordance with section 3.12 of the Act in the following places for a period of six weeks:

- Email to resident/ratepayer groups distributed on 7 April 2022.
- eNewsletter to Community Engagement Network subscribers distributed on 7 April 2022.
- Webpage linked through the 'Community Consultation' and 'Public Notice' sections of the City's website visible from 7 April 2022 to 20 May 2022.
- Proposed local laws webpage linked through the 'City Administration' section of the City's website visible from 7 April 2022 to 20 May 2022.
- Public notice advertisement published in the community newspaper *PerthNow Joondalup* on 7 April 2022.
- Facebook post published through the City's Facebook account on 11 April 2022.
- LinkedIn post published through the City's LinkedIn account on 11 April 2022.
- Twitter post published through the City's Twitter account on 11 April 2022.

In accordance with the requirements of the Act, a copy of the proposed local law was also submitted to the Minister for Local Government on 7 April 2022 for consideration.

The time for making public submissions closed on Friday 20 May 2022.

DETAILS

At the close of the public submission period, the City received seven submissions including one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). A Schedule of Submissions is provided at Attachment 1 to Report CJ124-08/22. The submissions received are summarised below as follows:

- One submission received from the DLGSC providing general comment on proofreading and the publishing of a consolidated local law. The comments are noted.
- One submission received supporting the changes to the *Amendment Local Law 2021*. The comments are noted.
- One submission received suggesting the City consider reviewing their authority over structures at sea. The comments are noted and an Officer's response provided.
- Two comments received relating to roaming cats. The comments are noted and an Officer's response provided.
- One comment received relating to parking at Greenwood Primary School. The comments are noted and an Officer's response provided.
- One comment received relating to dog waste bins. The comment is noted and an Officer's response provided.

- One comment received relating to dry parks. The comment is noted and an Officer's response provided.
- Two comments received relating to penalties. The comments are noted and an Officer's response provided.
- One comment relating to advertising signage on median strips. The comment is noted and an Officer's response provided.

In addition to the submissions received from members of the public, Officer's have identified the following:

Parking Local Law 2013

- In clause 5.4 of the *Amendment Local Law 2021*, under Part 7.2(1)(a), remove the words 'expiring on 31 December on the year of issue'.
- The purpose of this amendment is to align the local law with technology that the City is investigating which would see over 4,000 parking permits replaced with an electronic system. In view of this, some aspects of the *Parking Local Law 2013* require amendment to cater for improvements available with the new technology being used.

City of Joondalup Local Government and Public Property Local Law 2014

At the Council meeting on 19 July 2022, Council received a report on the initiatives to reduce the proliferation of abandoned trolleys (CJ109-07/22 refers). With regard to reducing the time for removing a shopping trolley from 24 hours to 3 hours, the following commentary was provided:

"When a Field Officer is tasked with an Abandoned Shopping Patrol they also have the task of visiting retailers, depending on the trolleys found. For example, if they locate a number of Kmart trolleys while on their patrol, they will make a point of visiting that store and meeting with the Store Manager informally. At this stage, these tasks are difficult to quantify as not every interaction with retailers is recorded on the corporate system, however as this is now part of the procedure in dealing with abandoned trolleys, the City can be comfortable that this is occurring.

As a result of these informal interactions, many retailers take the opportunity to update their contact details with the City to ensure that they are able to be notified and deal with the trolley before it is impounded. This engagement has provided anecdotal feedback from retailers that any period shorter than the current 24 hours would be difficult for them to manage, that is a three-hour window. A shorter response time would also increase the amount of Officer time required to impound the trolley, as it is likely that more trolleys will be impounded rather than collected by stores. This will also cause a flow on effect of locating enough space to impound them.

Further, the City's legal advice has substantiated that it would be difficult to take action against a retailer if a three-hour time frame was used given that the City couldn't necessarily be confident that the retailer was made aware within that short time.

The recent proactive relationship that the City has fostered with retailers under this new process is very harmonious and the evidence shows that it is working given that only around 11% of trolleys remain uncollected after notification. Any reduction in timeframe to remove the trolley would strain the City's relationship with retailers which could have a negative flow on affect for businesses in the CBD."

Elected Members may wish to re-consider reducing the time for removing a shopping trolley as a result of information provided at the July 2022 Council meeting.

Where suggested changes have been supported, they have been included in the local law and submitted to Council for adoption. A copy of the amended local law showing the marked-up changes is provided at Attachment 2 Report CJ124-08/22. The amended local law to be adopted and submitted to the State Law Publisher for publication in the *Government Gazette* is provided at Attachment 3 to Report CJ124-08/22.

In the event that Council resolves to make the *City of Joondalup Amendment Local Law 2021* as presented, the following sequence of events will commence:

- 1 The local law will be published in the *Government Gazette* and a copy provided to the Minister for Local Government.
- 2 After gazettal, local public notice will be given stating the title of the local law, the purpose and effect of the local law (including the date when it comes into operation) and advising where copies of the local law may be inspected at or obtained.
- 3 A copy of the local law, together with the accompanying explanatory memoranda, will then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny. The local law will come into effect 2 weeks after gazettal.

Council should be aware that it is possible that the Joint Standing Committee (JSC), after reviewing the local law, may require certain amendments to be made. If this is the case, the Council will be required to recommence the process of advertising for public comment, resolving again to make the local law, gazettal and re-submission to the JSC for further consideration.

Issues and options considered

Council can either:

- adopt the proposed *City of Joondalup Amendment Local Law 2021*, as advertised
- adopt the local law with minor modifications following the public submission period, subject to the modifications not being significantly different to what was advertised or
- not adopt the proposed local law.

Legislation / Strategic Community Plan / Policy implications

Legislation

Local Government Act 1995.
Local Government (Functions and General) Regulations 1996.
City of Joondalup Animals Local Law 1999.
City of Joondalup Local Government and Public Property Local Law 2014.
City of Joondalup Meeting Procedures Local Law 2013.
City of Joondalup Parking Local Law 2013.

10-Year Strategic Community Plan

Key theme Leadership.

Outcome Capable and effective – You have an informed and capable Council backed by a highly-skilled workforce.

Policy Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law-making process will take a further four weeks to complete the process, following a decision of Council.

Risk management considerations

The amendment local law is yet to be considered by the Joint Standing Committee on Delegated Legislation (JSCDL), which reviews local laws created by local governments (including amendments) as well as other subsidiary legislation.

Should the City not follow the local law creation process as detailed in the Act, the JSCDL may recommend disallowance of the local law.

Financial / budget implications

The costs associated with the local law making process is approximately \$2,500 being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the 2022-23 Budget for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

In accordance with section 3.12 of the Act, public consultation occurred as follows:

- 1 By giving local public notice for a period of no less than six weeks from the date of advertising, including:
 - email to resident/ratepayer groups distributed on 7 April 2022
 - eNewsletter to Community Engagement Network subscribers distributed on 7 April 2022
 - webpage linked through the 'Community Consultation' and 'Public Notice' sections of the City's website visible from 7 April 2022 to 20 May 2022
 - proposed local laws webpage linked through the 'City Administration' section of the City's website visible from 7 April 2022 to 20 May 2022
 - public notice advertisement published in the community newspaper *PerthNow Joondalup* on 7 April 2022
 - facebook post published through the City's Facebook account on 11 April 2022
 - LinkedIn post published through the City's LinkedIn account on 11 April 2022
 - Twitter post published through the City's Twitter account on 11 April 2022.

- 2 Providing a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government).

COMMENT

The *City of Joondalup Amendment Local Law 2021* has been progressed to amend certain provisions within the following local laws:

- *Animals Local Law 1999.*
- *Local Government and Public Property Local Law 2014.*
- *Meeting Procedures Local Law 2013.*
- *Parking Local Law 2013.*

The proposed *City of Joondalup Amendment Local Law 2021* was publicly advertised in accordance with the Act, and subsequently minor amendments were made taking into account the submissions received.

Should Council proceed with the making of the local law, the remaining actions as specified in the Act will progress which, in summary, involves the publishing of the local law in the *Government Gazette* and submission of the local law to the JSCDL.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Hamilton-Prime, SECONDED Cr May that Council:

- 1 NOTES the submissions received at the close of the public submissions period for the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to Report CJ124-08/22;
- 2 BY AN ABSOLUTE MAJORITY ADOPTS the *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 3 to Report CJ124-08/22;
- 3 AUTHORISES the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted *City of Joondalup Amendment Local Law 2021*;
- 4 NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*;
- 5 ADVISES all submitters of Council's decision.

The Director Infrastructure entered the Chamber 2.27pm.

C100-08/22**PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK**

MOVED Mayor Jacob, **SECONDED** Cr Thompson that Item CJ124-08/22 – Amendment Local Law 2021 - Adoption **BE REFERRED BACK** to the Policy Committee for further consideration so that each local law can be considered separately.

The Procedural Motion as Moved by Mayor Jacob and Seconded by Cr Thompson was Put and
CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf220809.pdf](#)



ANIMALS LOCAL LAW REVIEW

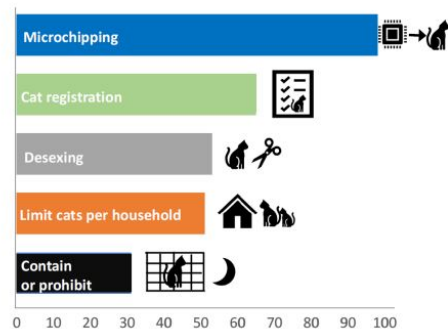
PURPOSE:

To provide a specialist summary review of the current City of Joondalup *Animals Local Law* and provide feedback and recommendations on any additional provisions required particularly for the management of cats OR provide recommendations for the creation of a new Cats Local Law including the provision for the control of cats.

SUMMARY:

There are currently no laws that prohibit a domestic cat from wandering despite cats becoming an increasing community concern which has raised more frequent tasking requests for City of Joondalup Field Officers in response to these complaints. These complaints add to the time and resources spent on managing the control of cats in the community, their impact on neighbouring homes, other animals, and the environment.

Not only for the City of Joondalup, but cat management is also a complex and ongoing issue for local governments across Australia. Between December 2019 and May 2020, the [Threatened Species Recovery Hub](#) circulated surveys to local governments across Australia to gather information on cat management, and to understand what information and actions could support improvements. The findings and recommendations were published in a [fact sheet](#) in December 2021. Survey findings estimated that local governments across Australia spend \$76 million annually on pet and feral cat management, excluding large budget island eradication programs. Survey responses were received from 240 local government areas about pet cats, and 238 local government areas about feral cats.



The diagram to the left shows the percentage of local governments that use each of the cat management actions shown.

The survey results essentially outlined that less than 50% of the Local Governments surveyed were taking action on the issue of cat containment or addressing cats in prohibited areas. This is likely due to the requirement to make special provisions via an Animals Local Law or Cat Local Law in order to contain or prohibit a cat from wandering.

DEFINITION OF NUISANCE:

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference.

RECOMMENDATION FOR THE DEFINITION OF A NUISANCE CAT:

- a) any cat who conducts an activity which is harmful to another person or animal;
- b) any cat who causes unreasonable interference with the use and enjoyment of a person's ownership or occupation of land or property; or
- c) any cat who causes material damage to land or property on the land affected by the interference.

SUMMARY OF CURRENT SITUATION:

The City of Joondalup currently has very minimal authority to act with regards to the management and control of nuisance/wandering cats. Neither the Cat Act 2011 nor City of Joondalup Animals Local Law clearly defines a nuisance cat or states that a cat must be confined to the property in which they reside. The Local Government is only able to enforce compliance with the following:

1. Microchipping of cats
2. Sterilization of cats
3. Registration of cats
4. Restrictions as to the number of cats kept at a property
5. Cat breeding approval
6. The keeping/housing of unsterilised cats for breeding

The Cat Act Part 3 – Management of Cats – Division 1 s. 26 outlines the authority for a Local Government to give a cat control notice to a person who is the owner of a cat. Unfortunately, the cat control notice is only able to direct the cat owner to comply with a provision in the Cat Act 2011 or a provision in the Animals Local Law. Since there are no specific provisions provided in the current Animals Local Law, the cat control notice is unimpressive or unaffacting in the management and control of nuisance cats.

City Field Officers are currently unable to directly address the behaviours displayed by cats which cause the most community concern and complaints, such as but not limited to:

- a. Entering a neighbour's yard;
- b. Spraying and/or defecating in a neighbour's yard;
- c. Harassing neighbouring cats either by wandering onto their premises, vocalising, or territorial defecation;
- d. Cats fighting with one another;
- e. Getting into a neighbour's home or roof space;
- f. Wandering in the community causing risk to traffic, persons, or wildlife; or
- g. Entering bushland and causing disturbance to native flora and fauna.

This essentially means that a cat is able to wander unchecked with limited Local Government authority to address these core community concerns.

REVIEW OF OTHER LOCAL GOVERNMENTS – PROVISION FOR THE MANAGEMENT OF CATS:

A review of other Local Governments with a similar population to the City of Joondalup was conducted to see how they are addressing provisions for the management of cats. The results of this research where additional provisions (additional to the Cat Act 2011) are provided is outlined below:

LG Name	Legislation Type	Provision for the management of cats <i>that differ from City of Joondalup</i>	Recommendation and considerations
City of Wanneroo	Cats Local Law	1. There are additional provisions to the approval process for the <i>Keeping of more than 3 cats</i> .	<p>Recommendation: Do not adopt</p> <p>Why:</p> <ul style="list-style-type: none"> The provisions are more considered than the provisions and process currently applied by the City of Joondalup and have a more holistic approach as to the impact on the environment. However, the current process applied by the City is adequate in its assessment in ensuring that any person requesting to keep more than 3 cats on their property is thoroughly and fairly assessed as to their level of responsibility and ability to be compliant with legislation.
City of Stirling	Control of Cats Local Law	2. There are additional provisions included under <i>Part 4 – Cat Prohibited Areas</i> that enable the LG to designate areas where a cat is prohibited and apply an offence if a cat is found to be in a prohibited area.	<p>Recommendation: Adopt</p> <ul style="list-style-type: none"> Add City of Stirling provisions as outlined in Part 4 Cat Prohibited Areas as an additional provision to the City of Joondalup Animals Local Law. <p>Why:</p> <ul style="list-style-type: none"> The provisions will allow the City of Joondalup to designate land (Crown land) where cats are prohibited. This will allow us to protect our native flora and fauna and take impactful action on those cat owners who allow their cats to roam these areas and cause damage, destruction, and harm to wildlife. Recently, we collaborated with the CoJ Parks and Natural Environment department who conduct regular cat trapping in bushland areas. Even though we were able to assist with removing cats from these areas, we

			<p>were unable to apply any penalties to the owners as there are currently no provisions for us to do this.</p> <p>Considerations:</p> <ul style="list-style-type: none"> • A list of Prohibited Areas to be determined alongside Parks and Natural Environment department. • No public consultation required. • List could include: <ul style="list-style-type: none"> ○ Central Park ○ Craigie Bushland ○ Hepburn Heights Conservation Area ○ Hillarys Beach Park ○ Iluka Foreshore Reserve ○ Pinnaroo Point ○ Percy Doyle Reserve ○ Shepherds Bush Reserve ○ Sir James McCusker Park ○ Whitfords Nodes ○ Warwick Open Space ○ Yellagonga Regional Park • We would need to alter the current CoJ internal process and re-train Administration and Field Officer staff as to the new process when receiving a customer request for a wandering cat in these areas. • Promapp process change edit • Website community information and application update. • Apply new infringement to Pinforce.
City of Swan	Consolidated Local Law 2005	3. There are additional provisions under section 12.19 <i>Keeping of Cats</i> , which further restrict the number of cats allowed on a property from the provisions set out in the Cat Act 2011 which allow up to 3 cats on a property, down to 2 cats on a property.	<p>Recommendation: Do not adopt</p> <p>Why:</p> <ul style="list-style-type: none"> • This is a restrictive provision which would likely be met with some push back from the community as it does not align with the provisions set out

		<p>4. There are additional provisions under section 12.20 – <i>Control of Cats</i> that prevent a cat from being in a place that is not a public place (prevent the cat being on private property) unless consent is given by the occupier or person authorised by the occupier of the private property. If a cat is found in contravention of this subsection, the keeper of the cat commits an offence and may be impounded and or infringe.</p>	<p>under State legislation (Cat Act 2011). It may be more aligned to the environmental impact of cats in the City of Swan being located in a more rural area with greater impact to native fauna.</p> <p>Recommendation: Adopt</p> <ul style="list-style-type: none"> • Add City of Swan provisions as outlined in section 12.20 of Consolidated Local Law 2005 (Page 73) as an additional provision to the City of Joondalup Animals Local Law. <p>Why:</p> <ul style="list-style-type: none"> • This provision directly allows our Field Officers to respond to one of the most common complaints we receive where a cat is on private property (predominantly a neighbour's yard). It will allow the Field Officer to investigate and define the offence of a cat being on private property and take impactful action. It will assist in addressing neighbour disputes and decrease the need for cat trapping and neighbours applying the use of personal cat traps on their property which is a breach of the Animal Welfare Act. <p>Considerations:</p> <ul style="list-style-type: none"> • We would need to ensure that internal processes are thorough and that we are able to manage community expectations. • Alter the current COJ internal process and re-train Administration and Field Officer staff as to the new process when receiving a task to address a complaint of a cat on a neighbour's property. • Promapp process change edit. • Website community information and application update • Apply new infringement to Pinforce.
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City of Gosnells	Cat Local Law 2014	5. There are additional provisions included under <i>Part 2A – Cat Control – Cat Prohibited Areas</i> that enable the LG to designate areas where a cat is prohibited and apply an offence if a cat is found to be in a prohibited area.	<p>Recommendation: Adopt</p> <ul style="list-style-type: none"> As per Item 2 under City of Stirling provisions as outlined in Part 4 Cat Prohibited Areas as an additional provision to the City of Joondalup Animals Local Law. <p>Why:</p> <ul style="list-style-type: none"> City of Stirling provisions are more considered and communicated than those set out by City of Gosnells. <p>Considerations:</p> <ul style="list-style-type: none"> As per Item 2 under City of Stirling.
City of Fremantle	Cat Management Local Law 2020	<p>6. There are additional provisions included under <i>Part 2 – Cat Control – Cat Prohibited Areas</i> that enable the LG to designate areas where a cat is prohibited and apply an offence if a cat is found to be in a prohibited area.</p> <p>7. There are additional provisions included under <i>Part 2 – Cat Control – Cat not to be a nuisance</i> that enable the Local Government to provide an abatement notice which much be complied within 28 days</p>	<p>Recommendation: Adopt</p> <ul style="list-style-type: none"> As per Item 2 under City of Stirling provisions as outlined in Part 4 Cat Prohibited Areas as an additional provision to the City of Joondalup Animals Local Law. <p>Why:</p> <ul style="list-style-type: none"> City of Stirling provisions are more considered and communicated than those set out by City of Fremantle. <p>Considerations:</p> <ul style="list-style-type: none"> As per Item 2 under City of Stirling. <p>Recommendation: Do not adopt</p> <p>Why:</p> <ul style="list-style-type: none"> The abatement notice is similar to the existing ability to issue a cat control notice under The Cat

			<p>Act 2011 - Part 3 – Management of Cats – Division 1 s. 26 which outlines the authority for a Local Government to give a cat control notice to a person who is the owner of a cat. The cat control notice is only able to direct the cat owner to comply with a provision in the Cat Act 2011 or a provision in the Animals Local Law. Once we update the Animals Local Law with the provisions recommended, the ability to use the Cat Control Notice will be activated, making the addition of an abatement notice excessive and not required.</p>
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Other Local Governments with similar population reviewed but have made no additional provisions for the management of cats:

1. City of Subiaco – Cat Act 2011 only.
2. City of Cockburn – Consolidated Local Laws – no additional provisions for the management of Cats.
3. City of Melville – Cat Act 2011 only – but do have a thorough Cat Management Plan (though not enforceable).
4. City of Rockingham – Cat Act 2011 only.

SUMMARY OF OTHER LOCAL GOVERNMENT REVIEW:

The most common additional provision made as a local law to assist with the management of cats by other Local Governments was:

- The provision for DESIGNATED CAT PROHIBITED AREAS

In addition, the following additional provision was identified as both stand out and likely to be impactful:

- The provision to PROHIBIT CATS IN PRIVATE PLACES

Despite the subject of cat curfews being a hot topic in the community, there are currently no Local Governments in Western Australia who have introduced a cat curfew which would aim to set times where cats must be confined to the residence they are registered to reside. This is possibly due to the difficulty in managing and responding to a curfew. The most common action taken by Local Governments is the additional provision of banning cats from certain areas (prohibited cat areas). Of particular note is the City of Fremantle who as at June 2020, designated 12 areas within the City of Fremantle as cat prohibited areas, including parks, beaches, river reserves and golf courses. The owner of a registered cat captured in one of the cat prohibited areas is subject to a \$200 fine. In 2022 the council also voted to expand the cat prohibited areas to cover all property owned and managed by the City, including roads, verges, footpaths or car parks. See article [Fremantle Council supports tougher cat law | City of Fremantle](#).

RECOMMENDATIONS:

After careful review of current CoJ practice and other Local Government practice, it is recommended that the following additional provisions are made to the City of Joondalup Animals Local Law:

- Minimal provisions recommended to adopt:
 - Add provision for cat prohibited areas – using City of Stirling provisions as outlined in [Part 4 Cat Prohibited Areas](#) to CoJ Animals Local Law Part 7 – Animals, Birds and Poultry - Section 45 – Keeping of Cats or City of Fremantle provisions (if it can be determined that CoJ would support the extended tougher considerations to prohibited areas).
- Additional provisions to be considered:
 - Add provision for cats in private places – using City of Swan provisions as outlines in section 12.20 of Consolidated Local Law 2005 (Page 73) to CoJ Animals Local Law Part 7 – Animals, Birds and Poultry - Section 45 – Keeping of Cats

OTHER:

In addition, it is recommended that the City of Joondalup Animals Local Law Section 45 – Keeping of Cats is removed from Part 7 – *Animals, Birds and Poultry* and given its own section. Part 7 would become *Birds and Poultry*, with *Cats* given its stand-alone section (ideally named Part 3 'Cats' under Part 2 'Dogs').

City of Joondalup

Animals Local Law - Page 1

(Extract from Government Gazette (No 162) of 27 August 1999)

CAT ACT 2011

DOG ACT 1976

LOCAL GOVERNMENT ACT 1995

The Municipality of the City of Joondalup

ANIMALS LOCAL LAW 1999

Under the powers of the Cat Act 2011, Dog Act 1976, Local Government Act 1995 and by all other powers enabling it, the Council of the City of Joondalup resolved to make the following local law on the 13th July, 1999.

ARRANGEMENT

PART 1 - PRELIMINARY	Clauses 1 - 6
PART 2 - DOGS	Clauses 7 - 14
PART 3 - APPROVED DOG KENNEL ESTABLISHMENT	Clauses 15 - 22
PART 4 - LIVESTOCK	Clauses 23 - 27
PART 5 - PIGEONS	Clauses 28 - 36
PART 6 - BEES	Clause 37
PART 7 - ANIMALS, BIRDS AND POULTRY	Clauses 38 - 50
PART 8 - MISCELLANEOUS	Clauses 51 - 54
PART 9 - PENALTIES	Clauses 55 - 59
SCHEDULES 1, 3 and 4	

PART 1 - PRELIMINARY

Title

- 1 This local law may be ~~referred-cited to~~ as the City of Joondalup Animals Local Law 1999.

Commencement

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

Purpose and Intent

- 3 (1) The purpose of this local law is to provide for the regulation, control and management of the keeping of animals within the City of Joondalup.
- (2) The effect of this local law is to establish the requirements with which

City of Joondalup

Animals Local Law - Page 2

owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local law.

Repeal

4 The following by laws of the former City of Wanneroo:

- By Law B2: Keeping of Bees, published in the Government Gazette - 19 August 1983;
- By Law D2: Dog Kennels, published in the Government Gazette - 1 February 1980 and amendments;
- By Law D3: Relating to Dogs, published in the Government Gazette - 21 November 1986 and amendments;
- Local Law P6: Keeping of Pigeons, published in the Government Gazette - 27 February 1998;
- Clauses 9 and 9A, By Law R3: Reserves and Foreshores, published in the Government Gazette - 28 September 1990 and amendments;

are repealed on the day this local law comes into operation.

Application of Local Law

5 This local law applies throughout the district.

Definitions

6 In this local law unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“animal” includes cats, dogs, rabbits and ferrets or the like;

“application” means the completed form lodged by an applicant as required by this local law;

“applicant” means a person who has lodged an application for an approval, certificate or licence required for any activity by this local law;

“approved fees” means the fees and charges determined by the local government from time to time, for putting into effect the provisions of this local law;

“a~~A~~uthorised p~~P~~erson” means a person ~~authorised~~appointed by the local government under section 9.10 of the Act, to ~~carry into effect the provisions of~~ perform any of the functions of an Authorised Person under this local law;

~~“beehive” means a moveable or fixed structure, container or object in which a colony of bees is kept;~~

“caravan park” means an area of land on which caravans or caravans and camps situated for habitation;

“Cat Act” means the Cat Act 2011;

“cattery keeper” means a person registered to keep a cattery;

“certificate of registration” means a certificate of registration to keep pigeons issued pursuant to this local law;

“City” means the City of Joondalup;

~~“Code of Practice” means the Code of Practice – Pigeon Keeping and Pigeon Racing, International Standard Book Number (ISBN 0 958 6677 0 5), Part 1 (ISBN 0 958 6677 2 1), Part 2 (ISBN 0 958 6677 1 3) published May 1994 as amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc;~~

“Code of Practice” means the Code of Practice – Pigeon Keeping and Pigeon Racing in Western Australia as amended from time to time and as approved by the Pigeon Racing Federation of Western Australia (Inc) and the Independent Racing Pigeon Federation (Inc);

“Council” means the council of the City of Joondalup;

“cow” includes an ox, calf or bull;

“district” means the district of the City;

“Dog Act” means the Dog Act 1976;

~~“environmental health officer” means an environmental health officer appointed under the Health Act 1911 and includes an acting or assistant environmental health officer;~~

“environmental health officer” means a person appointed as an environmental health officer under section 17 of the Public Health Act 2016;

“food premises” means a premises where food is stored, kept, prepared, manufactured, processed, cooked or served or otherwise dealt with for subsequent sale to the public either directly or indirectly;

“grouped dwelling” means a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise;

“horse” includes an ass, mule, donkey, shetland pony or pony;

“keeper” in relation to a cat means each of the following persons –

- (a) The owner of the cat;
- (b) A person by whom the cat is ordinarily kept;
- (c) A person who has or appears to have immediate custody or control of the cat;
- (d) A person who keeps the cat, or has the cat in his or her possession for the time

being; or

- (e) A person who occupies any premises in which the car is ordinarily kept or ordinarily permitted to live;

“land” means land in the district and includes houses, buildings, works and structures, in or upon the land;

~~“large animal” includes a sheep, cow, goat, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig) or any other animal so classified by the local government.~~

“large animal” includes a sheep, cow, goat, cattle, horse (excluding a miniature horse), buffalo, camel, llama, deer, alpaca or any other animal so classified by the local government;

“livestock” means any horse, cattle, sheep, goat, ~~swine~~, buffalo, deer, camel, llama and alpaca;

“local government” means the City of Joondalup;

“local planning scheme” means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the Planning and Development Act 2005;

~~“lot” means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot~~ has the same meaning given to it in the Planning and Development Act 2005;

“miniature horse” means a horse that does not exceed 870 millimetres in height as an adult and is classified as a miniature by the Miniature Horse Association of Australia;

“miniature pig” means a pig that does not exceed 650 millimetres in height as an adult and weighs between 45 - 55 kilograms.

“multiple dwelling” means a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other;

“nuisance” means:-

- (a) ~~any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person~~ an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) ~~any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place~~ an unreasonable interference with the use and

enjoyment of a person of his or her ownership or occupation of land; or

- (c) any thing a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local lawinterference which causes material damage to land or other property on the land affected by the interference;

"occupier" where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land;

"pigeon" includes homing pigeon and racing pigeon;

"poultry" means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock;

"pound" means a building or yard established by the local government or authorised person for the impounding of dogs or animals for the purposes of this local law;

"public place" means any place to which the public has access any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes park lands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the control or management of, the local government;

"residential area" means any land situated within a residential zone as classified by the town planning scheme and includes land predominately used for residential purposes;

~~"rural area" means any land situated within a rural zone as classified by the town planning scheme;~~

~~"special rural area" means any land situated within a special rural zone as classified by the town planning scheme;~~

"Schedule" means a schedule to this local law;

"stablehand room" means a room or rooms used for occasional overnight occupation to facilitate husbandry to pregnant or sick animals.

~~"town planning scheme" means any town planning scheme for the time being applying zoning or classification to land within the district;~~

"thoroughfare" has the meaning given to it in the Act;

"Vermin" includes rats, mice, flies, fleas, mites, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions;

"young birds" means any pigeon under 24 days of age and, unless the contrary can be shown, a pigeon shall be deemed under this local law to be a young bird if it is without feathers on the flesh under the wings.

(2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Cat Act 2011, Dog Act 1976, Local Government Act 1995, the Public Health Act 2016 or Public Health Regulations 2017, unless the context requires otherwise.

PART 2 - DOGS

Pound

- 7 The local government may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act or this local law.

Impounding Dogs

- 8 A dog seized by the Police or by a person authorised by the local government may be placed in a pound.

Pound Fees

- 9 The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under section 29(4) of the Dog Act, are those approved by the local government from time to time.

Dog Exercise Areas

Clause 10 deleted.

Amd GG
No 7
15.01.02
GG No 51
28.03.08
& GG
No 117
03.08.18

Prohibited Places

- 11 (1) A person liable for the control of a dog shall prevent that dog from entering or being in or on any public building, shop or business premises, with the exception of a shop or business premises where dogs are sold.
- (2) Subclause (1) does not apply to a person with a vision impairment or who is

a trainer accompanied by a bona fide guide dog.

Fouling of Streets and Public Places

- 12 Any person liable for the control of a dog who permits that dog to excrete on any street or public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as the local government may approve.

Fencing Requirements

- 13 (1) The owner or occupier of premises within the local government on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in a manner which complies with this clause.
- (2) The fence used to confine a dog and every part of the fence shall be of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, prevents the dog from passing over, under or through the fence.
- (3) ~~Subsections (1) and (2) shall not apply to any rural area.~~

Maximum Number of Dogs

- 14 ~~A person shall not keep or permit to be kept on any premises more than:~~
- (a) ~~2 dogs over the age of 3 months and the young of those dogs under that age;~~
~~or~~
- (b) ~~6 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a rural area or comprise a lot in a special rural area having an area of 4 hectares or more,~~
- ~~unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26 (3) of the Dog Act.~~

Amd
GG No 7
15.01.02

Maximum number of dogs

- 14 A person shall not keep or permit to be kept on any premises more than 2 dogs over the age of 3 months and the young of those dogs under that age unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26(3) of the Dog Act.

Footnote:

The provisions of section 29 of the Dog Act will apply to dogs seized and placed in a pound in relation to:

City of Joondalup

Animals Local Law - Page 9

-
- Notification of Owner;
 - Release of dogs from the pound;
 - Sale of dogs; and
 - Destruction of dogs.

PART 3 - APPROVED DOG KENNEL ESTABLISHMENT

Approved Kennel Establishment Licence

- 15 A person shall not keep a kennel establishment without having first obtained a licence under this local law and a planning approval under the ~~town~~ local planning scheme.

Notice of Application for Kennel Establishment Licence

- 16 An applicant for a licence to keep an approved kennel establishment shall:
- (a) publish in a newspaper circulating in the district a notice of his intention to submit an application for a licence, being that of Form 1 of the Fourth Schedule, specifying that any interested person may within 21 days after the date of such publication object to or make representations in respect of the application in writing directly to the local government; and
 - (b) forward a notice, being that of Form 1 of the Fourth Schedule to the owners and occupiers of all land within a radius of 275 metres of the boundaries of the land upon which it is proposed to establish the kennel.

Application for Kennel Establishment Licence

- 17 An application for a licence to keep an approved kennel establishment shall be on Form 2 of the Fourth Schedule and shall be accompanied by:
- (a) evidence that notice of the proposed use of the land has been given in accordance with clause 16 (a) and (b);
 - (b) a plan showing the details and specifications of all kennels, adjacent yards and the distances from the kennels to the boundaries of the land the subject of the application and all buildings on the land together with such information as the local government may require; and
 - (c) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

Determination of Application

- 18 (1) The local government may refuse an application for a licence:
- (a) that does not comply with the requirements of clause 17;
 - (b) for which the processes required by clause 16 have not been completed;

-
- (c) after considering any submissions or representations received within the specified period in accordance with clause 16 (a);
 - (d) where planning approval for use of the land as an approved dog kennel establishment has not first been obtained under any relevant town planning scheme.
- (2) The local government may, in respect of an application for a licence:-
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

Licence and Fees

- 19 A licence to keep an approved kennel establishment shall be that of Form 3 in the Fourth Schedule and fees payable to the local government on the issue and renewal of such licences shall be as approved by the local government.

Duties of Licence Holder

- 20 The holder of a licence to keep an approved kennel establishment shall:
- (a) maintain the establishment in a clean, sanitary and tidy condition;
 - (b) dispose of all refuse, faeces and food waste daily in a manner approved by the local government; and
 - (c) take all practical measures for the destruction of fleas, flies and other vermin.

Limit on Number and Breed of Dogs

- 21 A person who conducts an approved kennel establishment shall not keep or permit to be kept thereon more than the number of dogs specified in the licence or dogs of a breed different to the breed or breeds (if any) specified in the licence without the written approval of the local government.

Kennel Establishment Requirements

- 22 Dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question, be sufficiently secured, sited and maintained to a standard not less than the following:
- (a) each kennel shall have an adjacent yard;
 - (b) each kennel and each yard and every part thereof shall be at a distance of not less than 15 metres from the boundaries of the land in the occupation of the occupier;

-
- (c) each kennel and each yard and every part thereof shall be at a distance of not less than 24 metres from the front road or street;
 - (d) each kennel and each yard and every part thereof shall be at a distance of not less than 10 metres from any dwelling house;
 - (e) each yard shall be secured with a fence not less than 1.8 metres in height;
 - (f) the upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface and shall have a fall of not less than 1 in 100. The entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the health requirements of the local government;
 - (g) the floor of any yard shall be constructed in the same manner as the floor of any kennel and as provided in paragraph (f);
 - (h) for each dog kept therein every kennel shall have not less than 1.8m² of floor space and every yard not less than 2.5m²;
 - (i) all kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and cleaned and disinfected when so ordered by a person authorised by the local government.

PART 4 – CATS

Keeping of Cats

45 (1) Subject to sub-clauses (2) and (3), the owners or occupiers of a property shall not permit more than 3 cats over the age of 3 months to be kept on that property.

Amd
GG No 7
15.01.02

(2) A person who breeds cats may, with the written approval of the local government, keep up to 6 adult breeding cats on a property in the district, subject to:

- (a) each cat being permanently confined in an effective cage system on the property; and
- (b) under such terms and conditions that may be imposed by the local government from time to time.

(3) A person may keep more than 3 cats over the age of 3 months in any commercial area or industrial area, if the owner or occupier of such lot has:

Amd
GG No 136
10.07.00

- (a) obtained written approval from the local government to establish a cattery;

- (b) paid to the local government, the annual fee for registration and certification of the premises as a cattery;

(The annual registration and certification fee shall be due each June 30th, except for the first issue which may be paid on a pro-rata basis.)

- (c) provided for each cat on the lot, a properly constructed shelter with an enclosure, which complies with the following specifications:

(i) a floor area of not less than 0.56m² for each cat;

(ii) the area of the enclosure adjacent to any shelter or group of shelters forming a cattery shall be at least 3 times the area of the shelter or the group of shelters;

(iii) no shelter or enclosure shall be closer than 9 meters from the boundary of the lot of the keeper or any other building on the property of the keeper; and

(iv) all enclosures, yards, runs and shelters within a cattery shall be maintained in a clean condition and shall be cleaned, disinfected or otherwise dealt with as an environmental health officer may direct.

- (4) A registration issued by the local government shall lapse upon the keeper vacating the premises although a transfer of the registration may be effected if the cattery operation remains continuous and the approved transfer fee is paid to the local government.

Amd
GG No 136
10.07.00

Cat Prohibited Areas

- (1) The local government may make a determination in accordance with clause XX to designate land as an area on which cats are prohibited from entering or remaining.
- (2) In designating land for the purpose of subclause (1), the local government may have regard to the following matters in relation to the land –
- (a) whether the land is greater than 1 hectare in area;
 - (b) the nature of the fauna on the land;
 - (c) the nature of the vegetation on the land;
 - (d) whether the land has been recognised by any authority as having vegetation or fauna of local, regional or State significant; and
 - (e) whether the land is land to which the *Conservation and Land Management Act 1984* applies under section 5 of that Act;
- (3) A cat shall not be in a Cat Prohibited Area.
- (4) If a cat is at any time in a Cat Prohibited Area, the keeper of the cat at that time commits an offence, and the cat may be impounded pursuant to section 3.37 of the Act and regulation 29(1a) of the *Local Government (Functions and General) Regulations 1996*, unless the keeper of the cat has first obtained written authorisation from the local government.

Control of Cats

-
- (1) A cat shall not be in a place that is not a public place unless consent to its being there has been given –
- (a) by the occupier or a person apparently authorised to consent on behalf of the occupier;
- (b) if the place is unoccupied, by the owner or a person apparently authorised to consent on behalf of the owner.
- (2) If a cat is at any time in a place in contravention of subclause (1), the keeper of the cat commits an offence and the cat may be impounded pursuant to section 3.37 of the Act and regulation 29(1a) of the *Local Government (Functions and General) Regulations 1996*.

PART 4 - LIVESTOCK

Livestock Not to Stray

- 23 The owner or person in charge of livestock shall not permit that livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

Property to be Fenced

- 24 (1) The owner or occupier of a property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.
- (2) ~~The minimum fencing requirements to confine livestock in a rural or special rural area shall be a sufficient fence, a permissible fence or other barrier which is continuously capable of confining livestock and in the case of a dividing fence, as agreed between the adjoining property owners.~~

Amd
GG No 136
10.07.00

Livestock may be Impounded

- 25 (1) An authorised person may impound livestock found straying in contravention of clause 23.
- (2) Livestock being impounded shall be placed in:
- (a) a pound established and maintained by the local government; or
- (b) a secured portion of private property with the consent of the property owner.

Horse Exercise Area

-
- 26 (1) The local government may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive a horse or into which a person may bring a horse.
- (2) A person shall not ride, drive or bring a horse onto any reserve or foreshore or any part thereof that has not been set aside for that purpose.
- (3) A person shall not ride, drive, exercise or train a horse on any part of a reserve or foreshore set aside under subsection (1), faster than walking pace or in a manner so as to create a danger or become a nuisance to the public or to any person.
- (4) A person may only ride, drive or bring a horse onto a designated horse exercise area between the times of midnight and midday, Monday to Saturday.
- (5) A person may exercise a dog on an area of reserve or foreshore set aside as a horse exercise area provided the dog remains under full control on a leash during the times set out in subclause (4). A dog may be exercised within a designated horse exercise area off leash at all other times.
- (6) All that section of Foreshore Reserve 47831 as specified in the Third Schedule, is a designated horse exercise area.

Amd
GG No 22
18.02.11

Amd
GG No 22
18.02.11

Amd
GG No 7
15.01.02 &
GG No 51
28.03.08

Fouling of Public Places

- ~~27 Any person liable for the control of a horse who permits that horse to excrete on any public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as the local government may approve.~~

PART 5 - PIGEONS

Certificate of Registration

- 28 (1) A person shall not keep pigeons on any land in the district without having first obtained a certificate of registration from the local government.
- (2) A certificate of registration shall be valid from its date of issue until the next 30 June.

Restrictions on pigeon and dove nesting or perching

28A (1) An environmental health officer may order an owner or occupier of premises in or on which pigeons or doves are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier must comply with an order made under this clause.

Application for Certificate of Registration

- 29 An application for certificate of registration shall be:
- (1) lodged by the applicant on the form approved by the local government from time to time.
- (2) in the case of an initial application or where any variations to the original application are required, lodged with specifications, site and construction plans of proposed cages, enclosure or lofts; and
- (3) lodged with the registration fee set by the local government.

Amd
GG No 136
10.07.00

~~Adjoining Owners to be Consulted~~

- ~~30 Prior to granting any certificate of registration, the applicant shall seek the written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.~~

Adjoining owners to be consulted

30 Prior to granting any certificate of registration on an initial application, the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

Approval Limitations

- 31 (1) Pigeons shall not be kept within a caravan park or on any land on which is situated a group dwelling or multiple dwellings except for land on which 2 grouped dwellings are permitted; and

-
- (2) Unless previously approved by the local government prior to this local law coming into effect, pigeons shall not be kept on any land which has an area of less than 600m².

Duties of Certificate Holder

32 The holder of a certificate of registration to keep pigeons shall:

- (a) keep all pigeons confined continuously in cages, enclosures and lofts approved by the local government except that homing pigeons and racing pigeons registered in accordance with this local law may be released in accordance with this local law;
- (b) keep all cages, enclosures, lofts and their immediate surrounds clean and maintained in good order and condition at all times and the minimum standard to be adhered to shall be that which is specified in the Code of Practice; and
- (c) dispose of all loft litter by immediate burial or by being bagged and deposited in a household rubbish bin to ensure no nuisance occurs.

Amd
GG No 136
10.07.00

Limit on Number of Pigeons

- 33 (1) Subject to subclause (2), the maximum number of pigeons which shall be kept on land the subject of a certificate of registration pursuant to each certificate of registration shall not exceed 20, excluding young birds.
- (2) A person who on or before 30 June each year produces to the local government, satisfactory proof that the person is a current financial member of a recognised incorporated racing pigeon body, or is a registered pigeon fancier, may be permitted by the local government to keep up to 150 pigeons, excluding young birds, in any residential area, ~~rural area or special rural area.~~

Cage, Enclosure or Loft Requirements

- 34 (1) An approved cage, enclosure or loft used to house pigeons shall aesthetically blend with its surrounds, be constructed of new materials and shall be constructed to the following minimum requirements:
- (a) the base floor of any loft shall be of ~~50mm thick concrete~~ constructed of a suitable impervious material as approved by an environmental health officer;
- (b) in the case of an elevated loft the suspended floor shall be constructed and maintained in accordance with the requirements in the Code of Practice;
- (c) cladding of a loft, including the roof shall be of smooth fibro cement sheeting, sheet metal or other smooth material;

-
- (d) except as provided in paragraph (e), a loft height shall not exceed 2.4 metres at any point when measured from ground level; and
 - (e) where a loft has a gable roof the loft height shall not exceed 3 metres at any point when measured from ground level.
- (2) A cage, enclosure or loft shall not be located nearer than:
- (a) 1.2 metres from the boundary of any land adjacent to the land, the subject of an application;
 - (b) 9 metres from any dwelling house, church, school room, hall, factory, dairy or food premises; or
 - (c) 9 metres from any road reserve or street.

Exercise of Pigeons

- 35 (1) A person who is approved to keep registered homing pigeons or racing pigeons may only release such homing pigeons or racing pigeons for exercise between the hours set out in the Code of Practice, unless otherwise authorised by the local government.
- (2) A person shall not release more than 60 registered homing or racing pigeons may be released for exercise or training at any one time.

Alteration, Cancellation or Refusal of Certificate of Registration

- 36 (1) At any time the local government may amend the conditions contained in or relating to a certificate of registration and without limiting the generality of the same, where any complaint of a nuisance is received, the local government may vary the hours for release of pigeons and impose any other conditions deemed necessary to minimise any nuisance from the keeping of pigeons or any associated activity.
- (2) The local government may cancel, refuse to approve or refuse to renew a certificate of registration for any one or more of the following reasons:
- (a) the land is not maintained in accordance with this local law;
 - (b) the cages, enclosures or loft have fallen into disrepair, are unclean or infested with vectors of disease;
 - (c) the pigeons are being released outside the times permitted in clause 35;
 - (d) a condition imposed in accordance with this local law or a certificate of registration has not been complied with in the time limits set out for doing so;

- (e) the applicant or holder of the certificate of registration as the case may be, has two or more convictions under this local law; or
- (f) non payment of registration fees.

PART 6 — KEEPING OF BEES

- ~~37 (1) A person shall not keep a beehive in a residential area or a special rural area without written approval of the local government.~~
- ~~(2) A person shall remove a beehive kept in contravention of this local law when directed to do so by the local government.~~

PART 6 – KEEPING OF BEES

Definitions

37 In this Part -

“bee” means an insect belonging to the super family Apoidea (Order: Hymenoptera), commonly known as a bee;

“beehive” means a moveable or fixed structure, container or object, either standing alone or in a group of 2 or more, which contains a bees nest and in which bees are kept;

“permit” means a permit issued under this Part and includes the conditions (if any) to which that permit is subject; and

“permit holder” means a person who holds a valid permit.

Limit on beehives

37A A person must not keep or permit to be kept on any land a beehive -

- (a) without obtaining a permit from the City; and
- (b) except in accordance with a valid permit issued in relation to that land.

Application for a permit

37B (1) An application for a permit must -

- (a) be in the form determined by the City;
- (b) include –
 - (i) a site plan detailing the proposed location of the beehive or beehives and any significant structures, barriers or water sources on the land, and potential flight paths for bees; and

-
- (ii) any further information that may be required by the City; and
 - (c) pay any application fee imposed by the City under sections 6.16 – 6.19 of the Act.
 - (2) On an application for a permit under clause 37B(1) the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned or occupied by the applicant.

Determining an application

- 37C (1) The City may refuse to consider an application that does not comply with clause 37B(1).
- (2) The City may -
 - (a) approve an application, subject to any conditions that it considers to be appropriate; or
 - (b) refuse an application.
 - (3) If the City approves an application, it is to issue to the applicant a permit in the form determined by the City.
 - (4) The City may vary a condition to which a permit is subject by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.
 - (5) A permit holder must comply with each condition to which the permit is subject including any varied condition under subclause (4).
 - (6) A permit is valid from the date of issue until it is cancelled under this local law.
 - (7) A permit is personal to the permit holder and applies only to the land described in the permit.

Cancellation of a permit

37D The City may cancel a permit if -

- (a) the permit holder requests the City to do so;
- (b) 12 continuous months elapse during which the permit holder has not kept any bees on the land to which the permit applies; or
- (c) the permit holder fails to comply with a notice under clause 37F within the time specified in the notice or commits any other offence under this local law.

General conditions for keeping beehives

37E A permit issued under this Part may include, but not limited to, one or more of the following conditions -

- (a) the beehive is to be maintained in a clean and tidy condition;
- (b) the beehive is screened or positioned in such a manner as to ensure, as far as practicable, that the bees do not create a nuisance or threat to people in the locality or the public in general;
- (c) the flight path of any bees entering or exiting the land from the beehive is to be at least 2 metres above natural ground level;
- (d) the continual provision of an adequate water supply on the land for the bees; or
- (e) any maintenance or activities relating to a beehive, including but not limited to the collection of honey, is carried out at such times as to not to create a nuisance.

Notice to remove

- 37F (1) If, in the opinion of an environmental health officer, bees on any land (whether or not the subject of a permit) are likely to endanger the safety of any person or create a serious public nuisance, the environmental health officer may give to the owner or occupier of that land a written notice requiring the owner or occupier (as the case may be) to remove the bees before the date specified in the notice.
- (2) If, in the opinion of an environmental health officer, a person has breached a provision of this local law, an environmental health officer may give to that person a written notice requiring him or her to remedy that breach before the date specified in the notice.

PART 7 - ANIMALS, BIRDS AND POULTRY**General**

38 The owner or occupier of a premises where a dog, cat or other animal is kept shall:

- (a) keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rats, vermin or insects;
- (b) when so directed by an environmental health officer, clean and disinfect the premises; and

- (c) keep the premises, so far as possible, free of flies and when directed by an environmental health officer, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

Keeping of Large Animals

39 An owner or occupier of a premises shall:

- (a) not keep a large animal on any land less than 2000m² in area;
- (b) not permit any large animal to approach within 9 metres of a habitable room, shop, church or any premises where food is stored, manufactured or sold.

Keeping a Miniature Horse

- 40 (1) An owner or occupier of a premises may keep a sterilised miniature horse on land ~~zoned residential, special residential or special rural~~ of not less than 1000m² in area, provided it is registered with the local government and the approved annual registration fee is paid.

Amd
GG No 136
10.07.00

(2) An owner or occupier of a premises shall:

- (a) not keep more than one miniature horse on land ~~zoned residential, special residential or special rural~~, without the written approval of the local government; and
- (b) not permit a miniature horse within 9 metres of any house.
- (3) The local government may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

Keeping of Pigs

- 41 (1) ~~Except for a miniature pig, no person shall keep a pig or pigs, in any residential area, special residential area or special rural area or on any land zoned commercial or industrial under the town planning scheme.~~

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- (2) ~~Except on a licensed piggery, no person shall keep more than 2 pigs in any rural area without prior written approval of the local government.~~

- (3) ~~The local government may prohibit the keeping of pigs, including a miniature pig, on any land or state the conditions under which they may be kept.~~

41 (1) Subject to sub-clause (4) a person shall not keep a pig on any land within the district.

- (4)(2) A person may keep 1 miniature pig ~~in any residential area, special residential area or special rural area~~ on land provided it is registered with the local government and the approved annual registration fee is paid.

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(5)(3) On land zoned residential, ~~special residential or special rural~~, the occupier of any premises where a miniature pig is kept shall:

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- (a) only keep a sterilised animal and retain written proof of its sterilisation;
- (b) confine the animal on the property at all times;
- (c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust or odour; and
- (d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tape worm is current.

Stables

- 42 (1) The owner or occupier of any land where a stable is erected shall:
- (a) not permit a stable within 9 metres of a house or other building;
 - (b) have a floor area of 6m² per animal;
 - (c) ensure the stable has walls and a roof, constructed of impervious material;
 - (d) have on all sides of the building between the walls and the roof, a clear opening of at least 50 millimetres in height; and
 - (e) provide a floor, which shall have an upper surface:
 - (i) at least 75 millimetres above the ground; and
 - (ii) be constructed of cement, concrete, compacted limestone or similar approved material.
- (2) The owner or occupier of a premises where a stable is located shall:
- (a) keep all parts of the stable free from flies; and
 - (b) when directed by an environmental health officer, spray the stable, or such parts as may be indicated, with a residual insecticide.

Stablehand Room

- 43 The owner or occupier of a premises shall not permit a habitable room, including a stablehand's room, to open directly into a stable area.

Manure Receptacle

- 44 An owner or occupier of a premises where a large animal, miniature horse or miniature pig is kept shall:
- (a) provide in a convenient position, an impervious receptacle with a tight fitting lid, for storage of manure;
 - (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
 - (c) cause the receptacle to be emptied at least once a week and more often as necessary to prevent it becoming offensive or a breeding place for flies or other insects; and
 - (d) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Keeping of Cats

- 45 ~~(1) Subject to sub-clauses (2) and (3), the owners or occupiers of a property shall not permit more than 3 cats over the age of 3 months to be kept on that property.~~

Amd
GG No 7
15.01.02

- ~~(2)(5) A person who breeds cats may, with the written approval of the local government, keep up to 6 adult breeding cats on a property in the district, subject to:~~

~~(a)a. each cat being permanently confined in an effective cage system on the property; and~~

~~(b)b. under such terms and conditions that may be imposed by the local government from time to time.~~

- ~~(3)(6) A person may keep more than 3 cats over the age of 3 months in any rural area, commercial area or industrial area, if the owner or occupier of such lot has:~~

Amd
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10.07.00

~~(a)a. obtained written approval from the local government to establish a cattery;~~

~~(b)b. paid to the local government, the annual fee for registration and certification of the premises as a cattery;~~

~~(The annual registration and certification fee shall be due each June 30th, except for the first issue which may be paid on a pro-rata basis.)~~

~~(c)c. provided for each cat on the lot, a properly constructed shelter with an enclosure, which complies with the following specifications:~~

~~(i)i.~~ a floor area of not less than 0.56m^2 for each cat;

~~(ii)ii.~~ the area of the enclosure adjacent to any shelter or group of shelters forming a cattery shall be at least 3 times the area of the shelter or the group of shelters;

~~(iii)iii.~~ no shelter or enclosure shall be closer than 9 meters from the boundary of the lot of the keeper or any other building on the property of the keeper; and

~~(iv)iv.~~ all enclosures, yards, runs and shelters within a cattery shall be maintained in a clean condition and shall be cleaned, disinfected or otherwise dealt with as an environmental health officer may direct.

~~(4)(7)~~ A registration issued by the local government shall lapse upon the keeper vacating the premises although a transfer of the registration may be effected if the cattery operation remains continuous and the approved transfer fee is paid to the local government.

Amd
GG No 136
10.07.00

Burial of Animals

46 — (1) The operators of commercial poultry farms, licensed piggeries and similar intensive animal or bird farming shall not dispose of any dead animals or birds on their premises without written approval from the local government.

(2) Owners and occupiers of properties in any rural or special rural area who occasionally need to bury an animal on their property, shall cover the carcass with lime before burial.

Keeping of Ostrich or Emu

47 — (1) A person shall not keep an ostrich or emu on any land in any residential area, or any land zoned commercial or industrial under the town planning scheme.

(2) A person shall not keep an ostrich or emu in any special rural area without the written approval of the local government.

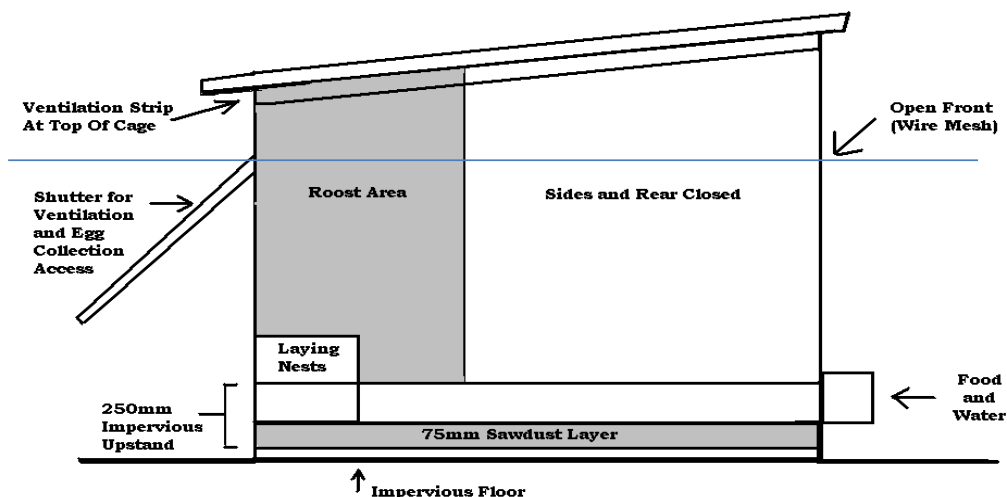
(3) A person shall not keep more than 3 adult pairs of ostrich or emu for each 2 hectares of land and no single pair shall be confined in any area less than 0.1 hectares.

(4) The local government may prohibit the keeping of any ostrich and emu on any land or state the conditions under which they may be kept.

47 A person shall not keep an ostrich or emu on any land within the district.

Keeping Poultry in Residential Areas

-
- 48 (1) A person shall not keep or suffer to remain, ~~in any residential area~~ on any land within the district a rooster, turkey, goose or geese, peacock or a peahen.
- (2) Notwithstanding sub-clause (1), the owner or occupier of a ~~premises situated in any residential area~~ land within the district shall not keep thereon or permit to be kept thereon any poultry otherwise than under the following conditions:
- (a) ~~no poultry shall be kept in an open yard;~~
(a) no poultry is able to approach within 9 metres of a dwelling or within 1 metre from a boundary of the lot;
- (b) poultry must be kept in provided a shed or hut designed to permit a deep litter system in accordance with ~~the diagram which follows this clause and~~ the following specifications:
- (i) the floor shall be concrete, brick paving, compressed limestone or any other suitable impervious surface;
 - (ii) frames shall be of timber, steel, brick or other approved material;
 - (iii) cladding shall be of sheet metal, brick, weatherboard or other materials approved by an environmental health officer;
 - (iv) the roof shall have sufficient slope to shed storm water;
 - (v) the poultry shed to be constructed in a sound and weatherproof manner and to be between 1.5m to 2.0 m in height;
 - (vi) provision must be made for adequate ventilation to the shed during hot weather;
 - (vii) the minimum size of any shed must allow for at least 0.3m² for each and every bird kept therein;
 - (viii) the roof, walls, floor, doors and ventilating panels must be maintained in good order and condition at all times;
 - (ix) the floor must be covered with a layer of dry sand or sawdust at least 75 millimetres deep; and
 - (x) the sawdust or sand must be kept dry at all times and be changed at least once every 6 months or when directed by an environmental health officer.
- (3) A person shall not permit a poultry shed to be nearer than 1 metre from the boundary of land in other occupation or 9 metres from any dwelling house or street.
- (4) A person shall not keep more than ~~12~~ 6 poultry (including a maximum of 2 ducks) in any residential area.

DIAGRAM**Specification for a domestic deep litter poultry shed****Keeping of Poultry in Special Rural Areas**

- 49— ~~The occupier of premises situated in any special rural area, shall not keep or permit to be kept thereon, poultry other than under the following conditions:~~
- ~~(a) in a shed designed to permit the use of a deep litter system or in open yards with a shed that has concrete floor at least 50 millimetres thick;~~
 - ~~(b) the shed shall be of sound construction and its yard shall be maintained in a clean condition at all times;~~
 - ~~(c) the shed must be between 1.5m to 1.8m in height to allow easy entry for cleaning;~~
 - ~~(d) the shed shall not be nearer than 1 metre from the boundary of land in other occupation or 15 metres from any dwelling house or 15 metres from a street; and~~
 - ~~(e) no more than 25 head of poultry without the written approval of the local government.~~

Keeping Poultry in Rural Areas

- 50— ~~The occupier of premises in any rural area, shall not keep or permit to be kept thereon, more than 50 head of poultry, without written approval from the local government.~~

PART 8 - MISCELLANEOUS**False or Misleading Statement**

- 51 A person shall not make a false or misleading statement in connection with any application, requirement or demand under this local law.

~~Licence~~ Fees and Charges

- 52 All ~~licence~~-fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with sections ~~6.16~~ to 6.19 of the Act.

Limit on Liability

- 53 A person, owner, occupier or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to enter the land and carry out all or part of the works and do all things necessary that the owner, occupier or licensee was required to do to comply with this local law.

Objections and review

Division 1 of Part 9 of the Local Government Act 1995 applies to a decision under this local law to –

- (a) refuse an application for a licence;
(b) impose or vary a condition of a licence; or
(c) revoke a licence.

Date of Birth to be Given on Demand

- 54 Clause deleted

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10.07.00

PART 9 - ~~PENALTIES~~ENFORCEMENT**Offences**

- 55 (1) Any 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) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day

or part of a day during which the offence has continued.

Infringement and Infringement Withdrawal Notices

56 For the purposes of this local law:

- (a) the form of the infringement notice referred to in section 9.17 of the Act is Form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and

Offence Description and Modified Penalty

57 The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

Prosecution for Offences

58 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

~~59 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.~~

Footnote:

Right of Appeal

~~1 When the local government makes a decision as to whether it will:~~

- ~~(a) grant a person a licence or certificate of registration under this local law; or~~
- ~~(b) renew, vary, or cancel a licence or certificate of registration 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 10 – DETERMINATIONS

Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected at or obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause 2(c), the Council is to –
 - (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice -
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination is to have effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

(8) A decision under subclause (3) or (4) is not to be delegated by the Council.

Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

Determination to be complied with

A person shall comply with a determination.

Register of determinations

(1) The local government is to keep a register of determinations made under clause XX, and of any amendments to or revocations of determinations made under clause XX.

(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to I subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

Amendment or revocation of a determination

(1) The Council may amend or revoke a determination.

(2) The provisions of clause XX are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

FIRST SCHEDULE

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

Offences and Modified Penalties**Part 2 – Dogs**

Item No	Clause No	Nature of Offence	Modified Penalty \$
1		Deleted by GG No117,03.08.18	
2	11	Permitting a dog to be in a public building, shop or business premises	100
3	12	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100
4	13(1)	Failing to install and maintain a fence capable of confining a dog to the premises	100
5	13(2)	Fence not adequate to confine dog of the species, age, size and physical condition to the premises	100
6	13(3)(a)	Failing to keep gate closed when the dog is at the premises	100
7	13(3)(b)	Failing to have a gate fitted with self closing/self latching and/or permanently locking mechanisms	100
8	14	Keeping more than permitted number of dogs without approval	100

Part 3 – Approved Dog Kennel Establishments

9	15	Keeping a kennel establishment without a licence	100
10	20(a)	Failing to maintain establishment in a clean, sanitary and tidy condition	100
11	20(b)	Failing to dispose of refuse, faeces and food waste daily in approved manner	100
12	20(c)	Failing to take practical measures to destroy fleas, flies and other vermin	100
13	21	Keeping a greater number or breed of dogs than specified in the licence	100

Part 4 – Livestock

14	23	Permitting livestock to stray or be at large in a street, public place or private property without consent	100
15	24	Failing to keep property fenced in a manner capable of confining livestock	100
16	26(2)	Ride, drive or bring an animal onto a reserve or foreshore not set aside for the purpose	100

Livestock (continued)

Item No	Clause No	Nature of Offence	Modified Penalty \$
17	26(3)	Ride, drive, exercise or train an animal on a reserve or foreshore so as to create a danger or cause a nuisance	100
18	26(4)	Ride, drive or bring an animal on to a reserve or foreshore set aside for exercise of dogs	100
19	27	Permitting a horse to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100

Part 5 — Pigeons

20	28	Keeping of pigeons without Council approval	100
21	31(1)	Keeping of Pigeons within:	
		a caravan park;	100
		a grouped dwelling (not being one of only two grouped dwellings)	100
		a premises classified as part of a “multiple dwelling”	100
22	32(b)	Failing to keep cages, enclosures and lofts maintained to minimum standard specified in Code of Practice	100
23	32(e)	Failing to dispose of loft litter in approved manner to ensure no nuisance occurs	100
24	33(1)	Keeping more than 20 pigeons for each Certificate of Registration	100
25	33(2)	Keeping more than maximum number of birds approved	100
26	35(1)	Releasing registered pigeons outside hours permitted	100
27	35(2)	Releasing more than 60 pigeons for exercise or training at any one time	100

Part 6 — Keeping of Bees

28	37(1)	Keeping a beehive in a residential area or special rural area without approval	100
29	37(2)	Failing to remove a beehive when directed	100

Part 7 — Animals, Birds and Poultry

30	38(a)	Fail to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, attract rats, vermin or insects.	100
31	38(b)	Fail to clean and disinfect premises when directed by an environmental health officer	100
32	38(c)	Fail to keep premise free of flies or when directed, spray premises with residual insecticide to kill or repel flies	100

Animals, Birds and Poultry (continued)

33	39(a)	Keep large animal on land less than 2000m ² in area	100
34	39(b)	Permit large animal to approach within 9 m of habitable room, shop, church, or any premises where food is stored, manufactured or sold.	100
35	40(1)	Keep a sterilised miniature horse on land less than 1000m ² not registered with local government and registration fee paid.	100
36	40(2)(a)	Keep more than one miniature horse on land zoned residential, special residential or special rural without approval	100
37	40(2)(b)	Permit a miniature horse within 9m of a house.	100
38	41(1)	Keep a pig on land zoned residential, special residential, special rural, commercial or industrial area	100
39	41(2)	Keep more than two pigs in rural area without prior written approval of local government.	100
40	41(4)	Keep an unregistered miniature pig in residential, special residential or special rural area and/or not pay registration fee.	100
41	41(5)(a)	Keep an unsterilised pig or fail to retain written proof of its sterilisation.	100
42	41(5)(b)	Fail to confine animal on property at all times.	100
43	41(5)(c)	Fail to ensure animal does not cause a nuisance to any neighbour through noise, dust or odour.	100
44	41(5)(d)	Fail to maintain documentary evidence that an animal's veterinary treatment against roundworm and tapeworm is current.	100
45	42(1)(a)	Permit a stable within 9m of house or other building.	100
46	42(1)(b)	Fail to have stable floor area of 6m ² per animal.	100
47	42(1)(c)	Fail to have stable floor or roof constructed of impervious material.	100
48	42(1)(d)	Fail to have on all sides of stable building clear opening 50 ml in height between all walls and roof	100
49	42(1)(e)(i)	Fail to have upper surface of stable floor at least 75mm above ground.	100
50	42(1)(e)(ii)	Fail to have upper surface of stable floor constructed of cement, concrete, compacted limestone or approved material.	100
51	42(2)(a)	Fail to keep stable free from flies.	100
52	42(2)(b)	Fail to spray stable with residual insecticide when directed by environmental health surveyor.	100
53	43	Permit a habitable room including a stablehand's room to open directly into a stable.	100
54	44(a)	Fail to provide in convenient position, an impervious receptacle with tight fitting lid, for manure	100
55	44(b)	Fail to keep lid of manure receptacle closed except when manure being deposited or removed.	100

56	44(e)	Fail to empty manure receptacle to prevent it becoming offensive or breeding place for flies.	100
57	44(d)	Fail to collect all manure produced on premises and place in receptacle.	100
58	45(1)	Keep more than 3 cats over three months.	100
59	45(2)	Keep more than 3 adult cats for breeding without written approval of the local government.	100
60	45(2)(a)	Fail to confine cats in effective cage system on the property.	100
61	45(2)(b)	Fail to comply with conditions imposed by the local government.	100
62	45(3)(a)	Keep more than 3 cats over 3 months in rural area, commercial area or industrial area without approval to establish a cattery.	100
63	45(3)(b)	Fail to pay the annual registration and certification fee for a cattery	100
64	45(3)(c)	Fail to provide for each cat a properly constructed shelter/enclosure to comply with specifications.	100
65	46(1)	Dispose of dead animals or birds without written approval of the local government.	100
66	46(2)	Fail to cover the carcass of dead animal with lime before burial on any rural or special rural area.	100
67	47(1)	Keep an ostrich or emu on any land in residential area or land zoned commercial or industrial.	100
68	47(2)	Keep an ostrich or emu on any special rural area without written approval of the local government.	100
69	47(3)	Keep more than 3 adult pairs of ostrich or emu for each 2 hectares or single pair in less than 0.1 hectares.	100
70	48(1)	Keep or suffer to remain in a residential area a rooster, turkey, goose or geese, peacock or a peahen.	100
71	48(2)	Keep or permit to be kept in any residential area any poultry, not in accordance with conditions of local law.	100
72	48(3)	Construct or permit a poultry shed to be nearer than 1m from boundary of occupied land or 9m from any dwelling or street.	100
73	48(4)	Keep more than 12 poultry (including maximum 2 ducks) in any residential area.	100
74	49	Keep or permit to be kept in any special rural area any poultry, not in accordance with conditions.	100
75	50	Keep or permit to be kept in any rural area more than 50 head of poultry without written approval of the local government.	100
Miscellaneous			
76		Other offences not specified.	100

FIRST SCHEDULECITY OF JOONDALUPANIMALS LOCAL LAW 1999Offences and Modified Penalties

<u>Item No</u>	<u>Clause No</u>	<u>Nature of Offence</u>	<u>Modified Penalty \$</u>
<u>1</u>	<u>11</u>	<u>Permitting a dog to be in a public building, shop or business premises</u>	<u>100</u>
<u>2</u>	<u>12</u>	<u>Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner</u>	<u>100</u>
<u>3</u>	<u>13(1)</u>	<u>Failing to install and maintain a fence capable of confining a dog to the premises</u>	<u>100</u>
<u>4</u>	<u>13(2)</u>	<u>Fence not adequate to confine dog of the species, age, size and physical condition to the premises</u>	<u>100</u>
<u>5</u>	<u>14</u>	<u>Keeping more than permitted number of dogs without approval</u>	<u>100</u>
<u>6</u>	<u>15</u>	<u>Keeping a kennel establishment without a licence</u>	<u>100</u>
<u>7</u>	<u>20(a)</u>	<u>Failing to maintain establishment in a clean, sanitary and tidy condition</u>	<u>100</u>
<u>8</u>	<u>20(b)</u>	<u>Failing to dispose of refuse, faeces and food waste daily in approved manner</u>	<u>100</u>
<u>9</u>	<u>20(c)</u>	<u>Failing to take practical measures to destroy fleas, flies and other vermin</u>	<u>100</u>
<u>10</u>	<u>21</u>	<u>Keeping a greater number or breed of dogs than specified in the licence</u>	<u>100</u>
<u>11</u>	<u>23</u>	<u>Permitting livestock to stray or be at large in a street, public place or private property without consent</u>	<u>100</u>
<u>12</u>	<u>24(1)</u>	<u>Failing to keep property fenced in a manner capable of confining livestock</u>	<u>100</u>
<u>13</u>	<u>26(2)</u>	<u>Riding, driving or bringing an animal onto a reserve or foreshore not set aside for the purpose</u>	<u>100</u>
<u>14</u>	<u>26(3)</u>	<u>Riding, driving, exercising or training an animal on a reserve or foreshore so as to create a danger or cause a nuisance</u>	<u>100</u>
<u>15</u>	<u>26(4)</u>	<u>Riding, driving or bringing an animal on to a reserve or foreshore set aside for exercise of dogs</u>	<u>100</u>
<u>16</u>	<u>28A(2)</u>	<u>Failing to comply with an order to prevent the nesting or perching of pigeons or doves</u>	<u>100</u>
<u>17</u>	<u>28</u>	<u>Keeping of pigeons without approval</u>	<u>100</u>

<u>18</u>	<u>31(1)</u>	<u>Keeping of pigeons within:</u> <u>a caravan park;</u> <u>a grouped dwelling (not being one of only two</u> <u>grouped dwellings)</u> <u>a premises classified as part of a “multiple dwelling”</u>	<u>100</u> <u>100</u> <u>100</u>
<u>19</u>	<u>32(b)</u>	<u>Failing to keep cages, enclosures and lofts maintained</u> <u>to minimum standard specified in Code of Practice</u>	<u>100</u>
<u>20</u>	<u>32(c)</u>	<u>Failing to dispose of loft litter in approved manner to</u> <u>ensure no nuisance occurs</u>	<u>100</u>
<u>21</u>	<u>33(1)</u>	<u>Keeping more than 20 pigeons for each Certificate of</u> <u>Registration</u>	<u>100</u>
<u>22</u>	<u>33(2)</u>	<u>Keeping more than maximum number of birds approved</u>	<u>100</u>
<u>23</u>	<u>35(1)</u>	<u>Releasing registered pigeons outside hours permitted</u>	<u>100</u>
<u>24</u>	<u>35(2)</u>	<u>Releasing more than 60 pigeons for exercise or training</u> <u>at any one time</u>	<u>100</u>
<u>25</u>	<u>37A</u>	<u>Keeping a beehive without a valid permit</u>	<u>100</u>
<u>26</u>	<u>37E</u>	<u>Failing to comply with a condition of a permit</u>	<u>100</u>
<u>27</u>	<u>37F(2)</u>	<u>Failing to remedy breach in notice</u>	<u>100</u>
<u>28</u>	<u>38(a)</u>	<u>Failing to keep premises free from excrement, filth, food</u> <u>waste and other matter likely to be offensive or injurious</u> <u>to health, attract rats, vermin or insects</u>	<u>100</u>
<u>29</u>	<u>38(b)</u>	<u>Failing to clean and disinfect premises when directed by</u> <u>an environmental health officer</u>	<u>100</u>
<u>30</u>	<u>38(c)</u>	<u>Failing to keep premise free of flies or when directed,</u> <u>spray premises with residual insecticide to kill or repel</u> <u>flies</u>	<u>100</u>
<u>31</u>	<u>39(a)</u>	<u>Keeping a large animal on land less than 2,000m² in area</u>	<u>100</u>
<u>32</u>	<u>39(b)</u>	<u>Permitting a large animal to approach within 9 metres of</u> <u>habitable room, shop, church, or any premises where food</u> <u>is stored, manufactured or sold</u>	<u>100</u>
<u>33</u>	<u>40(1)</u>	<u>Keeping a sterilised miniature horse on land less than</u> <u>1,000m² not registered with local government and</u> <u>registration fee paid</u>	<u>100</u>
<u>34</u>	<u>40(2)(a)</u>	<u>Keeping more than one miniature horse on land zoned</u> <u>residential without approval</u>	<u>100</u>
<u>35</u>	<u>40(2)(b)</u>	<u>Permitting a miniature horse within 9 metres of a house</u>	<u>100</u>
<u>36</u>	<u>41(1)</u>	<u>Keeping a pig on any land throughout the district</u>	<u>100</u>
<u>37</u>	<u>41(4)</u>	<u>Keeping an unregistered miniature pig in residential area</u> <u>and/or not pay registration fee</u>	<u>100</u>
<u>38</u>	<u>41(5)(a)</u>	<u>Keeping an unsterilised miniature pig or failing to retain</u> <u>written proof of its sterilisation</u>	<u>100</u>
<u>39</u>	<u>41(5)(b)</u>	<u>Failing to confine animal on property at all times</u>	<u>100</u>
<u>40</u>	<u>41(5)(c)</u>	<u>Failing to ensure animal does not cause a nuisance to</u> <u>any neighbour through noise, dust or odour</u>	<u>100</u>

<u>41</u>	<u>41(5)(d)</u>	<u>Failing to maintain documentary evidence that an animal's veterinary treatment against roundworm and tapeworm is current</u>	<u>100</u>
<u>42</u>	<u>42(1)(a)</u>	<u>Permitting a stable within 9 metres of house or other building</u>	<u>100</u>
<u>43</u>	<u>42(1)(b)</u>	<u>Failing to have stable floor area of 6m² per animal</u>	<u>100</u>
<u>44</u>	<u>42(1)(c)</u>	<u>Failing to have stable floor or roof constructed of impervious material</u>	<u>100</u>
<u>45</u>	<u>42(1)(d)</u>	<u>Failing to have on all sides of stable building clear opening 50mm in height between all walls and roof</u>	<u>100</u>
<u>46</u>	<u>42(1)(e)(i)</u>	<u>Failing to have upper surface of stable floor at least 75mm above ground</u>	<u>100</u>
<u>47</u>	<u>42(1)(e)(ii)</u>	<u>Failing to have upper surface of stable floor constructed of cement, concrete, compacted limestone or approved material</u>	<u>100</u>
<u>48</u>	<u>42(2)(a)</u>	<u>Failing to keep stable free from flies</u>	<u>100</u>
<u>49</u>	<u>42(2)(b)</u>	<u>Failing to spray stable with residual insecticide when directed by environmental health officer</u>	<u>100</u>
<u>50</u>	<u>43</u>	<u>Permitting a habitable room including a stablehand's room to open directly into a stable</u>	<u>100</u>
<u>51</u>	<u>44(a)</u>	<u>Failing to provide in convenient position, an impervious receptacle with tight fitting lid, for manure</u>	<u>100</u>
<u>52</u>	<u>44(b)</u>	<u>Failing to keep lid of manure receptacle closed except when manure being deposited or removed</u>	<u>100</u>
<u>53</u>	<u>44(c)</u>	<u>Failing to empty manure receptacle to prevent it becoming offensive or breeding place for flies</u>	<u>100</u>
<u>54</u>	<u>44(d)</u>	<u>Failing to collect all manure produced on premises and place in receptacle</u>	<u>100</u>
<u>55</u>	<u>45(1)</u>	<u>Keeping more than 3 cats over three months</u>	<u>100</u>
<u>56</u>	<u>45(2)</u>	<u>Keeping more than 3 adult cats for breeding without written approval of the local government</u>	<u>100</u>
<u>57</u>	<u>45(2)(a)</u>	<u>Failing to confine cats in effective cage system on the property</u>	<u>100</u>
<u>58</u>	<u>45(2)(b)</u>	<u>Failing to comply with conditions imposed by the local government</u>	<u>100</u>
<u>59</u>	<u>45(3)(a)</u>	<u>Keeping more than 3 cats over 3 months in rural area, commercial area or industrial area without approval to establish a cattery</u>	<u>100</u>
<u>60</u>	<u>45(3)(b)</u>	<u>Failing to pay the annual registration and certification fee for a cattery</u>	<u>100</u>
<u>61</u>	<u>45(3)(c)</u>	<u>Failing to provide for each cat a properly constructed shelter/enclosure to comply with specifications</u>	<u>100</u>
<u>62</u>	<u>47</u>	<u>Keeping an ostrich or emu on any land throughout the district</u>	<u>100</u>
<u>63</u>	<u>48(1)</u>	<u>Keeping a rooster, turkey, goose or geese, peacock or a peahen on any land throughout the district</u>	<u>100</u>
<u>64</u>	<u>48(2)</u>	<u>Keeping or permitting to be kept poultry, not in accordance with conditions of local law</u>	<u>100</u>

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<u>65</u>	<u>48(3)</u>	<u>Constructing or permitting a poultry shed to be nearer than 1m from boundary of occupied land or 9m from any dwelling or street</u>	<u>100</u>
<u>66</u>	<u>48(4)</u>	<u>Keeping more than 6 poultry (including maximum 2 ducks) in any residential area</u>	<u>100</u>
<u>67</u>		<u>Other offences not specified</u>	<u>100</u>

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SECOND SCHEDULE

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

Deleted GG No 117, 03.08.18

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THIRD SCHEDULE

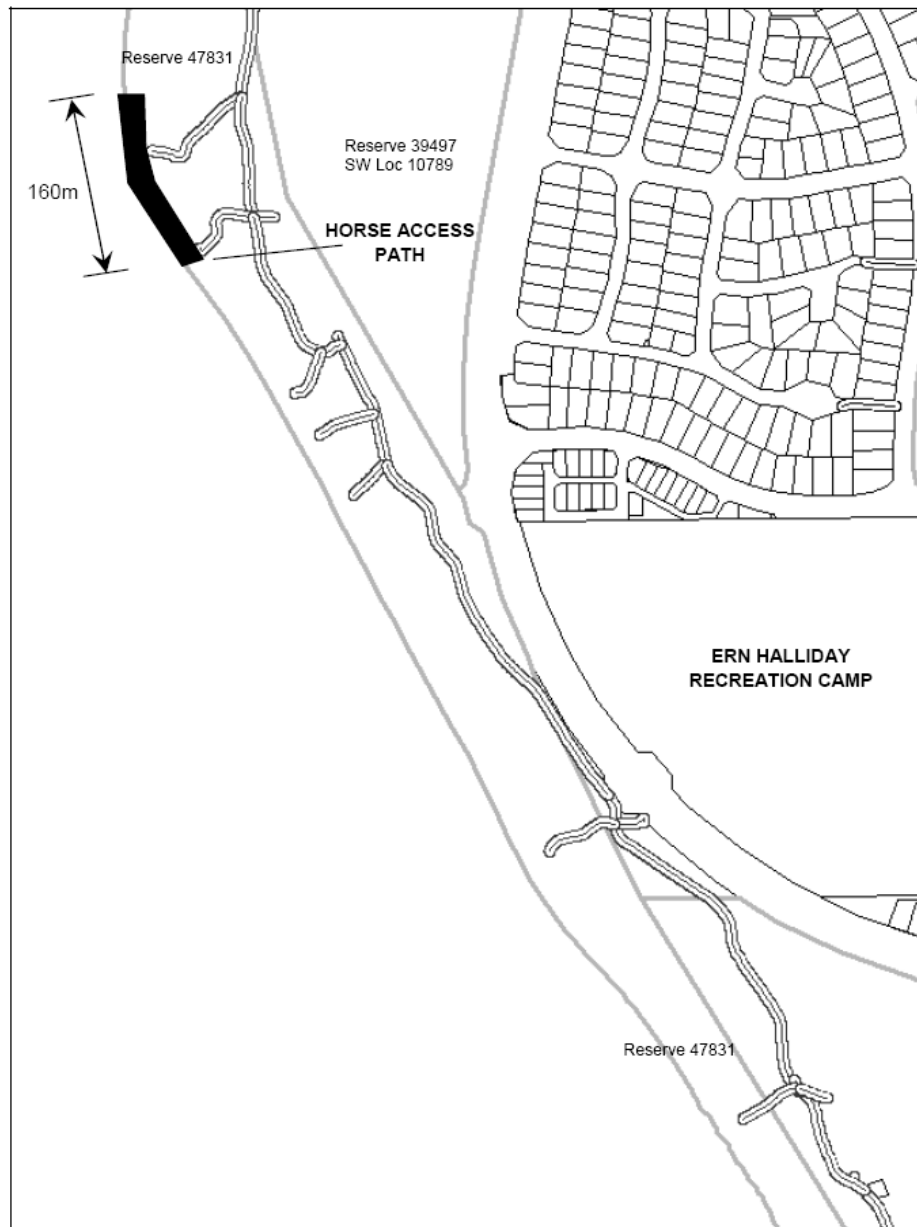
CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

Restricted Horse Exercise Area

All that area of the Foreshore Reserve 47831 as shown delineated in black on Diagram 2 - Horse Exercise Area, from the constructed horse access path northwards for a distance of 160 metres as designated by signs.

Amd
GG No 7
15.01.02 GG
No 51
28.03.08 &
GG No 22
18.02.11
GG No 117
03.08.18

DIAGRAM 2 – RESTRICTED HORSE EXERCISE AREA

Amd
GG No 51
28.03.08 &
GG No 22
18.02.11
GG No
117
03.08.18

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Fourth Schedule
Form 1

Dog Act 1976

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

**NOTICE OF INTENTION TO MAKE APPLICATION FOR KENNEL
LICENCE**

To Owners and Occupiers of

In accordance with Clause 16 (b) of the City of Joondalup Animals Local Law 1999, I
advise my intention to make application to the City for an Approved Kennel
Establishment Licence.

The issue of an Approved Kennel Establishment Licence is subject to compliance with
the provisions of the abovementioned local law.

The land subject of this application is:

.....
(insert address of proposed Kennel Establishment)

Please note any interested person may within 21 days of the date of this advice object to
or make representations in respect of the application in writing directly to the:

Chief Executive Officer
City of Joondalup

.....
Name and Signature of Applicant.....
Date

Issued: 05.08

City of Joondalup

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Form 2

Dog Act 1976

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

**APPLICATION FOR LICENCE OR RENEWAL OF LICENCE
TO KEEP APPROVED KENNEL ESTABLISHMENT**

In accordance with the Dog Act 1976, and the local laws of the City of Joondalup:

I/We (full name)

.....

of

hereby apply for a licence/the renewal of a licence (strike out whichever is not applicable) to
keep an approved kennel establishment at:

.....

Attached hereto are:

- (a) a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;
- (b) plans and specifications of the kennels;
- (c) evidence that due notice of the proposed use of the premises has been given to persons in the locality;
- (d) particulars of the number and breed of dogs to be kept in the kennels;
- (e) a remittance for the fee of \$.....

Dated the day of.....19.....

Signature of Applicant

Note: Items (a), (b), (c) and (d) may be struck out if the application is for the renewal of a licence and if no change has been made since the previous application.

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Fourth Schedule

Form 3

Dog Act 1976

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT

..... is/are the holder(s) of a
licence to keep an approved kennel establishment at
..... for dogs
of breed (s).

This licence has effect for a period of 12 months from the date hereof.

Dated the day of.....19

.....
Chief Executive Officer

City of Joondalup

Animals Local Law 2024

Cat Act 2011

Dog Act 1976

Local Government Act 1995

City of Joondalup

Animals Local Law 2024

City of Joondalup

Animals Local Law 2024

Cat Act 2011

Dog Act 1976

Local Government Act 1995

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Animals Local Law 2024

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City of Joondalup

Animals Local Law 2024

Under the powers conferred by the Cat Act 2011, Dog Act 1976, Local Government Act 1995 and by all other powers enabling it, the Council of the City of Joondalup resolved on [insert] to make the following local law.

Part 1 – Preliminary

1.1 Title

This local law may be cited as the *City of Joondalup Animals Local Law 2024*.

1.2 Commencement

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

1.3 Purpose and intent

- (1) The purpose of this local law is to provide for the regulation, control and management of the keeping of animals within the City of Joondalup.
- (2) The effect of this local law is to establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local law.

1.4 Repeal

The following local laws are repealed on the day that this local law comes into operation –

- (1) *City of Joondalup Animals Local Law 1999*, as published in the *Government Gazette* on 27 August 1999.
- (2) Clauses 7 to 7.7 of the *City of Joondalup Amendment Local Law 2000*, as published in the *Government Gazette* on 10 July 2000.
- (3) Clauses 5 to 5.6 of the *City of Joondalup Amendment Local Law 2001*, as published in the *Government Gazette* on 15 January 2002.

- (4) *City of Joondalup Animals Amendment Local Law 2008*, as published in the *Government Gazette* on 28 March 2008
- (5) *City of Joondalup Animals Amendment Local Law 2010*, as published in the *Government Gazette* on 18 February 2011.
- (6) *City of Joondalup Animals Amendment Local Law 2016*, as published in the *Government Gazette* on 10 January 2017.
- (7) *City of Joondalup Animals Amendment Local Law 2018*, as published in the *Government Gazette* on 3 August 2018.

1.5 Application

This local law applies throughout the district.

1.6 Interpretation

- (1) In this local law unless the context otherwise requires –

Act means the *Local Government Act 1995*;

animal includes cats, dogs, rabbits and ferrets or the like;

application means the completed form lodged by an applicant as required by this local law;

applicant means a person who has lodged an application for an approval, certificate or licence required for any activity by this local law;

approved fees means the fees and charges determined by the local government from time to time, for putting into effect the provisions of this local law;

Authorised Person means a person appointed by the local government under section 9.10 of the Act, to perform any of the functions of an Authorised Person under this local law;

caravan park means an area of land on which caravans or caravans and camps situated for habitation;

Cat Act means the *Cat Act 2011*;

cattery keeper means a person registered to keep a cattery;

certificate of registration means a certificate of registration to keep pigeons issued pursuant to this local law;

City means the City of Joondalup;

Code of Practice means the Code of Practice – Pigeon Keeping and Pigeon Racing in Western Australia as amended from time to time and as approved by the Pigeon Racing Federation of Western Australia (Inc) and the Independent Racing Pigeon Federation (Inc);

Council means the council of the City of Joondalup;

cow includes an ox, calf or bull;

district means the district of the City;

Dog Act means the *Dog Act 1976*;

environmental health officer means a person appointed as an environmental health officer under section 17 of the *Public Health Act 2016*;

food premises means a premises where food is stored, kept, prepared, manufactured, processed, cooked or served or otherwise dealt with for subsequent sale to the public either directly or indirectly;

grouped dwelling means a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise;

horse includes an ass, mule, donkey, shetland pony or pony;

keeper in relation to a cat means each of the following persons –

- (a) The owner of the cat;
- (b) A person by whom the cat is ordinarily kept;
- (c) A person who has or appears to have immediate custody or control of the cat;
- (d) A person who keeps the cat, or has the cat in his or her possession for the time being; or
- (e) A person who occupies any premises in which the cat is ordinarily kept or ordinarily permitted to live;

land means land in the district and includes houses, buildings, works and structures, in or upon the land;

large animal includes a sheep, cow, goat, cattle, horse (excluding a miniature horse), buffalo, camel, llama, deer, alpaca or any other animal so classified by the local government;

livestock means any horse, cattle, sheep, goat, ~~swine~~, buffalo, deer, camel, llama and alpaca;

local government means the City of Joondalup;

local planning scheme means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;

lot has the same meaning given to it in the *Planning and Development Act 2005*;

miniature horse means a horse that does not exceed 870 millimetres in height as an adult and is classified as a miniature by the Miniature Horse Association of

Australia;

miniature pig means a pig that does not exceed 650 millimetres in height as an adult and weighs between 45 - 55 kilograms.

multiple dwelling means a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other;

nuisance means -

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land;

pigeon includes homing pigeon and racing pigeon;

poultry means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock;

pound means a building or yard established by the local government or authorised person for the impounding of dogs or animals for the purposes of this local law;

public place means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes park lands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the control or management of, the local government;

residential area means any land situated within a residential zone as classified by the town planning scheme and includes land predominately used for residential purposes;

Schedule means a schedule to this local law;

stablehand room means a room or rooms used for occasional overnight occupation to facilitate husbandry to pregnant or sick animals.

thoroughfare has the meaning given to it in the Act;

vermin includes rats, mice, flies, fleas, mites, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely

to cause damage to human food, habitation or possessions;

young birds means any pigeon under 24 days of age and, unless the contrary can be shown, a pigeon shall be deemed under this local law to be a young bird if it is without feathers on the flesh under the wings.

- (2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the *Cat Act 2011*, *Dog Act 1976*, *Local Government Act 1995*, the *Public Health Act 2016* or the *Public Health Regulations 2017*, unless the context requires otherwise.

Part 2 – Dogs

2.1 Pound

The local government may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act or this local law.

2.2 Impounding dogs

A dog seized by the Police or by a person authorised by the local government may be placed in a pound.

2.3 Pound fees

The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under section 29(4) of the Dog Act, are those approved by the local government from time to time.

2.4 Prohibited Places

- (1) A person liable for the control of a dog shall prevent that dog from entering or being in or on any public building, shop or business premises, with the exception of a shop or business premises where dogs are sold.
- (2) Subclause (1) does not apply to a person with a vision impairment or who is a trainer accompanied by a bona fide guide dog.

2.5 Fouling of streets and public places

Any person liable for the control of a dog who permits that dog to excrete on any street or public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as the local government may approve.

2.6 Fencing requirements

- (1) The owner or occupier of premises within the local government on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in a manner which complies with this clause.
- (2) The fence used to confine a dog and every part of the fence shall be of a type, height and construction which, having regard to the species, age, size and

physical condition of the dog, prevents the dog from passing over, under or through the fence.

2.7 Maximum number of dogs

A person shall not keep or permit to be kept on any premises more than 2 dogs over the age of 3 months and the young of those dogs under that age unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26(3) of the Dog Act.

Part 3 – Approved Dog Kennel Establishment

3.1 Approved kennel establishment licence

A person shall not keep a kennel establishment without having first obtained a licence under this local law and a planning approval under the local planning scheme.

3.2 Notice of application for kennel establishment licence

An applicant for a licence to keep an approved kennel establishment shall:

- (a) publish in a newspaper circulating in the district a notice of his intention to submit an application for a licence, being that of Form 1 of Schedule 3, specifying that any interested person may within 21 days after the date of such publication object to or make representations in respect of the application in writing directly to the local government; and
- (b) forward a notice, being that of Form 1 of Schedule 3 to the owners and occupiers of all land within a radius of 275 metres of the boundaries of the land upon which it is proposed to establish the kennel.

3.3 Application for kennel establishment licence

An application for a licence to keep an approved kennel establishment shall be on Form 2 of Schedule 3 and shall be accompanied by:

- (a) evidence that notice of the proposed use of the land has been given in accordance with clause 3.2 (a) and (b);
- (b) a plan showing the details and specifications of all kennels, adjacent yards and the distances from the kennels to the boundaries of the land the subject of the application and all buildings on the land together with such information as the local government may require; and
- (c) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

3.4 Determination of application

- (1) The local government may refuse an application for a licence:

- (a) that does not comply with the requirements of clause 3.3;
- (b) for which the processes required by clause 3.2 have not been completed;
- (c) after considering any submissions or representations received within the specified period in accordance with clause 3.2 (a);
- (d) where planning approval for use of the land as an approved dog kennel establishment has not first been obtained under any relevant local planning scheme.

(2) The local government may, in respect of an application for a licence:-

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

3.5 Licence and fees

A licence to keep an approved kennel establishment shall be that of Form 3 in Schedule 1 and fees payable to the local government on the issue and renewal of such licences shall be as approved by the local government.

3.6 Duties of licence holder

The holder of a licence to keep an approved kennel establishment shall:

- (a) maintain the establishment in a clean, sanitary and tidy condition;
- (b) dispose of all refuse, faeces and food waste daily in a manner approved by the local government; and
- (c) take all practical measures for the destruction of fleas, flies and other vermin.

3.7 Limit on number and breed of dogs

A person who conducts an approved kennel establishment shall not keep or permit to be kept thereon more than the number of dogs specified in the licence or dogs of a breed different to the breed or breeds (if any) specified in the licence without the written approval of the local government.

3.8 Kennel establishment requirements

Dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question, be sufficiently secured, sited and maintained to a standard not less than the following:

- (a) each kennel shall have an adjacent yard;
- (b) each kennel and each yard and every part thereof shall be at a distance of not less than 15 metres from the boundaries of the land in the occupation of the occupier;
- (c) each kennel and each yard and every part thereof shall be at a distance of not less than 24 metres from the front road or street;
- (d) each kennel and each yard and every part thereof shall be at a distance of not less than 10 metres from any dwelling house;
- (e) each yard shall be secured with a fence not less than 1.8 metres in height;
- (f) the upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface and shall have a fall of not less than 1 in 100. The entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the health requirements of the local government;

- (g) the floor of any yard shall be constructed in the same manner as the floor of any kennel and as provided in paragraph (f);
- (h) for each dog kept therein every kennel shall have not less than 1.8m^2 of floor space and every yard not less than 2.5m^2 ;
- (i) all kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and cleaned and disinfected when so ordered by a person authorised by the local government.

Part 4 – Cats

4.1 Keeping of cats

- (1) Subject to sub-clauses (2) and (3), the owners or occupiers of a property shall not permit more than 3 cats over the age of 3 months to be kept on that property.
- (2) A person who breeds cats may, with the written approval of the local government, keep up to 6 adult breeding cats on a property in the district, subject to:
 - (a) each cat being permanently confined in an effective cage system on the property; and
 - (b) under such terms and conditions that may be imposed by the local government from time to time.
- (3) A person may keep more than 3 cats over the age of 3 months in any commercial area or industrial area, if the owner or occupier of such lot has:
 - (a) obtained written approval from the local government to establish a cattery;
 - (b) paid to the local government, the annual fee for registration and certification of the premises as a cattery;

(The annual registration and certification fee shall be due each June 30th, except for the first issue which may be paid on a pro-rata basis.)

 - (c) provided for each cat on the lot, a properly constructed shelter with an enclosure, which complies with the following specifications:
 - i. a floor area of not less than 0.56m^2 for each cat;
 - ii. the area of the enclosure adjacent to any shelter or group of shelters forming a cattery shall be at least 3 times the area of the shelter or the group of shelters;
 - iii. no shelter or enclosure shall be closer than 9 meters from the boundary of the lot of the keeper or any other building on the property of the keeper; and
 - iv. all enclosures, yards, runs and shelters within a cattery shall be maintained in a clean condition and shall be cleaned, disinfected or otherwise dealt with as an environmental health officer may direct.
- (4) A registration issued by the local government shall lapse upon the keeper vacating the premises although a transfer of the registration may be effected if the cattery operation remains continuous and the approved transfer fee is paid to the

local government.

4.2 Cat prohibited areas

- (1) The local government may make a determination in accordance with clause 11.2 to designate land as an area on which cats are prohibited from entering or remaining.
- (2) In designating land for the purpose of subclause (1), the local government may have regard to the following matters in relation to the land –
 - (a) whether the land is greater than 1 hectare in area;
 - (b) the nature of the fauna on the land;
 - (c) the nature of the vegetation on the land;
 - (d) whether the land has been recognised by any authority as having vegetation or fauna of local, regional or State significant; and
 - (e) whether the land is land to which the *Conservation and Land Management Act 1984* applies under section 5 of that Act;
- (3) A cat shall not be in a Cat Prohibited Area.
- (4) If a cat is at any time in a Cat Prohibited Area, the keeper of the cat at that time commits an offence, and the cat may be impounded pursuant to section 3.37 of the Act and regulation 29(1a) of the *Local Government (Functions and General) Regulations 1996*, unless the keeper of the cat has first obtained written authorisation from the local government.

4.3 Control of cats

- (1) A cat shall not be in a place that is not a public place unless consent to its being there has been given –
 - (a) by the occupier or a person apparently authorised to consent on behalf of the occupier;
 - (b) if the place is unoccupied, by the owner or a person apparently authorised to consent on behalf of the owner.
- (2) If a cat is at any time in a place in contravention of subclause (1), the keeper of the cat commits an offence and the cat may be impounded pursuant to section 3.37 of the Act and regulation 29(1a) of the *Local Government (Functions and General) Regulations 1996*.

Part 5 – Livestock

5.1 Livestock not to stray

The owner or person in charge of livestock shall not permit that livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

5.2 Property to be fenced

The owner or occupier of a property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.

5.3 Livestock may be impounded

- (1) An authorised person may impound livestock found straying in contravention of clause 5.1.
- (2) Livestock being impounded shall be placed in:
 - (a) a pound established and maintained by the local government; or
 - (b) a secured portion of private property with the consent of the property owner.

5.4 Horse exercise area

- (1) The local government may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive a horse or into which a person may bring a horse.
- (2) A person shall not ride, drive or bring a horse onto any reserve or foreshore or any part thereof that has not been set aside for that purpose.
- (3) A person shall not ride, drive, exercise or train a horse on any part of a reserve or foreshore set aside under subsection (1), faster than walking pace or in a manner so as to create a danger or become a nuisance to the public or to any person.
- (4) A person may only ride, drive or bring a horse onto a designated horse exercise area between the times of midnight and midday, Monday to Saturday.
- (5) A person may exercise a dog on an area of reserve or foreshore set aside as a horse exercise area provided the dog remains under full control on a leash during the times set out in subclause (4). A dog may be exercised within a designated horse exercise area off leash at all other times.
- (6) All that section of Foreshore Reserve 47831 as specified in Schedule 2, is a designated horse exercise area.

Part 6 – Pigeons**6.1 Certificate of registration**

- (1) A person shall not keep pigeons on any land in the district without having first obtained a certificate of registration from the local government.
- (2) A certificate of registration shall be valid from its date of issue until the next 30 June.

6.2 Restrictions on pigeon and dove nesting or perching

- (1) An environmental health officer may order an owner or occupier of premises in or on which pigeons or doves are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier must comply with an order made under this clause.

6.3 Application for certificate of registration

An application for certificate of registration shall be:

- (1) lodged by the applicant on the form approved by the local government from time to time.
- (2) in the case of an initial application or where any variations to the original application are required, lodged with specifications, site and construction plans of proposed cages, enclosure or lofts; and
- (3) lodged with the registration fee set by the local government.

6.4 Adjoining owners to be consulted

Prior to granting any certificate of registration on an initial application, the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

6.5 Approval limitations

- (1) Pigeons shall not be kept within a caravan park or on any land on which is situated a group dwelling or multiple dwellings except for land on which 2 grouped dwellings are permitted; and
- (2) Unless previously approved by the local government prior to this local law coming into effect, pigeons shall not be kept on any land which has an area of less than 600m².

6.6 Duties of certificate holder

The holder of a certificate of registration to keep pigeons shall:

- (a) keep all pigeons confined continuously in cages, enclosures and lofts approved by the local government except that homing pigeons and racing pigeons registered in accordance with this local law may be released in accordance with this local law;
- (b) keep all cages, enclosures, lofts and their immediate surrounds clean and maintained in good order and condition at all times and the minimum standard to be adhered to shall be that which is specified in the Code of Practice; and
- (c) dispose of all loft litter by immediate burial or by being bagged and deposited in a household rubbish bin to ensure no nuisance occurs.

6.7 Limit on number of pigeons

- (1) Subject to subclause (2), the maximum number of pigeons which shall be kept on land the subject of a certificate of registration pursuant to each certificate of registration shall not exceed 20, excluding young birds.
- (2) A person who on or before 30 June each year produces to the local government, satisfactory proof that the person is a current financial member of a recognised incorporated racing pigeon body, or is a registered pigeon fancier, may be permitted by the local government to keep up to 150 pigeons, excluding young birds, in any residential area.

6.8 Cage, enclosure or loft requirements

- (1) An approved cage, enclosure or loft used to house pigeons shall aesthetically blend with its surrounds, be constructed of new materials and shall be constructed to the following minimum requirements:
 - (a) the base floor of any loft shall be constructed of a suitable impervious material as approved by an environmental health officer;
 - (b) in the case of an elevated loft the suspended floor shall be constructed and maintained in accordance with the requirements in the Code of Practice;
 - (c) cladding of a loft, including the roof shall be of smooth fibro cement sheeting, sheet metal or other smooth material;
 - (d) except as provided in paragraph (e), a loft height shall not exceed 2.4 metres at any point when measured from ground level; and
 - (e) where a loft has a gable roof the loft height shall not exceed 3 metres at any point when measured from ground level.
- (2) A cage, enclosure or loft shall not be located nearer than:
 - (a) 1.2 metres from the boundary of any land adjacent to the land, the subject of an application;
 - (b) 9 metres from any dwelling house, church, school room, hall, factory, dairy or food premises; or
 - (c) 9 metres from any road reserve or street.

6.9 Exercise of pigeons

- (1) A person who is approved to keep registered homing pigeons or racing pigeons may only release such homing pigeons or racing pigeons for exercise between the hours set out in the Code of Practice, unless otherwise authorised by the local government.
- (2) A person shall not release more than 60 registered homing or racing pigeons may be released for exercise or training at any one time.

6.10 Alteration, cancellation or refusal of certificate of registration

- (1) At any time the local government may amend the conditions contained in or relating to a certificate of registration and without limiting the generality of the same, where any complaint of a nuisance is received, the local government may vary the hours for release of pigeons and impose any other conditions deemed necessary to minimise any nuisance from the keeping of pigeons or any associated activity.
- (2) The local government may cancel, refuse to approve or refuse to renew a certificate of registration for any one or more of the following reasons:
 - (a) the land is not maintained in accordance with this local law;
 - (b) the cages, enclosures or loft have fallen into disrepair, are unclean or infested with vectors of disease;
 - (c) the pigeons are being released outside the times permitted in clause 6.9;
 - (d) a condition imposed in accordance with this local law or a certificate of registration has not been complied with in the time limits set out for doing so;
 - (e) the applicant or holder of the certificate of registration as the case may be,

- (f) has two or more convictions under this local law; or
non payment of registration fees.

Part 7 – Bees

7.1 Definitions

In this Part -

bee means an insect belonging to the super family Apoidea (Order: Hymenoptera), commonly known as a bee;

beehive means a moveable or fixed structure, container or object, either standing alone or in a group of 2 or more, which contains a bees nest and in which bees are kept;

permit means a permit issued under this Part and includes the conditions (if any) to which that permit is subject; and

permit holder means a person who holds a valid permit.

7.2 Limit on beehives

A person must not keep or permit to be kept on any land a beehive -

- (a) without obtaining a permit from the City; and
- (b) except in accordance with a valid permit issued in relation to that land.

7.3 Application for a permit

(1) An application for a permit must –

- (a) be in the form determined by the City;
- (b) include –
 - (i) a site plan detailing the proposed location of the beehive or beehives and any significant structures, barriers or water sources on the land, and potential flight paths for bees; and
 - (ii) any further information that may be required by the City; and
- (c) pay any application fee imposed by the City under sections 6.16 – 6.19 of the Act.

(2) On an application for a permit under subclause 7.3(1) the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned or occupied by the applicant.

7.4 Determining an application

(1) The City may refuse to consider an application that does not comply with clause 7.3(1).

(2) The City may –

- (a) approve an application, subject to any conditions that it considers to be appropriate; or

- (b) refuse an application.
- (3) If the City approves an application, it is to issue to the applicant a permit in the form determined by the City.
- (4) The City may vary a condition to which a permit is subject by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.
- (5) A permit holder must comply with each condition to which the permit is subject including any varied condition under subclause (4).
- (6) A permit is valid from the date of issue until it is cancelled under this local law.
- (7) A permit is personal to the permit holder and applies only to the land described in the permit.

7.5 Cancellation of a permit

The City may cancel a permit if –

- (a) the permit holder requests the City to do so;
- (b) 12 continuous months elapse during which the permit holder has not kept any bees on the land to which the permit applies; or
- (c) the permit holder fails to comply with a notice under clause 7.7 within the time specified in the notice or commits any other offence under this local law.

7.6 General conditions for keeping beehives

A permit issued under this Part may include, but not limited to, one or more of the following conditions –

- (a) the beehive is to be maintained in a clean and tidy condition;
- (b) the beehive is screened or positioned in such a manner as to ensure, as far as practicable, that the bees do not create a nuisance or threat to people in the locality or the public in general;
- (c) the flight path of any bees entering or exiting the land from the beehive is to be at least 2 metres above natural ground level;
- (d) the continual provision of an adequate water supply on the land for the bees; or
- (e) any maintenance or activities relating to a beehive, including but not limited to the collection of honey, is carried out at such times as to not create a nuisance.

7.7 Notice to remove

- (1) If, in the opinion of an environmental health officer, bees on any land (whether or not the subject of a permit) are likely to endanger the safety of any person or create a serious public nuisance, the environmental health officer may give to the owner or occupier of that land a written notice requiring the owner or occupier (as the case may be) to remove the bees before the date specified in the notice.
- (2) If, in the opinion of an environmental health officer, a person has breached a provision of this local law, an environmental health officer may give to that person a written notice requiring him or her to remedy that breach before the date specified in the notice.

Part 8 – Animals, Birds and Poultry

8.1 General

The owner or occupier of a premises where a dog, cat or other animal is kept shall:

- (a) keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rats, vermin or insects;
- (b) when so directed by an environmental health officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free of flies and when directed by an environmental health officer, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

8.2 Keeping of large animals

An owner or occupier of a premises shall:

- (a) not keep a large animal on any land less than 2000m² in area;
- (b) not permit any large animal to approach within 9 metres of a habitable room, shop, church or any premises where food is stored, manufactured or sold.

8.3 Keeping a miniature horse

- (1) An owner or occupier of a premises may keep a sterilised miniature horse on land of not less than 1000m² in area, provided it is registered with the local government and the approved annual registration fee is paid.
- (2) An owner or occupier of a premises shall:
 - (a) not keep more than one miniature horse on land without the written approval of the local government; and
 - (b) not permit a miniature horse within 9 metres of any house.
- (3) The local government may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

8.4 Keeping of pigs

- (1) Subject to clause 8.4(2) a person shall not keep a pig on any land within the district.
- (2) A person may keep 1 miniature pig on land provided it is registered with the local government and the approved annual registration fee is paid.
- (3) On land zoned residential, the occupier of any premises where a miniature pig is kept shall:
 - (a) only keep a sterilised animal and retain written proof of its sterilisation;
 - (b) confine the animal on the property at all times;
 - (c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust or odour; and
 - (d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tape worm is current.

8.5 Stables

- (1) The owner or occupier of any land where a stable is erected shall:

- (a) not permit a stable within 9 metres of a house or other building;
- (b) have a floor area of 6m² per animal;
- (c) ensure the stable has walls and a roof, constructed of impervious material;
- (d) have on all sides of the building between the walls and the roof, a clear opening of at least 50 millimetres in height; and
- (e) provide a floor, which shall have an upper surface:
 - i. at least 75 millimetres above the ground; and
 - ii. be constructed of cement, concrete, compacted limestone or similar approved material.
- (2) The owner or occupier of a premises where a stable is located shall:
 - (a) keep all parts of the stable free from flies; and
 - (b) when directed by an environmental health officer, spray the stable, or such parts as may be indicated, with a residual insecticide.

8.6 Stablehand room

The owner or occupier of a premises shall not permit a habitable room, including a stablehand's room, to open directly into a stable area.

8.7 Manure receptacle

An owner or occupier of a premises where a large animal, miniature horse or miniature pig is kept shall:

- (a) provide in a convenient position, an impervious receptacle with a tight fitting lid, for storage of manure;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and more often as necessary to prevent it becoming offensive or a breeding place for flies or other insects; and
- (d) cause all manure produced on the premises to be collected daily and placed in the receptacle.

8.8 Keeping of ostrich or emu

A person shall not keep an ostrich or emu on any land within the district.

8.9 Keeping poultry

- (1) A person shall not keep or suffer to remain on any land within the district a rooster, turkey, goose or geese, peacock or a peahen.
- (2) Notwithstanding sub-clause 8.9(1), the owner or occupier of land within the district shall not keep thereon or permit to be kept thereon any poultry otherwise than under the following conditions:
 - (a) no poultry is able to approach within 9 metres of a dwelling or within 1 metre from a boundary of the lot;
 - (b) poultry must be provided a shed or hut designed to permit a deep litter system in accordance with the following specifications:
 - i. the floor shall be concrete, brick paving, compressed limestone or any other suitable impervious surface;
 - ii. frames shall be of timber, steel, brick or other approved material;

- iii. cladding shall be of sheet metal, brick, weatherboard or other materials approved by an environmental health officer;
 - iv. the roof shall have sufficient slope to shed storm water;
 - v. the poultry shed to be constructed in a sound and weatherproof manner and to be between 1.5m to 2.0 m in height;
 - vi. provision must be made for adequate ventilation to the shed during hot weather;
 - vii. the minimum size of any shed must allow for at least 0.3m² for each and every bird kept therein;
 - viii. the roof, walls, floor, doors and ventilating panels must be maintained in good order and condition at all times;
 - ix. the floor must be covered with a layer of dry sand or sawdust at least 75 millimetres deep; and
 - x. the sawdust or sand must be kept dry at all times and be changed at least once every 6 months or when directed by an environmental health officer.
- (3) A person shall not permit a poultry shed to be nearer than 1 metre from the boundary of land in other occupation or 9 metres from any dwelling house or street.
- (4) A person shall not keep more than 6 poultry (including a maximum of 2 ducks) in any residential area.

Part 9 – Miscellaneous

9.1 False or misleading statement

A person shall not make a false or misleading statement in connection with any application, requirement or demand under this local law.

9.2 Fees and charges

All fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

9.3 Limit on liability

A person, owner, occupier or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to enter the land and carry out all or part of the works and do all things necessary that the owner, occupier or licensee was required to do to comply with this local law.

9.4 Objections and review

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to –

- (a) refuse an application for a licence;
- (b) impose or vary a condition of a licence; or
- (c) revoke a licence.

Part 10 – Enforcement

10.1 Offences

- (1) Any 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) An offence against a clause specified in Schedule 1 of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

10.2 Infringement and infringement withdrawal notices

For the purposes of this local law:

- (a) the form of the infringement notice referred to in section 9.17 of the Act is Form 2 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*.

10.3 Offences description and modified penalty

The amount appearing in the final column of Schedule 1 directly opposite an offence described in that Schedule is the modified penalty for that offence.

10.4 Prosecution for offences

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in the relevant Court.

Part 11 – Determinations

11.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 11.2 –
 - (a) Prohibiting cats in certain areas in accordance with clause 4.2.
 - (b) Setting aside specified local government property for the pursuit of horse exercise in accordance with clause 5.4.

11.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –

- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected at or obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause 2(c), the Council is to –
 - (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice -
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination is to have effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

11.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

11.4 Determination to be complied with

A person shall comply with a determination.

11.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 11.1, and of any amendments to or revocations of determinations made under clause 11.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

11.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 11.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

SCHEDULE 1**CITY OF JOONDALUP ANIMALS LOCAL LAW 2024****PRESCRIBED OFFENCES**

Item No	Clause No	Nature of Offence	Modified Penalty \$
	2.4	Permitting a dog to be in a public building, shop or business premises	100
	2.5	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100
	2.6(1)	Failing to install and maintain a fence capable of confining a dog to the premises	100
	2.6(2)	Fence not adequate to confine dog of the species, age, size and physical condition to the premises	100
	2.7	Keeping more than permitted number of dogs without approval	100
	3.1	Keeping a kennel establishment without a licence	100
	3.6(a)	Failing to maintain establishment in a clean, sanitary and tidy condition	100
	3.6(b)	Failing to dispose of refuse, faeces and food waste daily in approved manner	100
	3.6(c)	Failing to take practical measures to destroy fleas, flies and other vermin	100
	3.7	Keeping a greater number or breed of dogs than specified in the licence	100
	4.1(1)	Keeping more than 3 cats over three months	100
	4.1(2)	Keeping more than 3 adult cats for breeding without written approval of the local government	100
	4.1(2)(a)	Failing to confine cats in effective cage system on the property	100
	4.1(2)(b)	Failing to comply with conditions imposed by the local government	100
	4.1(3)(a)	Keeping more than 3 cats over 3 months in, commercial area or industrial area without approval to establish a cattery	100
	4.1(3)(b)	Failing to pay the annual registration and certification fee for a cattery	100
	4.1(3)(c)	Failing to provide for each cat a properly constructed shelter/enclosure to comply with specifications	100
	4.2 (3)	Cat in Cat Prohibited Area.	100

City of Joondalup

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	4.3 (1)	Cat in place that is not a public place	100
	5.1	Permitting livestock to stray or be at large in a street, public place or private property without consent	100
	5.2	Failing to keep property fenced in a manner capable of confining livestock	100
	5.4(2)	Riding, driving or bringing an animal onto a reserve or foreshore not set aside for the purpose	100
	5.4(3)	Riding, driving, exercising or training an animal on a reserve or foreshore so as to create a danger or cause a nuisance	100
	5.4(4)	Riding, driving or bringing an animal on to a reserve or foreshore set aside for exercise of dogs	100
	6.1	Keeping of pigeons without approval	100
	6.2(2)	Failing to comply with an order to prevent the nesting or perching of pigeons or doves	100
	6.5(1)	Keeping of pigeons within:	100
		a caravan park;	100
		a grouped dwelling (not being one of only two grouped dwellings)	100
	6.6(b)	Failing to keep cages, enclosures and lofts maintained to minimum standard specified in Code of Practice	100
	6.6(c)	Failing to dispose of loft litter in approved manner to ensure no nuisance occurs	100
	6.7(1)	Keeping more than 20 pigeons for each Certificate of Registration	100
	6.7(2)	Keeping more than maximum number of birds approved	100
	6.9(1)	Releasing registered pigeons outside hours permitted	100
	6.9(2)	Releasing more than 60 pigeons for exercise or training at any one time	100
	7.2	Keeping a beehive without a valid permit	100
	7.6	Failing to comply with a condition of a permit	100
	7.7(2)	Failing to remedy breach in notice	100
	8.1(a)	Failing to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, attract rats, vermin or insects	100
	8.1(b)	Failing to clean and disinfect premises when directed by an environmental health officer	100
	8.1(c)	Failing to keep premise free of flies or when directed, spray premises with residual insecticide to kill or repel flies	100
	8.2(a)	Keeping a large animal on land less than 2,000m ² in area	100

	8.2(b)	Permitting a large animal to approach within 9 metres of habitable room, shop, church, or any premises where food is stored, manufactured or sold	100
	8.3(1)	Keeping a sterilised miniature horse on land less than 1,000m ² not registered with local government and registration fee paid	100
	8.3(2)(a)	Keeping more than one miniature horse on land zoned residential without approval	100
	8.3(2)(b)	Permitting a miniature horse within 9 metres of a house	100
	8.4(1)	Keeping a pig on any land throughout the district	100
	8.4(4)	Keeping an unregistered miniature pig in residential area and/or not pay registration fee	100
	8.4(5)(a)	Keeping an unsterilised miniature pig or failing to retain written proof of its sterilisation	100
	8.4(5)(b)	Failing to confine animal on property at all times	100
	8.4(5)(c)	Failing to ensure animal does not cause a nuisance to any neighbour through noise, dust or odour	100
	8.4(5)(d)	Failing to maintain documentary evidence that an animal's veterinary treatment against roundworm and tapeworm is current	100
	8.5(1)(a)	Permitting a stable within 9 metres of house or other building	100
	8.5(1)(b)	Failing to have stable floor area of 6m ² per animal	100
	8.5(1)(c)	Failing to have stable floor or roof constructed of impervious material	100
	8.5(1)(d)	Failing to have on all sides of stable building clear opening 50mm in height between all walls and roof	100
	8.5(1)(e)(i)	Failing to have upper surface of stable floor at least 75mm above ground	100
	8.5(1)(e)(ii)	Failing to have upper surface of stable floor constructed of cement, concrete, compacted limestone or approved material	100
	8.5(2)(a)	Failing to keep stable free from flies	100
	8.5(2)(b)	Failing to spray stable with residual insecticide when directed by environmental health officer	100
	8.6	Permitting a habitable room including a stablehand's room to open directly into a stable	100
	8.7(a)	Failing to provide in convenient position, an impervious receptacle with tight fitting lid, for manure	100
	8.7(b)	Failing to keep lid of manure receptacle closed except when manure being deposited or removed	100
	8.7(c)	Failing to empty manure receptacle to prevent it becoming offensive or breeding place for flies	100
	8.7(d)	Failing to collect all manure produced on premises and place in receptacle	100
	8.8	Keeping an ostrich or emu on any land throughout the district	100

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	8.9(1)	Keeping a rooster, turkey, goose or geese, peacock or a peahen on any land throughout the district	100
	8.9(2)	Keeping or permitting to be kept poultry, not in accordance with conditions of local law	100
	8.9(3)	Constructing or permitting a poultry shed to be nearer than 1m from boundary of occupied land or 9m from any dwelling or street	100
	8.9(4)	Keeping more than 6 poultry (including maximum 2 ducks) in any residential area	100
		Other offences not specified	100

City of Joondalup

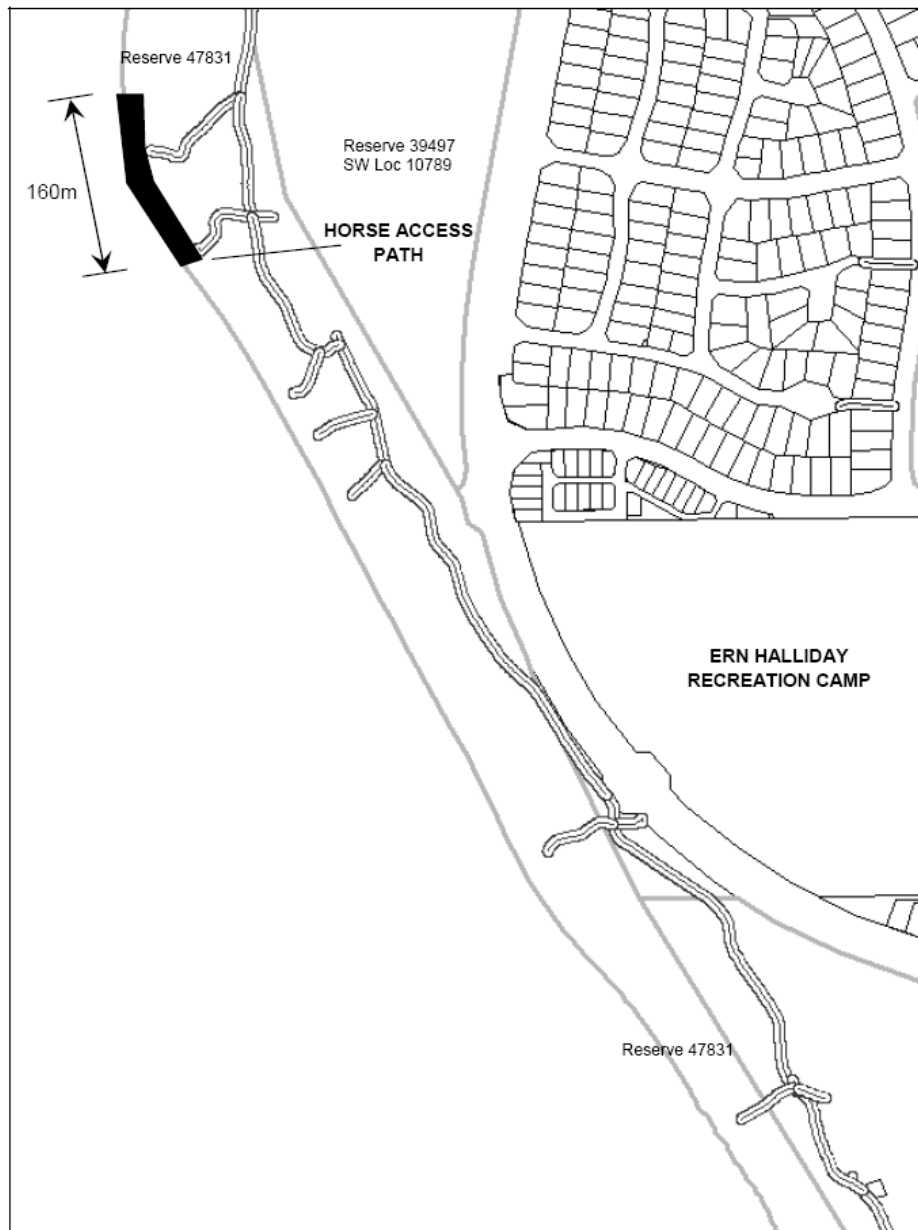
Animals Local Law 2024

SCHEDULE 2

CITY OF JOONDALUP ANIMALS LOCAL LAW 2024

RESTRICTED HORSE AREA

All that area of the Foreshore Reserve 47831 as shown delineated in black on Diagram 1 - Horse Exercise Area, from the constructed horse access path northwards for a distance of 160 metres as designated by signs.

DIAGRAM 1 – RESTRICTED HORSE EXERCISE AREA

City of JoondalupAnimals Local Law 2024**SCHEDULE 3****Form 1*****Dog Act 1976*****CITY OF JOONDALUP****ANIMALS LOCAL LAW 2024****NOTICE OF INTENTION TO MAKE APPLICATION FOR KENNEL LICENCE**

To Owners and Occupiers of

In accordance with Clause 16 (b) of the City of Joondalup Animals Local Law 1999, I advise my intention to make application to the City for an Approved Kennel Establishment Licence.

The issue of an Approved Kennel Establishment Licence is subject to compliance with the provisions of the abovementioned local law.

The land subject of this application is:

.....
(insert address of proposed Kennel Establishment)

Please note any interested person may within 21 days of the date of this advice object to or make representations in respect of the application in writing directly to the:

Chief Executive Officer
City of Joondalup

.....
Name and Signature of Applicant

.....
Date

City of JoondalupAnimals Local Law 2024**Form 2*****Dog Act 1976*****CITY OF JOONDALUP
ANIMALS LOCAL LAW 2024****APPLICATION FOR LICENCE OR RENEWAL OF LICENCE
TO KEEP APPROVED KENNEL ESTABLISHMENT**

In accordance with the *Dog Act 1976*, and the local laws of the City of Joondalup:

I/We (full name)

of

hereby apply for a licence/the renewal of a licence (strike out whichever is not applicable) to keep an approved kennel establishment at:

.....

Attached hereto are:

- (a) a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;
- (b) plans and specifications of the kennels;
- (c) evidence that due notice of the proposed use of the premises has been given to persons in the locality;
- (d) particulars of the number and breed of dogs to be kept in the kennels;
- (e) a remittance for the fee of \$.....

Dated the day of.....20.....

Signature of Applicant

Note: Items (a), (b), (c) and (d) may be struck out if the application is for the renewal of a licence and if no change has been made since the previous application.

City of Joondalup

Animals Local Law 2024

Form 3

Dog Act 1976

**CITY OF JOONDALUP
ANIMALS LOCAL LAW 2024**

LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT

..... is/are the holder(s) of a
licence to keep an approved kennel establishment at
..... for dogs
of breed(s).

This licence has effect for a period of 12 months from the date hereof.

Dated the day of20

.....
Chief Executive Officer

City of Joondalup

Animals Local Law 2024

Dated xxxx of xxxx

The Common Seal of the City of Joondalup)
was affixed by authority of a resolution)
of the Council in the presence of)

.....

HON. ALBERT JACOB, JP
MAYOR

.....

JAMES PEARSON
CHIEF EXECUTIVE OFFICER



Groundwater Use Council Policy

Responsible directorate: Governance and Strategy

Objective: To manage groundwater use to protect environmental, social and economic values.

1. Application:

The Groundwater Use Council Policy applies to all aspects of the City's groundwater usage across public open spaces.

2. Definitions:

"groundwater" means water that is found below the earth's surface and is stored in the cracks and spaces in soil, sand, and porous rocks, called aquifers. Most groundwater comes from rain that has infiltrated through the ground and has accumulated over many thousands of years.

"scheme water" means water supplied by licenced and regulated public drinking water provider systems.

3. Statement:

The City relies primarily on groundwater and secondarily on scheme water to irrigate its public open spaces and is committed to irrigating in the most efficient manner to balance sustainable water use with meeting community expectations for green public open spaces. The City manages groundwater use in accordance with State government groundwater licence allocations to ensure sustainable water management.

The City recognises that:

- groundwater is a precious resource that is used to maintain the quality and amenity of the City's public open spaces
- groundwater is a natural source of water that is usually good quality, easily accessible and the lowest cost source that provides substantial public benefits
- groundwater sustains many environmentally significant dependent ecosystems including natural wetland systems

- climate change is likely to impact on future groundwater usage limits
- a higher rate of water usage is required for maintenance of Sports Parks, as per the classification of public open space in the Public Open Space Framework
- there are costs for infrastructure required to deliver groundwater for the City.

4. Details:

The City will achieve sustainable management of groundwater use by:

- aiming to adhere to the annual groundwater licence allocations from State Government authorities under the *Rights in Water and Irrigation Act 1914*
- managing the metering, monitoring and reporting of groundwater use in accordance with the groundwater licence and all other legislative requirements
- using fit for purpose water sources to maintain the City's public open spaces depending on needs, amenity and public use requirements
- providing appropriate operational and capital budgets to develop and maintain the City's irrigation infrastructure network in optimal condition
- participating in the Waterwise Council Program and implementation of the Waterwise Council Action Plan to continue to improve water efficiency and waterwise practices
- annual reporting of the City's groundwater use through the Annual Report and State of the Environment Report.

Creation date: January 2024 <report ref>

Formerly:

Amendments:

Last reviewed: January 2024 <report ref>

Related documentation:

- Rights in Water and Irrigation Act 1914
- Rights in Water and Irrigation Regulations 2000
- State Planning Policy 2.9 Water Resources
- Gnangara Groundwater Allocation Plan
- Environment Plan
- Public Open Space Framework

File reference: 78616

Disclosures of Interest affecting Impartiality

Name / Position	Cr Daniel Kingston.
Item No. / Subject	CJ078-05/23 - Groundwater Use Policy – Request for a Report.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor Kingston is secretary of Friends of Yellagonga which has an interest in water management in the district.

Name / Position	Cr John Logan.
Item No. / Subject	CJ078-05/23 - Groundwater Use Policy – Request for a Report.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Councillor Logan is a member of the Friends of Yellagonga which take an active interest in water management in the City of Joondalup.

CJ078-05/23 GROUNDWATER USE POLICY – REQUEST FOR A REPORT

WARD	All
RESPONSIBLE A/DIRECTOR	Mrs Simone Holmes-Cavanagh Governance and Strategy
FILE NUMBER	101515, 78616
ATTACHMENTS	Nil
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting, and amending budgets.

PURPOSE

To provide Council with information relating to the City's management of groundwater following a request for the City to develop a groundwater use policy that covers all aspects of the City's groundwater use.

EXECUTIVE SUMMARY

At the Policy Committee meeting held on 31 October 2022, Item 2 under the 'Request for Reports for Future Consideration' section was the following request by Cr Raftis:

"That the City develop a groundwater use policy to cover all aspects of the City's use of that resource, noting that:

- *groundwater is a precious resource vital to the cost-effective delivery of City facilities, parks and reserves*
- *there are annual usage limits imposed on the City by the state government authorities*
- *the likely impact of climate change on future groundwater usage limits*
- *the opportunity costs of all groundwater utilisation, particularly given the City is now utilising paid scheme water in some City parks and reserves*
- *the additional higher usage for sporting fields as against other parks/reserves*

- *a detailed reporting structure to Council of the water usage across all aspects of the City*
- *the costs of infrastructure required to deliver the groundwater for the City, e.g. bore establishment and maintenance costs, applicable employment costs, utility costs (power)."*

The City uses groundwater from the Gnangara groundwater system to irrigate parks, public open spaces and sports fields. The City is committed to improving groundwater efficiency and reducing use, however is required to balance reducing water use with meeting community expectations for green, irrigated public open spaces.

There are State-level strategic programs in place to monitor, manage and improve efficiencies of the City's groundwater use as a part of the Department of Water and Environmental Regulation's groundwater licence compliance requirements and the City being a part of the Waterwise Council Program. In addition, the City has existing policy direction in relation to water use through the City's Environment Plan and this will be reviewed and updated through the development of the new Environment Strategy.

It is therefore recommended that Council:

- 1 *NOTES that the Department of Water and Environmental Regulation control and licence all groundwater use by the City;*
- 2 *NOTES that the City manages groundwater use in accordance with Department of Water and Environmental Regulation licence requirements, which includes metering, monitoring and of reporting groundwater use;*
- 3 *NOTES that the City is a member of the Waterwise Council Program and collects groundwater use data, implements water conservation actions and reports to the Department of Water and Environmental Regulation and Water Corporation annually;*
- 4 *DOES NOT SUPPORT the development of a Groundwater Use Policy due to there being sufficient State-level statutory and strategic groundwater programs in place to manage the City's groundwater use.*

BACKGROUND

At the Policy Committee meeting held on 31 October 2022, Item 2 under the 'Request for Reports for Future Consideration' section was the following request by Cr Raftis.

"That the City develop a groundwater use policy to cover all aspects of the City's use of that resource, noting that:

- *groundwater is a precious resource vital to the cost-effective delivery of City facilities, parks and reserves*
- *there are annual usage limits imposed on the City by the state government authorities*
- *the likely impact of climate change on future groundwater usage limits*
- *the opportunity costs of all groundwater utilisation, particularly given the City is now utilising paid scheme water in some City parks and reserves*
- *the additional higher usage for sporting fields as against other parks/reserves*
- *a detailed reporting structure to Council of the water usage across all aspects of the City*
- *the costs of infrastructure required to deliver the groundwater for the City, e.g. bore establishment and maintenance costs, applicable employment costs, utility costs (power)."*

The City uses groundwater to irrigate the majority of its parks, sporting fields and public open spaces. Groundwater is the most cost-effective option for irrigation water when compared to other water sources such as scheme water.

The groundwater used by the City is abstracted from the superficial (surface) aquifer of the Gngara groundwater system. The Gngara groundwater system supports native vegetation and wetlands and provides groundwater to thousands of users across the North Metropolitan Area. The groundwater levels in the Gngara groundwater system have declined significantly over the last decade, due to over-abstraction and climate change impacts.

DETAILS

The City recognises the importance of the sustainable use of water within its operations and facilities, and the need to promote water conservation and water efficiency within the community. Sustainable water management is an important issue for the City of Joondalup and the need to balance provision of water services for the community with the protection of water resources is becoming even more vital in a drying climate.

As a Local Government, the City relies heavily on both scheme and groundwater resources. Scheme water is used within the City's buildings and facilities whilst groundwater is utilised for the irrigation of parks and reserves managed by the City. As water availability decreases due to competing uses, population growth and climate change, the City is continuing to take steps to use water resources in a sustainable manner while delivering adequate services and facilities for the community.

The City has demonstrated a commitment to sustainable water management by developing and implementing a *City Water Plan 2016 – 2021* and Waterwise Council Action Plan and by joining the Waterwise Council Program to further increase the capacity of the City to use and manage water resources in a more efficient way. The City first joined the Waterwise Council Program in 2010/11 and became a '10 year Waterwise Council' in 2020/21. The City has had continual endorsement as a Gold Waterwise Council since 2015/16. In 2022 the City was recognised as WA's Platinum Waterwise Council of the Year.

There are a number of statutory and policy measures in place that provide direction to how the City manages use of groundwater resources.

State Regulation and Policy

Groundwater Licencing

The Department of Water and Environmental Regulation issues licences and permits under the *Rights in Water and Irrigation Act 1914*. Groundwater licences include conditions and annual allocation limits. The City's current combined groundwater licence allocation is a total of 4,169,834 kL per annum.

Metering and Reporting

Under Regulation 41C of the *Rights in Water and Irrigation Regulations 2000* (Metering Regulations) and in line with the statewide policy – Measuring the taking of water (DoW 2016), all licensees in the plan area with an annual water entitlement equal to or greater than 10,000 kilolitres a year (kL/year) must meter their water use and submit metering data to Department of Water and Environmental Regulation through their Water Online system.

The City's groundwater use data is analysed, monitored and reported regularly to ensure the City's groundwater use complies with the licence conditions and any high-water use sites are identified and investigated.

Gnangara Groundwater Allocation Plan

The Minister for Water approved the *Gnangara Groundwater Allocation Plan* in 2022 which aims to bring the Gnangara groundwater system back to a better, more sustainable condition by reducing total abstraction by 54 GL/year. This will result in a reduction of the City's groundwater licences by 10% by 2028. Department of Water and Environmental Regulation is committed to working with all groundwater licensees to assist them to reduce their groundwater consumption and the City is currently working with Department of Water and Environmental Regulation to develop appropriate groundwater use reduction strategies to transition to a lower groundwater allocation.

City of Joondalup Strategic Context

Environment Plan 2014 - 2019

Water management is a key theme of the City's *Environment Plan 2014 - 2019* with an overall objective to manage the City's water resources in a sustainable manner in order to decrease water consumption, increase efficiency and improve water quality.

A number of pressures to sustainable water management are discussed in the plan and several water management responses are included which have been implemented since the plan's adoption. The *Environment Plan 2014 - 2019* continues to be implemented; a new plan is in development.

City Water Plan 2016 – 2021

The City demonstrated its commitment to sustainable water management by developing the *City Water Plan 2016 – 2021* which was endorsed by Council (CJ210-12/16 refers). The City plan identifies the main water related issues impacting the City and sets objectives for scheme water and groundwater conservation, water quality and quantity improvements.

The *City Water Plan 2016 – 2021* covered eight key focus areas: water monitoring and reporting, management of wetlands and public open spaces, water sensitive urban design, contracts and purchasing, staff education and participation, community education and participation and partnership and policy. The plan utilises a project-based implementation framework and includes specific water related projects that will be implemented over the life of the Plan to achieve its stated objectives. Several water management responses were included which have been implemented since the plan's adoption.

At its meeting held on 18 April 2023 (CJ053-04/23 refers), Council resolved not to develop a new City Water Plan due to the requirement to develop a Waterwise Council Action Plan

Waterwise Council Program

The Waterwise Council Program supports local governments to improve their water efficiency and management and is run jointly between Department of Water and Environmental Regulation and the Water Corporation. The City has been an endorsed Waterwise Council since 2010/11, recognised as a Gold Waterwise Council from 2015/16 onwards. In May 2022, the Water Corporation and Department of Water and Environmental Regulation announced the City as the Platinum Waterwise Council for 2022 in recognition of the City's innovative waterwise achievements over and above Gold Waterwise Council status requirements.

The City implements a strategic water management plan through the Waterwise Council Program to analyse water use, identify opportunities to save water and outline City actions to use water more efficiently, in accordance with requirements.

Waterwise Council Action Plan

As part of the City's commitment to the Waterwise Council Program the City is required to develop an action plan to track water use and to set waterwise goals and opportunities for City facilities and the improvement of water quality. The City developed its Waterwise Council Action Plan in 2021. The overarching goals and activities within the plan align with the *City Water Plan 2016 – 2021*. The Plan will be updated following development of the City's Environment Strategy and inline with the requirements from the Water Corporation and Department of Water and Environmental Regulation.

Groundwater Monitoring and Reporting

The City collects groundwater usage data on a monthly basis and reports groundwater use data through the following mediums:

- Corporate Performance Report – Monthly briefings to the City's Executive Leadership Team, highlighting current groundwater use against licence limits.
- Annual Report.
- State of the Environment Report which is developed annually and summarises the City's groundwater use against targets.

The City is investigating the use of automated reporting from bore meters which will enable real time monitoring and reporting of groundwater use. In 2022 the Minister for Water announced funding to assist and support local governments within the Gnamptara plan area with the planning, preparation and management of parks, street trees and open spaces during the transition to the 10% reduction of groundwater entitlements in 2028. The City is eligible for funding under this program and the potential for an automated monitoring system is being considered.

City Water Use

The City's 2021/22 scheme water consumption was 98,878kL which is a 25% increase from 2020/21. This increase is attributed to several non-visible leaks detected at the City's community facilities, which have been reimbursed financially by the Water Corporation, and upgrading one dry park to scheme water irrigation to meet community expectations.

Corporate scheme water					
Year	2017-18	2018-19	2019-20	2020-21	2021-22
Consumption (kL)	89,853	80,163	73,666	78,833	98,878

Table 1: 5-year trend for corporate scheme water use.

Corporate groundwater use for 2021/22 was 4,256,201kL. This is an increase of 19% compared to the previous year (2020/21) and is 2% above the total current annual groundwater allocation limit set by the Department of Water and Environmental Regulation. This exceedance was due in part to increasing the evapotranspiration replacement percentage on irrigation parks to combat the ongoing decline in turf quality in local and neighbourhood recreation parks.

Corporate Groundwater					
Year	2017-18	2018-19	2019-20	2020-21	2021-22
Consumption (kL)	3,828,889	3,783,554	3,652,885	3,566,858	4,256,201
Department of Water and Environmental Regulation groundwater allocation limit	3,829,550	3,829,550	4,166,234	4,166,234	4,169,834

Table 1: 5-year trend for corporate groundwater use.**Issues and options considered**

With regard to developing a Groundwater Use Policy, Council has the option to:

- 1 recommend that a Groundwater Use Policy is not required, noting that groundwater use is regulated by Department of Water and Environmental Regulation and the State-level existing groundwater management programs already sufficiently manage the City's groundwater
or
- 2 request that a Groundwater Use Policy is developed.

Option 1 is the recommended option as all groundwater use is controlled and licenced by Department of Water and Environmental Regulation. As such, the City abides by all groundwater licence requirements, including metering groundwater use, collecting monthly abstraction data, analysing data and reporting. The City is also a member of the Waterwise Council Program and works with Department of Water and Environmental Regulation and Water Corporation to reduce groundwater use.

Legislation / Strategic Community Plan / Policy implications

Legislation *Rights in Water and Irrigation Act 1914.*

10-Year Strategic Community Plan

Key theme Environment.

Outcome Responsible and efficient – you benefit from a responsible and efficient use of natural resources.

Policy *Sustainability Policy.*

Risk management considerations

The City's groundwater licence is issued with conditions, including the maximum volume of water that may be abstracted annually, and any metering, monitoring, and reporting requirements. Failure to comply with the licence conditions may result in penalties, which can include the issue of an infringement notice, the cancellation, suspension or amendment of the licence, or prosecution action.

Financial / budget implications

There are currently no direct costs applied to abstract groundwater through the City's licence arrangements, however there are indirect costs to managing the groundwater use which includes labour and overheads, contracts, materials, fleet and plant and utilities (electricity). The City's revised budget for 2022/23, to maintain the irrigation infrastructure of 259 parks, with groundwater sourced from 229 bores, is estimated to cost \$2,286,335.

Regional significance

Groundwater resources are managed by State government and provide approximately 70% of all the water used in the Perth and Mandurah area, including water for drinking, industry and horticulture, almost all water used to irrigate recreational green spaces and water for gardens through domestic garden bores. Groundwater also supports the natural environment including wetlands and vegetation communities.

Sustainability implications

Over the past two decades, the impacts of climate change have significantly affected water resources in the south-west of Western Australia. A 15 per cent decline in long-term average annual rainfall has meant less rainfall runoff into Perth's dams (on average 80 per cent less than in the 1970s), but it has also reduced rainfall recharge to groundwater aquifers. Perth's rainfall is projected to continue to decline, with recent global climate change models strongly indicating that south-west Western Australia will be warmer and drier in the future.

Consultation

Not applicable.

COMMENT

The City uses groundwater for public open space irrigation and is committed to efficiently using groundwater and balancing water efficiency measures with meeting community expectations for green public open spaces.

There are State-level strategic programs in place to monitor, manage and improve efficiencies of the City's groundwater use as a part of the Department of Water and Environmental Regulation's groundwater licence compliance requirements and the City being a part of the Waterwise Council Program. In addition, the City has existing policy direction in relation to water use through the City's *Environment Plan* and this will be reviewed and updated through the development of the new Environment Strategy.

The City's groundwater use is licenced and managed by Department of Water and Environmental Regulation and the City works closely with the Department to meet groundwater licence conditions, including metering groundwater use, abstracting groundwater within licence limits and regular data collection, analysis and reporting. The City is also a Waterwise Council and works collaboratively with the Department of Water and Environmental Regulation and the Water Corporation to continuously improve water efficiency and water management.

The City is currently working closely with Department of Water and Environmental Regulation to reduce groundwater licence limits, in accordance with the *Gnangara Groundwater Allocation Plan*, which will reduce the City's groundwater allocation by 10% in 2028.

The City's groundwater use is controlled, monitored, analysed and reported under existing regulation and State-level programs which will continue to improve water efficiency measures into the future.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 8 May 2023.

The original recommendation as presented by City officers to the Committee is as follows:

That Council:

- 1 *NOTES that the Department of Water and Environmental Regulation control and licence all groundwater use by the City;*
- 2 *NOTES that the City manages groundwater use in accordance with Department of Water and Environmental Regulation licence requirements, which includes metering, monitoring and of reporting groundwater use;*
- 3 *NOTES that the City is a member of the Waterwise Council Program and collects groundwater use data, implements water conservation actions and reports to the Department of Water and Environmental Regulation and Water Corporation annually;*
- 4 *DOES NOT SUPPORT the development of a Groundwater Use Policy due to there being sufficient State-level statutory and strategic groundwater programs in place to manage the City's groundwater use.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *NOTES that the Department of Water and Environmental Regulation control and licence all groundwater use by the City;*
- 2 *NOTES that the City manages groundwater use in accordance with Department of Water and Environmental Regulation licence requirements, which includes metering, monitoring and of reporting groundwater use;*
- 3 *NOTES that the City is a member of the Waterwise Council Program and collects groundwater use data, implements water conservation actions and reports to the Department of Water and Environmental Regulation and Water Corporation annually;*
- 4 *DOES SUPPORT the development of a Groundwater Use Policy;*
- 5 *REQUESTS biannual reports on the City's water use and sustainable practices to conserve its use.*

MOVED Cr Thompson, SECONDED Cr Chester that Council:

- 1 NOTES that the Department of Water and Environmental Regulation control and licence all groundwater use by the City;**
- 2 NOTES that the City manages groundwater use in accordance with Department of Water and Environmental Regulation licence requirements, which includes metering, monitoring and of reporting groundwater use;**
- 3 NOTES that the City is a member of the Waterwise Council Program and collects groundwater use data, implements water conservation actions and reports to the Department of Water and Environmental Regulation and Water Corporation annually;**
- 4 DOES SUPPORT the development of a Groundwater Use Policy;**
- 5 REQUESTS biannual reports on the City's water use and sustainable practices to conserve its use.**

AMENDMENT Moved Cr Poliwka, SECONDED Cr Chester that the word 'biannual' in Part 5 of the Motion be AMENDED to read 'annual'.

The Amendment was Put and

CARRIED (12/0)

In favour of the Amendment: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

The Original Motion as Amended being:

That Council:

- 1 NOTES that the Department of Water and Environmental Regulation control and licence all groundwater use by the City;**
- 2 NOTES that the City manages groundwater use in accordance with Department of Water and Environmental Regulation licence requirements, which includes metering, monitoring and of reporting groundwater use;**
- 3 NOTES that the City is a member of the Waterwise Council Program and collects groundwater use data, implements water conservation actions and reports to the Department of Water and Environmental Regulation and Water Corporation annually;**
- 4 DOES SUPPORT the development of a Groundwater Use Policy;**
- 5 REQUESTS annual reports on the City's water use and sustainable practices to conserve its use.**

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Logan, May, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Cr Kingston.



Specified Area Rating Policy

Council Policy

Responsible Directorate: Corporate Services

Objective: To provide guidance on the circumstances under which a Specified Area Rate may be applied and the arrangements for the management and control the Specified Area Rate collected.

1. Statement:

A Specified Area Rate may be imposed under Section 6.37 of the *Local Government Act 1995* for the purpose of meeting the cost of providing a higher standard of landscaping, capital infrastructure, specific work, service or facility that the Council considers has benefited or will benefit the ratepayers and/or residents within the proposed Specified Area or that they have contributed or will contribute to the need for that higher standard, improvement, work, service or facility.

2. Details:

2.1. Imposition of Specified Area Rating:

The Council may consider applying a Specified Area Rate under the following circumstances.

- a. In a new land development area, the developer has provided a higher standard of landscaping than the standard that the City would normally expect to be provided and for which the City would normally accept responsibility for ongoing maintenance. In this circumstance, the following will apply:
 - i. The landscaping standard and the proposal to fund the higher level of ongoing maintenance by a Specified Area Rate must be agreed between the developer and the City prior to the proposed landscaping being implemented.
 - ii. It will be conditional on the developer marketing the properties as having a Specified Area Rate applying in addition to the general rates levied by the City.
 - iii. It will be conditional on an incorporated property owners' body being formed representing property owners within the proposed Specified Area Rate area to be responsible for representing property owner interests between it and the City in relation to the Specified Area Rate.

- b. An incorporated body representing the property owners of an established area requests that the City provides a specific work, service or facility to their area to be funded by a Specified Area Rate imposed on the property owners. In this circumstance, the following will apply:
 - i. If the Council considers the proposal has merit, then, prior to a Council decision on such a proposal, the City will provide appropriate supporting information to conduct a survey of all proposed affected property owners.
 - ii. It is solely at the Council's discretion as to whether or not it will agree to impose a Specified Area Rate, however, the Council will not consider agreeing to a proposal unless the survey results show majority support by more than 40 per cent of all property owners surveyed.
- c. For any area to be considered for a Specified Area Rate, whether as a result of (a) or (b) above, it must be a reasonable size in terms of the number of properties and defined by clear and discernible geographic boundaries which may include main streets, or natural features. It shall be of a sufficient size and encompass an area significant enough that the Council believes a Specified Area Rate can be effectively applied. A Specified Area Rate will not be considered for a minor area such as a single property, small group of properties, or a single street. As a general guide, it is expected that a Specified Area Rate area would include no less than 100 properties.
- d. It is a condition for any Specified Area Rate to be imposed that there will be a representative property owners' group operating as an incorporated body, open to membership of all property owners in the Specified Area Rate area. The body will meet regularly to discuss the issues related to the services provided as part of the Specified Area Rate arrangement. The City will provide representation to attend meetings of the body to provide technical advice with respect to the services and the operation of the Specified Area Rate.

2.2. Management of the Specified Area Rate:

- a. City representatives will consult with the representative property owners' group on a regular basis in relation to the operation of the Specified Area Rate. The program of works and services proposed to be funded by the Specified Area Rate in a financial year will be agreed between representatives of the City and the representative property owners' group prior to the adoption by the Council of the budget for that year. If capital infrastructure items are requested through this process, consideration of the capital costs and ongoing operational costs associated with the maintenance of the item/s will be given before Council determines whether or not to approve their installation.
- b. The gross amount to be imposed for the Specified Area Rate is to be ascertained from the agreed program of works and services as part of the City's annual budgeting process. Consideration will be given to any surplus Specified Area Rate funds held in reserve from prior years when determining the gross amount to be imposed.
- c. The gross amount of the Specified Area Rate that needs to be raised is to be apportioned between the properties within the Specified Area based on the gross rental value applicable to each property and will be imposed in addition to the general rate levied by the Council.
- d. The delivery method of the work, service or facility the subject of the Specified Area Rate arrangement will be determined at the sole discretion of the City.

- e. The City will remain at all times the custodian of the Specified Area Rate and will administer the funds collected in compliance with the relevant provisions of the *Local Government Act 1995*, as amended, including establishing a reserve fund to hold any unspent or surplus funds at the end of the financial year.
- f. The City will ensure that there are appropriate management arrangements in place to maintain its relationship with the representative property owners' group, that there are processes to deal with concerns and issues raised by property owners in regard to the Specified Area Rate and to inform property owners of the City's requirements in regard to the operation of the Specified Area Rate. For any issue not able to be resolved by other means, Council will determine the matter at its sole discretion.

2.3. Termination of a Specified Area Rate Arrangement:

- a. The power to impose and to terminate a Specified Area Rate rests with the Council and will be considered on its merits as and when required.
- b. A Specified Area Rate will be considered for termination if it is established, to the satisfaction of the Council, that any of the following apply:
 - i. The representative property owners' group has ceased to operate, whether through loss of incorporation, loss of office bearers and/or membership, or through failure to meet on a regular basis to discuss the issues related to the services provided as part of the Specified Area Rate arrangement.
 - ii. The representative property owners' group no longer represents the majority of property owners affected by the Specified Area Rate.
 - iii. The representative property owners' group has, by a formal process at a duly constituted meeting of the group, resolved that it no longer wishes to continue with a Specified Area Rate arrangement.
 - iv. It is no longer appropriate, necessary or viable to continue to provide the additional services and to levy the Specified Area Rate.
- c. Once a Specified Area Rate arrangement is terminated, the service level in the area concerned will revert back to the normal service level. Where there was no previous normal service level (such as a new development that started as a Specified Area Rate area) it shall be that which the City may determine, at its sole discretion, is an appropriate normal level of service for the area.
- d. If, for any reason, a Specified Area Rate arrangement terminates, it shall be effective from the conclusion of the financial year in which that occurs, unless it occurs prior to the adoption of the budget for that year, in which case it will be effective immediately. Any unspent or surplus funds held in reserve at the termination of the Specified Area Rate arrangement will be dealt with in accordance with the provisions of Section 6.37 the *Local Government Act 1995* relating to Specified Area Rates and Section 6.11 relating to reserve funds.

Creation Date: March 2010
Amendments: CJ093-05/12, CJ149-08/15, CJ067-05/21
Related Documentation: • *Local Government Act 1995*

CURRENT



Specified Area Rate Council Policy

Responsible directorate: Infrastructure Services

Objective: To provide guidance on the circumstances under which a specified area rate may be established, managed and terminated.

1. Definitions:

"Annual Service Review Agreement" means an annual agreement between the City and a representative property owners' group which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and costs of administering the specified area rate.

"public open space infrastructure" means new, upgraded or replacement items installed in public open spaces, that generally depreciate in value over a period of time.

"representative property owners' group" means an incorporated body representing the property owners of a portion of land which has a specified area rate applied.

"Service Level Agreement" means a three-year agreement between the City and a representative property owners' group which defines the expected level of service of enhanced landscaping.

"specified area rate" means an additional rate charge that the Council may impose under Section 6.37 of the *Local Government Act 1995* on a portion of rateable land contained by clear geographic boundaries (eg main streets, natural features, etc) for the purposes of enhanced landscaping and/or enhanced public open space infrastructure.

2. Statement:

Council will consider requests to establish or terminate a specified area rate for the purposes of enhanced landscaping and/or enhanced public open space infrastructure in accordance with Section 6.37 of the *Local Government Act 1995* and the City's *Specified Area Rate Guidelines*.

3. Details:

3.1. Establishment of a specified area rate:

The Council will consider establishing a specified area rate upon either:

- agreement with a developer in a new land development area
- application by a representative property owners' group in an established area.

3.1.1. Size and geographic requirements:

The Council will only consider applying a specified area rate to portions of land that:

- are defined by clear and discernible geographic boundaries, which may include main streets, or natural features
- encompass an area significant enough that a specified area rate can be effectively applied.

3.1.2. New land development areas:

- a. The developer must inform potential property owners of the intended specified area rate prior to purchase.
- b. The developer must ensure a representative owners' group is established prior to handing over maintenance to the City.

3.1.3. Community consultation:

- a. For established areas, the City will undertake a survey of all affected property owners prior to consideration by the Council. The Council will only consider applications where the survey yields:
 - a response rate of at least 40 percent
 - support for the establishment of a specified area rate from the majority of respondents.
- b. Community consultation is not required prior to Council considering approval of the specified area rate for a new land development area.

3.2. Management of a specified area rate:

- a. The City will manage a specified area rate in accordance with Sections 6.11 and 6.37 of the *Local Government Act 1995*, Section 23(d) of the *Local Government (Financial Management) Regulations 1996*, the City's *Specified Area Rate Guidelines*, and via the following agreements between the City and the representative property owners' group:
 - Service Level Agreement
 - Annual Service Review Agreement

- b. For each portion of land covered by a specified area rate, the annual specified area rate-in-the-dollar will be calculated based on the agreed program of works, services, and costs of administering the specified area rate.
- c. All Service Level Agreements and Annual Service Review Agreements will be made available on the City's website, with any commercial-in-confidence information removed.

3.3. Termination of a specified area rate:

The Council will consider termination of a specified area rate under one or the other of the following circumstances:

- a. The Council has determined that it is no longer appropriate, necessary and/or viable to continue to provide the additional services and to levy the specified area rate.
- b. The representative property owners' group:
 - has ceased to operate
 - has resolved that it no longer wishes to continue with the specified area rate agreement.
- c. The Council has been notified (eg by a petition or other means) that the majority of property owners of properties covered by a specified area rate no longer wish to continue with the specified area rate.

3.3.1. Community consultation:

Where the Council has received a request to terminate a specified area rate agreement from a group of property owners (outside of the representative property owners' group), the City will undertake a survey of all affected property owners prior to consideration by the Council. The Council will only consider applications to terminate a specified area rate where the survey yields:

- a response rate of at least 40 percent
- support for the termination of the specified area rate agreement from the majority of respondents.

Creation date:	March 2010 (CJ039-03/10)
Formerly:	Specified Area Rating Council Policy
Amendments:	CJ039-03/10, CJ093-05/12, CJ149-08/15, CJ067-05/21, CJXXX-XX/XX
Last reviewed:	May 2021 (CJ067-05/21), Month 202X CJXXX-XX/XX
Related documentation:	<ul style="list-style-type: none"> • Community Consultation Council Policy • Local Government Act 1995 • Local Government (Financial Management) Regulations 1996

- Notification of Works Council Policy
- Specified Area Rate Guidelines

File reference:

101278

REVISED

City of Joondalup Specified Area Rate Guidelines

Specified Area Rate Guidelines

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Specified Area Rate Guidelines

Definitions

Annual Service Review Agreement	An annual agreement between the City and a representative property owners' group which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and costs of administering the specified area rate.
Public open space infrastructure	New, upgraded or replacement items installed in public open spaces, that generally depreciate in value over a period of time.
Representative property owners' group	An incorporated body representing the property owners of a portion of land which has a specified area rate applied.
Service Level Agreement	A three-year agreement between the City and a representative property owners' group which defines the expected level of service of enhanced landscaping.
Specified area rate	An additional rate charge that the Council may impose under Section 6.37 of the <i>Local Government Act 1995</i> on a portion of rateable land contained by clear geographic boundaries (eg main streets, natural features, etc) for the purposes of enhanced landscaping and/or enhanced public open space infrastructure

Specified Area Rate Guidelines

INTRODUCTION

A specified area rate is an additional rate charge that the Council imposes on properties in an identified, demarcated area for the purposes of enhanced landscaping and/or enhanced public open space infrastructure. Establishment of a specified area rate may be requested by a developer (for a new land development area), or a representative property owners' group (for an established area).

The City of Joondalup *Specified Area Rate Council Policy* guides the circumstances under which a specified area rate may be established, managed and terminated.

These guidelines provide more detailed information about how specified area rates are established and terminated, and how the specified area rates are managed through Service Level Agreements and Annual Service Review Agreements.

For further information about specified area rates, please contact the City of Joondalup on **9400 4000** or email **info@joondalup.wa.gov.au**.

Establishing a specified area rate

Under the City of Joondalup *Specified Area Rate Council Policy*, the Council will consider establishing a specified area rate upon either:

- agreement with a developer in a new land development area
- application by a representative property owners' group in an established area.

For the purposes of complementing with the City's rate-setting process, Council will aim to commence the imposition of any new specified area rates from 1 July.

Size and geographic requirements

An application to establish a specified area rate must include details of the size of the proposed portion of land, including boundaries. The Council will only consider portions of land that:

- are defined by clear and discernible geographic boundaries, which may include main streets, or natural features
- encompass an area significant enough that a specified area rate can be effectively applied.

A specified area rate will **not** be considered for a minor area, such as a single property, small group of properties, or a single street. As a general guide, it is expected that a portion of land covered by specified area rate would include no less than 100 current or future properties.

New land development areas

Where a developer is seeking to include enhanced landscaping and/or enhanced public open space infrastructure in a new land development, a specified area rate may be imposed by the Council once the developer hands maintenance over to the City.

As part of a development application process, the Council may agree to impose a specified area rate on a new land development area. The developer will remain responsible for all maintenance until the specified area rate commences. **The developer must inform potential property owners of the intended specified area rate prior to purchase.**

Upon handing over maintenance to the City, the developer must ensure a representative property owners' group is established which represents the portion of land covered by the specified area rate. The representative property owners' group will be responsible for negotiating the Service Level Agreements and the Annual Service Review Agreements on behalf of property owners.

Established areas

Where property owners in an established area are seeking to initiate enhanced landscaping and/or enhanced public open space infrastructure, a specified area rate can be established upon application to the Council by a representative property owners' group.

The City will undertake a survey of all affected property owners in the portion of land to be covered by the specified area rate prior to consideration by the Council. The Council will only consider applications where the survey yields:

- a response rate of at least 40 percent
- support for the establishment of a specified area rate from the majority of respondents.

Specified Area Rate Guidelines

If a specified area rate is approved the Council, the City will establish an initial three-year Service Level Agreement with the representative property owners' group and the City. This agreement will include the details of the enhanced landscaping standards to be applied.

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Managing a specified area rate

In addition to the management requirements under Sections 6.11 and 6.37 of the *Local Government Act 1995* and Section 23(d) of the *Local Government (Financial Management) Regulations 1996*, specified area rates will be managed through the following formal agreements between the City and the representative property owners' group.

1. Service Level Agreement — A three-year agreement which defines the expected level of service of enhanced landscaping.
2. Annual Service Review Agreement — A one-year agreement which details the annual costs associated with the delivery of enhanced landscaping, including ongoing maintenance, any additional public open space infrastructure requested, and costs of administering the specified area rate.

The Service Level Agreements and Annual Service Review Agreements for each specified area rate will be made available on the City's website, with any commercial in confidence information removed.

The delivery method of the enhanced standard of work and services covered by the specified area rate will be determined at the sole discretion of the City. Works may be undertaken by City staff or by a contractor of the City.

Annual Service Review Agreement

As part of developing the Annual Service Review Agreement, the representative property owners' group can request specified area rate funds be spent on either of the following:

- Enhanced landscaping
- Enhanced public open space infrastructure

Enhanced landscaping and public open space infrastructure is considered to be above and beyond works the City would normally install at a similar location. Alternatively, it can also refer to works that are already scheduled, but the representative property owners' group would like installed sooner than the City had planned.

The costs of enhanced landscaping and public open space infrastructure will be negotiated between the City and the representative property owners' group as part of the Annual Service Review Agreement.

The City will align its standard maintenance and service provision with specified area rate landscaping projects as much as possible. As such, a landscaping project funded by the specified area rate may include works which would be considered part of the City's standard service provision. Where this is the case, the relevant portion of the cost will be covered by the general rate, rather than the specified area rate.

Potential items for inclusion in the Annual Service Review Agreement

Listed below are the items the City **will** consider for enhanced landscaping and public open space infrastructure, and the items the City **will not** consider. Representative property owners' groups should take the lists into consideration as part of the Annual Service Review Agreement process.

The City will also take into consideration the City of Joondalup *Public Open Space Framework* which classifies public open spaces and identifies the appropriate infrastructure for each type of public space.

Specified Area Rate Guidelines

Enhanced landscaping:Items the City **will** consider:

- Clearing of debris
- Litter removal
- Mulch application
- Pruning trees/shrubs
- Turf management
- Vegetation maintenance
- Vegetation renewal
- Weed management

Items the City **will not** consider:

- Increased water allocation

Enhanced public open space infrastructure:Items the City **will** consider:

- Artificial shade
- Barbeque
- Basketball pad
- Bench seating
- Bin surrounds
- Dog facilities
- Drinking fountain
- Entry statement
- Fencing
- Lighting (security and amenity)
- Lookout/viewing platform
- Outdoor shower
- Path network
- Picnic structure
- Play space
- Public art
- Recreation infrastructure
- Signage
- Skate/BMX facility (incidental)
- Sports infrastructure

Items the City **will not** consider:

- Car parking
- Closed-circuit television (CCTV)
- Community facility
- Dog exercise area (fenced)
- Fitness equipment
- Irrigation
- Lighting (sports floodlighting)
- Monument/memorial (permanent)
- Skate/BMX facility (dedicated)
- Sports facility
- Storage facility (free-standing)
- Toilet/changeroom facility
- Toilet facility (free-standing)
- Waste bin
- Water body aerator

In evaluating the enhanced public open space infrastructure proposed by a representative property owners' group, the City takes into account the overall costs associated with renewing and the infrastructure to a high standard. In addition to the *Public Open Space Framework*, the City will also consider other relevant plans, frameworks, and policies, including the *5-Year Capital Works Program*, *Community Consultation Council Policy*, and *Notification of Public Works Council Policy*. The following factors will also be taken into account by the City when evaluating proposals:

- Whole-of-life cost
- Value for money
- Suitability of the proposed location
- Impact on public safety
- Local demographics
- Adverse environmental impacts

Specified Area Rate Guidelines

Funding and associated costs

All funding required to be collected for enhanced public open space infrastructure will be itemised in the Annual Service Review Agreement and collected through the specified area rate.

The City will provide a design service to the representative property owners' group for the development of specific items. All costs associated with the delivery of an item, including design and project management by the City, will be allocated to that item in the Annual Service Review Agreement.

Funds collected for a specific purpose can only be used for that item. Any residual funds collected for a specific enhanced public open space infrastructure item must be utilised to offset the following year's charges (if applicable) and **not** held in a specified area rate reserve account.

Ongoing maintenance

All enhanced public open space infrastructure items installed through specified area rate income become the property of the City. All associated costs relating to the item, including maintenance, disposal, reinstatement, renewal, and installation will be recovered from the relevant specified area rate.

These funds, and the agreed lifespan of the item, will be negotiated as part of the approval processes and incorporated into the Annual Service Review Agreement between the representative property owners' group and the City.

The Annual Service Review Agreement will confirm the representative property owners' group liability for all associated costs to remove or renew the item at the end of its useful life. The anticipated lifespan of the item will be confirmed during the Annual Service Review process, with a line item being added to all future Annual Service Review Agreements detailing the renewal cost.

Annual rate-in-the-dollar

As part of the Annual Service Review Agreement process, the City will calculate the annual specified area rate based by the agreed program of works and City management costs. Consideration will be given to any surplus funds from prior years.

In accordance with legislative requirements, the specified area rate charge will be apportioned between properties within portion of land covered by the specified area rate, based on the gross rental value applicable to each. The specified area rate is charged in addition to the general rate levied by the Council.

The City will remain the custodian of the funds collected and will administer the funds in accordance with the provisions of Sections 6.11 and 6.23 the *Local Government Act 1995*, and Section 23(d) of the *Local Government (Financial Management) Regulations 1996*. This includes establishing a reserve fund to hold any unspent or surplus funds at the end of the financial year.

Role the representative property owners' group

The representative property owners' group will be required to meet regularly to discuss any issues related to the services provided under the specified area rate as per the Service Level Agreement. The group is also required to inform property owners of the City's requirements regarding the operation of the specified area rate.

A City Officer will attend meetings of the group on a regular basis to provide technical advice with respect to the services and the operation of the Annual Service Review Agreement.

Terminating a specified area rate

The Council will consider termination of a specified area rate under any of the following circumstances:

1. The Council has determined that it is no longer appropriate, necessary and/or viable to continue to provide the additional services and to levy the specified area rate. For example, the general level of service provided by the City may increase over time resulting in the specified area rate no longer providing a "higher" level of service.
2. The representative property owners' group:
 - has ceased to operate, whether through loss of incorporation, loss of office bearers and/or membership, or through failure to meet on a regular basis to discuss the issues related to the services provided as part of the specified area rate.
 - has, by a formal process at a duly constituted meeting of the group, resolved that it no longer wishes to continue with a specified area rate.
3. The Council has been notified (eg by a petition or other means) that the majority of property owners of properties covered by a specified area rate no longer wish to continue with the specified area rate.

Where the Council has received a request to terminate a specified area rate from a group of property owners (outside of the representative property owners' group), the City will undertake a survey of all affected property owners prior to consideration by the Council. The Council will only consider applications to terminate a specified area rate where the survey yields:

- a response rate of at least 40 percent
- support for the termination of the specified area rate from the majority of respondents.

Unspent or surplus funds

Any unspent or surplus funds held in reserve at the termination of the specified area rate will be dealt with in accordance with the provisions of Section 6.37 the *Local Government Act 1995* relating to specified area rates and Section 6.11 relating to reserve funds.

Reversion

Once a specified area rate is terminated, the service level in the portion of land covered by the specified area rate will revert back to the City's standard level of service.