

AGENDA

Policy Committee

MEETING OF THE POLICY COMMITTEE

TO BE HELD ON

MEETING DATE



MONDAY 23 JUNE 2008

commencing at 6.00 pm

in Conference Room 2
JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

Note:

Clause 77 of the City's Standing Orders Local Law 2005 states:

"Unless otherwise provided in this local law, the provisions of this local law shall apply to meetings of committees with the exception of:

- (a) clause 29 (Members seating;) and
- (b) clause 54 (Limitation on members speaking.)"



GARRY HUNT
Chief Executive Officer

20 June 2008

CITY OF JOONDALUP

Notice is hereby given that a meeting of the **POLICY COMMITTEE** will be held in Conference Room 2, Joondalup Civic Centre, Boas Avenue, Joondalup on **MONDAY 23 JUNE 2008** commencing at **6.00 pm**.

GARRY HUNT
Chief Executive Officer
20 June 2008

Joondalup
Western Australia

AGENDA

Committee Members

Cr Kerry Hollywood
Cr Trona Young
Mayor Troy Pickard
Cr Marie Macdonald
Cr Mike Norman
Cr Sue Hart
Cr Fiona Diaz

Presiding Person
Deputy Presiding Person

Terms of Reference

- To make recommendations to Council on the development and review of Council and City policies to identify the direction of Council.
- To initiate and request the formulation and drafting of both Council and City policies.
- To devise and oversee the method of development (level and manner of community consultation) for the development of Council and City policies.
- To review the Council Policy Framework in order to ensure compliance with the provisions of the Local Government Act 1995;

DECLARATION OF OPENING

APOLOGIES/LEAVE OF ABSENCE

CONFIRMATION OF MINUTES

MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 25 MARCH 2008

RECOMMENDATION

That the minutes of the meeting of the Policy Committee held on 25 March 2008 be confirmed as a true and correct record.

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

DECLARATIONS OF INTEREST

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

PETITIONS AND DEPUTATIONS

REPORTS

Item 1	Draft Cats Local Law	Page 3
Item 2	Creation of a Significant Tree Register	Page 8
Item 3	Adoption of a Resident/ Visitor Parking Permit Policy	Page 13
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MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

CLOSURE

ITEM 1 DRAFT CATS LOCAL LAW – [29182]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide the Policy Committee with information relating to the sterilisation of cats and to present the City's current Draft Cats Local Law for the Committee's consideration.

BACKGROUND

At the Meeting of 10 June 2008 (*CJ097-06/08 refers*), Council decided, inter alia that:

“Consideration of the proposed Draft Cats Local Law be referred to the Policy Committee.”

In light of concerns from Elected Members and residents, this report addresses issues in relation to cat sterilisation by providing an overview of current practices for encouraging and enforcing sterilisation across local governments. Options for encouraging cat sterilisation within the community are also presented for the Committee's consideration.

DETAILS

There are currently no local governments within Australia that compulsorily require the sterilisation of cats; however, most Councils do acknowledge the benefits that cat sterilisation provides the community, including reduction in:

- straying cats in search of mates;
- cats spraying to mark their territory;
- the number of unwanted cats caused from irresponsible breeding;
- cats causing a nuisance from fighting or mating.

Some Councils, such as the Town of Victoria Park and the City of Melville, try to encourage owners to sterilise their cats by offering subsidies for the procedure, with reimbursements ranging from \$20 to \$40. By introducing these schemes, local governments are able to encourage responsible pet ownership without the burden of implementing an enforcement program that is unlikely to change the current rate of cat sterilisation, (given that previous State Government Reports have indicated that over 85% of cats in Western Australia are sterilised).

A subsidy scheme aims to capture the 15% of cat owners who choose not to sterilise their cats and are not part of a category that would ordinarily be exempt from sterilisation, for example, cats owned by a breeder.

On the other hand, a program that compulsorily requires cat sterilisation may do little to increase sterilisation numbers due to the difficulties in enforcement. It is very difficult to trap and identify a cat as well as determine whether it is sterilised without an indicative marking or veterinarian certificate. Therefore, any compulsory program would need to be linked to a registration system to allow the City to develop a database of information relating to sterilised cats. This would be achieved by the City's currently proposed Draft Cats Local Law (provided at Attachment 1).

If sterilisation is made compulsory at registration, owners who do not wish to pay for their cat to be sterilised would be unlikely to register their cat, undermining not only the efforts of the City to increase cat sterilisation, but the efforts to compulsorily require registration and build a cat information database.

Further to this, it is postulated that already responsible cat owners who sterilise and care for their pets appropriately would be most likely to register their cats, given they have nothing to be concerned about should a Cats Local Law be enforced. However, irresponsible owners would have little incentive to sterilise or register their cats, as it is obvious that many offences contained within the Local Law would be very difficult to enforce. Without registration or identification, the City is unable to determine the owner of a cat and is therefore unable to penalise those in breach of provisions within the Local Law. A costly administrative system would therefore be providing little to no benefit to the community as the situation in relation to cats would not be altered.

There is also little evidence to suggest that there is a problem with cats within the City. Admittedly, the City relies on the receipt of complaints to determine the extent of the problem and residents do not always go to the effort to make their concerns known, however, it is difficult to determine whether problems with cats are instigated by domestic pets or feral animals. Extensive external research would need to be undertaken to make this distinction.

Also, a fairly recent study was undertaken by a PhD student on behalf of the City of Armadale to determine the impact of roaming domestic cats on the reduction of native fauna. The study was inconclusive on the impact of domestic cats; however, it did conclude that dieback and other factors have a more significant impact on the presence or absence of native fauna than cats do.

Issues and options considered:

Below are options for the Committee to consider on how the City may provide cat sterilisation incentives for the community.

Option 1: Encourage cat sterilisation by offering subsidised registration for sterilised cats within the Draft Local Law

The current draft local law incorporates this incentive by offering a subsidised rate of \$10 per year to register a sterilised cat (in comparison to \$30 for a non-sterilised cat). This is a minor incentive and is in-line with provisions contained within the *Dog Act 1976*, however, when compared to the cost of sterilising a cat (which ranges from between \$90 - \$220), it is very little incentive to ensure that a cat is registered and sterilised.

A more significant subsidy could be achieved by significantly increasing the proposed fee for registering a non-sterilised cat; however, this would do little to encourage a greater number of registered cats.

Option 2: Encourage cat sterilisation by developing and implementing a subsidy program

This approach is more aligned to the approaches of other local governments wishing to promote responsible cat ownership and the benefits of cat sterilisation to the community.

Also, a voluntary program that provides financial incentive is more likely to encourage owners to sterilise their cats than a compulsory requirement within a local law, as a local law does not financially assist owners to pursue the procedure and can only be enforced if registration details are available.

Local governments that currently offer similar programs allocate budget funds of up to \$1,200 per year, although the amount of funds allocated will ultimately depend on the amount of subsidisation offered. The local government with the \$1,200 budget allocation offers a subsidy of \$20 per cat.

Option 3: Amend the City's current Draft Cats Local Law to include provision for compulsory cat sterilisation at the time of registration

This approach is not recommended as it will do little to encourage cat sterilisation and to support the registration of cats.

By associating compulsory sterilisation with registration, financial incentives are unable to be incorporated within the Local Law, as non-sterilised cats would not be eligible for registration. (Therefore, a disparity in the fees for registering a non-sterilised cat compared to a sterilised cat would not be able to be made, which is where the financial incentive currently exists if cat sterilisation is not compulsory).

In addition, there is little supporting evidence to confirm the impact that unsterilised domestic cats have on Joondalup fauna, so to impose an expensive compulsory cost on residents without sufficient evidence to prove the contrary would seem inequitable and unjustified.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

This report relates to a proposed Draft Cats Local Law for the City of Joondalup. The City has the ability to introduce local laws under Section 3.5 of the *Local Government Act 1995*.

Risk Management considerations:

Should a Cats Local Law be introduced requiring the compulsory sterilisation of cats, there is a risk that the original intention of the Local Law (namely to register and identify cats) will be undermined as there will be little incentive to sterilise a cat at full cost to the owner and to pay the registration fees.

Also, given that there are few precedents for Cats Local Laws within Western Australia (particularly one as comprehensive as the draft proposed by the City), there is no guarantee that the Joint Standing Committee on Delegated Legislation will allow the Local Law, although it would appear to be within power.

Financial/Budget Implications:

Estimates show that it will cost the City over \$40,000 annually to administer the introduction of a Cats Local Law.

Policy implications:

It is recommended that the Committee considers an overall policy position in relation to the control of cats that includes the sterilisation, identification and registration of cats. This information will inform the content of the Draft Cats Local Law that will be presented to Council for consideration.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Should Council pursue the introduction of a Cats Local Law, the issue of cat control will be considered by community members through a public consultation process. It is anticipated that significant interest would surround the consultation, given the controversial nature of the subject matter.

When the City of Stirling introduced a less comprehensive Cats Local Law several years ago, the consultation process became so overwhelming that a community workshop and information session was held to assist in diffusing some of the debate within the community. It would not be unreasonable to suggest that a similar situation would arise in Joondalup's case.

COMMENT

It should be noted that City Officers do not support the introduction of a Cats Local Law for the purposes of controlling, registering and identifying cats. This position has been described in previous reports to Council on this matter and is reiterated in Attachment 2 to this report.

In addition, the City does not support the inclusion of compulsory sterilisation should a Cats Local Law be progressed by Council. However, a subsidy program would certainly be viewed as being more effective and beneficial for increasing sterilisation although it could be costly.

ATTACHMENTS

Attachment 1	Draft Cats Local Law
Attachment 2	Previous Report to Council on a New Cats Local Law (CJ097-06/08)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council ADOPTS option 2, which encourages cat sterilisation through the development of a Cat Sterilisation Subsidy Program.

Appendix 1 refers

ITEM 2 CREATION OF A SIGNIFICANT TREE REGISTER – [18058]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Ian Cowie
 Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

At the Policy Committee meeting held on 11 December 2007, a request was submitted for a report on the creation of a significant tree register.

BACKGROUND

In 1999, a draft Tree Preservation Policy together with an accompanying information brochure and staff manual were developed on behalf of the City of Joondalup and the former City of Wanneroo. Whilst these documents were not progressed at the time, they contained many of the features identified during the most recent research processes involving other local governments in Western Australia and nationally.

In most instances where a tree register has been created, it has been within the context of broader policies of Council or town planning schemes concerning the management and preservation of landscape, vegetation or cultural heritage.

According to the National Trust (South Australia) 2007, “Significant Trees” may be defined as those that have one or more of the following attributes:

- They are remnant vegetation that provides an important habitat, conserves biodiversity or is a seed or food source. Selected trees may be rare, endangered or vulnerable.
- They are historic, perhaps associated with Aboriginal, colonial or post-colonial people, events or communities. Such trees may form part of a private or public garden, or are or have been important in the life of the local community.
- They are aesthetic as a result of unusual size, great age, intrinsic physical features, outstanding appearance or occurring in a unique location or context, and thus provide a special contribution as a landmark or landscape feature.
- They are botanical, having medicinal or genetic value. Selected trees may be isolated specimens, have State or National conservation status, be of original genetic stock, a cultivar resistant to disease or exposure, or propagated from biologically important stock.

Further, ‘significant trees’ may be found in public parks, reserves, streets, car parks, private and public gardens and in the following form/s:

- individual specimens, avenues or stands of trees or native vegetation;
- a landscape design, memorial arrangement or celebratory alignment;
- immature specimens, mature, post-mature or notably old.

At the national level, the Cities of Macquarie, Gosford and Randwick (NSW) and Frankston (VIC), have comprehensive documentation on tree registration. Of these

three local governments, only one register does not appear to be linked to local Town/District Planning legislation. In the ACT, a tree register for trees of an 'exceptional value' on leased and unleased public land has been established under the provisions of the State Tree Protection Act 2005. Parts of this document could be adapted for the City's purposes as it provides useful definitions and clear procedures for creating a tree register that will have the effect of protecting and preserving the trees listed in it.

In Western Australia, the City of South Perth originally developed a tree register as a requirement of a Street Tree Management Plan (2003) and the local town planning policy whereby the details of all identified trees are placed on a database linked to GIS. Trees can be nominated for the register by officers or residents. Further, a method for determining the amenity valuation of each registered tree has been developed in the event that removal or damage occurs. This information can be used in circumstances where the City of South Perth wishes to take legal action.

The City of Mandurah is in the process of developing a tree register in alignment with the provisions of the local Town Planning Scheme 3. To date, consideration has been given to the nomination of trees on private property as well as in foreshore reserves and public parks and gardens. Further, that the process by which the 'significance' - or otherwise - of a nominated tree would be determined, would include site visits by an arborist and an officer.

One example of a process for determining the status of a nominated tree for a tree register is that of the City of Melville. A selection criteria adapted from the National Trust definition of 'significance' has been developed which includes a scoring system. Whilst using this method provides for some transparency in the decision-making process, specialist arboricultural and/or horticultural knowledge would be needed to score the items included in the selection criteria.

The City of Armadale has incorporated tree registration into the local Town Planning Scheme 4 (clause 7) and the Tree Preservation Planning Policy 2.4 sets out the requirements for the identification, registration, management and review of trees identified as significant. Again, it would seem that this policy has been informed by the work of the National Trust in this area.

DETAILS

Given the original work undertaken by the City in 1999 and the findings from the research process, there is an opportunity for the City to create a Significant Tree Register that is an effective tool for protecting and preserving environmental assets.

Therefore, the recommended content for a Significant Tree Register for the City of Joondalup is as follows:

- A purpose statement which identifies why a Significant Tree Register has been created that can be included in the introduction to the document.
- Definitions of the term 'significant tree' so that categories can be established within a register e.g., Heritage, species, location/landmark significance.
- A nomination process setting out who may nominate a tree for inclusion in the register and how and when (frequency) a nomination may be made.
- An assessment process which includes selection criteria for determining which of the nominated trees may be accepted onto the register and the person/s responsible for assessing nominations.

- An advisement process including explaining the rationale for including a nominated tree in the tree register, the date from which that inclusion will be effective and what will occur as a result of that inclusion e.g., ongoing arrangements for the maintenance of the tree; amenity valuation of a tree; actions the City might take in circumstances where the tree is at risk of or has been damaged by a person or persons unknown.
- Prohibited activities with respect to trees included in the register are identified and the penalties for those activities are set out.
- Approved activities with respect to trees included in the register are identified and the process for seeking permission to carry out those approved activities is set out.

Further, reference to a Significant Tree Register and its operation should be incorporated into local town planning legislation.

Issues and options considered:

There are a number of policy options available for establishing a tree register as an effective method for protecting and preserving significant trees in the City and these are set out as follows:

The Policy Committee could recommend to Council:

Option 1 That the establishment of a Tree Register be undertaken as part of the DPS2 review.

In this way, the protection and preservation of significant trees listed in a tree register would be addressed through local town planning legislation. This would enable the City to deal with significant trees on both public and private land.

Option 2 That the establishment of a Tree Register be considered as a scheme amendment to the current DPS2.

As in Option 1, the protection and preservation of significant trees listed in a tree register would be addressed through local town planning legislation. However the timeframe for implementing this option is likely to be shorter. This option would enable the City to deal with significant trees on both public and private land.

Option 3 That the establishment of a Tree Register is a requirement of a new local law.

In this way, the protection and preservation of significant trees listed in a tree register would be addressed through the provisions of a local law. This option would enable the City to deal with significant trees principally on public land.

Option 4 That the establishment of a Tree Register be included as a non-legislative action within an endorsed plan for the City. The most appropriate plan would be within the Biodiversity Plan, which is scheduled for completion during 2008.

This option would not provide legislative protection and preservation for trees included in a tree register in the same way as the other options. However, the Biodiversity Plan would provide a suitable option as it will concern biodiversity

management and conservation (including trees) on public and privately owned land. It should be noted however that the City has no general jurisdiction over private land and thus will only be able to register trees on private land by gaining the consent of the land owner to do so under this option.

Link to Strategic Plan:

Key Focus Area: Caring for the Environment

Legislation – Statutory Provisions:

N/A

Risk Management considerations:

In the event that a Significant Tree Register is developed without being incorporated in local planning policy or by creating a new local law, it will not be possible to protect and preserve registered trees on a legal basis.

Financial/Budget Implications:

Administration of a nominations, assessment and advisement process would require the input of an administrative officer and/or the expertise of horticulturalists/arborists. The costs would be dependent on the frequency with which nominations were sought and the number of nominations received for processing and assessment.

Policy implications:

In the event that the Policy Committee recommends Option 2 the pertinent sections of the current DPS2 will need to be amended to reflect this. If Option 1 is selected, those sections will need to be developed.

Regional Significance:

Not applicable

Sustainability implications:

By developing and maintaining a Significant Tree Register which can be used as the basis for the protection and preservation of selected trees, the City will be contributing to local sustainability.

Consultation:

It is envisaged that the establishment of a Significant Tree Register would involve public input at the nominations phase. Introducing a Register through a legislative mechanism will involve the statutory consultation requirements.

COMMENT

Of the four options identified, Option 4 is recommended. This is because the issue of registering and protecting significant trees on a statutory basis can be highly contentious within the community and can consume considerable resources. A voluntary system is considered less onerous for both the community and for the City to administer. Introducing such a requirement legislatively could also generate negative and highly undesirable actions within the community including people cutting down significant trees in advance of the legislative provisions taking effect.

During the process of researching current provisions for Significant Tree Registers with other local governments it was noted that, in a number of cases, existing registers were neither maintained nor used as a reference point for planning applications.

For a register to be effective, it must not only be current, but linked to organisational data systems for the following reasons. Firstly, so that information about individual trees (including location and amenity value) can be accessed easily and secondly, so that this information can be used operationally so as to guide:

- (a) The ongoing management of a tree
- (b) Development applications, and
- (c) The terms under which legal action may be taken by Council as a result of damage or unauthorised removal.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS Option 4 to Council, namely: That the establishment of a Tree Register be included as a non-legislative action within an endorsed plan for the City such as the Biodiversity Plan, which is scheduled for completion during 2008.

ITEM 3 ADOPTION OF A RESIDENT/ VISITOR PARKING PERMIT POLICY – [07190]

WARD: ALL

**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
 Corporate Services

PURPOSE

To consider the adoption of a Resident / Visitor Parking Permit Policy to facilitate the parking requirements of residents and their visitors who reside in an area that is affected by parking restrictions controlled by the City.

EXECUTIVE SUMMARY

The introduction of Parking Schemes, including Paid Parking, and the establishment of parking prohibitions, regulations and restrictions in areas throughout the City, requires the City to consider the introduction of a consistent and manageable Resident / Visitor Parking Permit Policy, as detailed in Attachment 1.

The ability of residents or their visitors to park in close vicinity of their homes may be affected by Parking Schemes in the Central Business District, near suburban railway stations and near schools. The policy will enable the City to:

- Manage on-street parking for people living in the City to balance residential, commercial and other parking demands.
- Not prejudice the needs of commercial facilities by the provision of on-street residential parking.
- Limit the issue of parking permits to residents and their visitors to optimise access to on-street parking facilities and enable community access to be maintained.

BACKGROUND

The City recognises that the introduction of parking restrictions may impact on the amenity or lifestyle of residents who live in the affected area.

As such, providing a resident can demonstrate that they have fully utilised their existing off street parking, for the purpose of vehicle parking, residents may apply for permits that exempt them and / or visitors to their property from parking restrictions in the vicinity of their home or allow them to park in their street, the adjacent street or in any street in an area designated for that use.

DETAILS

Under the City's Parking Local Law the issue of Resident Parking Permits can be approved when specific criteria are met. However this does not include an area which prohibits stopping or parking of vehicles on roads identified as No Stopping and No Parking regardless of the time(s) or day(s) that the restrictions apply.

The City of Joondalup Parking Local Law Part 4 – Parking on Roads - Clause 34 (2) states:

A person shall not park a vehicle on any part of a road:
(a) if the parking of vehicles on that part is prohibited at all times by a sign; or
(b) during a period in which the parking of vehicles on that part is prohibited by a sign.

The provisions of the Parking Local Law enable the City to issue permits to authorised vehicles for use in areas designated by signs.

The City of Joondalup Parking Local Law Part 5 – Stopping and Parking Generally - Clause 4A states:

A person shall not, without the permission of an authorised person stop or park a vehicle, other than an authorised vehicle, in an area designated by signs for the parking of authorised vehicles only.

The local law defines an authorised vehicle as:

“authorised vehicle” means a vehicle authorised by the local government or an authorised person to stop or park on a road or in a parking station, which is designated by signs to be used for parking by authorised vehicles only.

The attached policy has been prepared pursuant to the Local Law which has provisions that require that parking restriction signs will need to include the wording “Except Authorised Vehicles” to enable the City to issue Resident / Visitor Parking Permits in any area designated for parking restrictions. This will enable practical enforcement of these parking restrictions to be achieved.

The policies and Local Laws relating to parking of vehicles for people with disabilities are unaffected by this policy. A parking permit issued by the City does not guarantee that an on-street parking space will be available to the holder of the parking permit or that it is directly in front of their property.

Link to Strategic Plan:

Objective:

1.3 Lead and manage the City effectively.

Strategy:

1.3.1 The City develops and implements comprehensive and clear policies which are reviewed regularly.

Legislation – Statutory Provisions:

Under the City’s Parking Local Law the issue of Resident Parking Permits can be approved when specific criteria are met.

Although the Local Law does not specifically identify the issue of Visitor Parking Permits it is considered necessary to include these permits in the policy as a practical means of addressing the needs of residents who will have a requirement to temporarily park vehicles belonging to their visitors, carers or trades people in the area from time to time.

Resident Permits will be affixed to the windscreen by a similar method as that used by Vehicle Registration labels and must have all details clearly visible. Visitor Permits will be of a laminated card variety to enable residents to give to their visitors for them to clearly display on the dashboard of their vehicle and will be transferable from one vehicle to another as required.

The City of Joondalup Parking Local Law Part 6 – Residential Parking identifies the specific criteria applicable to Resident Parking Permits as follows:

Issue of Residential Parking Permits

- 52 (1) *The local government may, on written application, issue a residential parking permit in respect of a particular vehicle to a person who is:*
- (a) the occupier of a dwelling house fronting a road within the parking region; and*
 - (b) the holder of the requisite vehicle licence under the Road Traffic Act for a vehicle licensed at the address shown on the application.*
- (2) *The residential parking permit issued by local government may be either:*
- (a) an annual residential parking permit, issued for a period not in excess of one year and expiring on 31 December in the year of issue; or*
 - (b) a temporary residential permit, issued for a period not greater than 6 months.*
- (3) *Every residential parking permit shall specify:*
- (a) a permit number;*
 - (b) the registration number of the vehicle in respect of which the permit was issued;*
 - (c) the name of the roads or parking stations to which the exemption granted by clause 53 applies; and*
 - (d) the date on which the permit expires.*

Conditions of Exemption for Residential Parking Permits

- 53 *Where the stopping or parking of a vehicle on any part of a road within the parking region, whether such part be marked as a parking space or not, is prohibited for more than a specified time, or in a ticket parking zone without an unexpired parking ticket being displayed within the vehicle, the holder of a residential parking permit is exempted from such prohibition provided that such exemption shall apply only:*
- (a) to the road, roads or parking station specified in the residential parking permit, but excluding areas of road adjacent to retail*

premises, where parking of all classes of vehicles is subject to time restrictions;

(b) if the residential parking permit is affixed to the windscreen or a window of the vehicle in a prominent position;

(c) if the period in respect of which the residential parking permit was issued has not expired; and

(d) if the holder of the residential parking permit at the time of parking the vehicle still occupies the premises in respect of which the residential parking permit was granted.

Removal of Residential Parking Permit from Vehicle

54 *The holder of a residential parking permit who changes residence shall remove the residential parking permit from the vehicle to which it is affixed.*

Fees for Residential Parking Permits

55 *The fees payable for residential parking permits shall, in accordance with section 6.16 of the Act, be such fees as shall be set by a resolution of local government.*

Risk Management Considerations:

Not applicable.

Financial/Budget Implications:

The only budget implication for the City specifically relating to the adoption of the Policy is in relation to the Fees and Charges schedule. The current schedule will require to be amended to enable the issue of these permits to occur prior to the adoption of the proposed Fees and Charges applicable to the 2008-2009 Budget. Attachment 2 provides details of the proposed fees for the issue, renewal and replacement of Resident / Visitor Parking permits.

The City is required to advertise any proposed changes to the Fees and Charges schedule.

Policy Implications:

What is outlined in the draft Policy document is consistent with the aims of the Joondalup CBD Parking Scheme being:

- To encourage those people with on-site parking to use that parking and leave the public parking facilities available for those who have no alternative.
- To provide some support for residents and visitor parking in areas not subject to parking fees.

Regional Significance:

Not applicable.

Sustainability Implications:

It is proposed that the revenue generated by the application of fees for the issue, renewal and replacement of Resident / Visitor Parking Permits will meet the operational and on-going costs of providing this part of the parking service.

Consultation:

The City has previously consulted with residents in the CBD and other areas affected by the introduction of parking restrictions that will impact on the ability of residents and their visitors to park outside of their property, and concludes that residents support the introduction of restrictions in conjunction with the application of a permit system. The proposed fee will also encourage people to use their on-site parking facilities and minimise the number of Resident / Visitor Parking Permits that are issued.

In developing the draft policy, assessments were made of the policies and procedures of several large metropolitan local governments that have had residential parking permits for many years.

COMMENT

The proposed Policy is considered to be the most appropriate response to manage resident and visitor parking. Administration will monitor changes in parking demand and evaluate requests that are received as a result of the implementation of the Policy for Resident / Visitor Parking Permits.

In addition to the broader application of Resident/Visitor Parking permit schemes, Council has specifically resolved in relation to parking issues in Hawker Avenue Warwick and surrounding streets (Item CJ078-05/08 refers) to establish a Residential Parking Scheme and receive a report prior to its introduction. This policy needs to be adopted by Council before the requirements of CJ078-05/08 can be implemented. It is intended to submit a report in relation to CJ078-05/08 to the same Council meeting to which this policy is submitted.

ATTACHMENTS

- Attachment 1 Proposed Resident / Visitor Parking Permit Policy
- Attachment 2 Proposed Amendment to Fees and Charges Schedule

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That the Policy Committee **RECOMMENDS** that Council:

- 1** **ADOPTS** the Resident / Visitor Parking Permit Policy to facilitate the parking requirements of residents and their visitors who reside in an area that is affected by parking restrictions controlled by the City and as shown in Attachment 1 to this Report;
- 2** **BY AN ABSOLUTE MAJORITY, ADOPTS** the following fees for the issue, renewal or replacement of Resident / Visitor Parking Permits as shown in Attachment 2 to this Report:

Description	Basis of Charge	GST (Y/N)	Fee	Gst	Total Fee
Ranger, Parking and Community Safety					
Resident / Visitor Parking Permit	Annual Permit (Expires 31 December)	Y	\$50.00	\$5.00	\$55.00
	Temporary Permit (Maximum 6 Months)	Y	\$30.00	\$3.00	\$33.00
	Replacement Permit (Damaged, lost or stolen)	Y	\$20.00	\$2.00	\$22.00

- 3** **GIVES** local public notice in accordance with Section 6.19 of the Local Government Act 1995 of the fee in (2) above.

Appendix 2 refers

ITEM 4 AMENDED POLICY 3-1 CHILD CARE CENTRES – TO CONSIDER FOLLOWING ADVERTISING – [85510]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE/ EXECUTIVE SUMMARY

The purpose of this report is for the Policy Committee to consider the results of public advertising of draft amended Policy 3-1 Child Care Centres.

BACKGROUND

On 25 March 2008, the Policy Committee considered draft amendments to Policy 3-1 Child Care Centres, to bring the policy into line with community expectations and assist in the assessment of child care centre applications. The issues of amenity, appropriate location, traffic and car parking, noise attenuation, operating hours and location of outdoor play areas were included in the amended policy.

Council subsequently resolved at its meeting held on 15 April 2008 to initiate public advertising of the amended Policy 3-1 for a period of 35 days (Item CJ052-04/08 refers).

DETAILS

A summary of the proposed amendments to the Child Care Centre Policy is provided below:

- Increased focus on amenity issues;
- Building setback requirements to be consistent with District Planning Scheme No 2;
- Clarification of where Child Care Centres are suitable in terms of the road hierarchy.
- Car parking and access requirements to be clarified and expanded;
- Additional provisions relating to operating days and hours, and outdoor play areas.

Council is required to consider any submissions received and determine if it is prepared to adopt the amended policy.

Issues and options considered:

The options available to Council are:

- Adopt amended Policy 3-1 Child Care Centres, without modifications.
- Adopt amended Policy 3-1 Child Care Centres, with modifications.

- Not adopt amended Policy 3-1 Child Care Centres.

Link to Strategic Plan:

The following objective of the City's Strategic Plan 2008-2011 applies to this report:

Objective 4.1 To ensure high quality urban development within the City.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup's District Planning Scheme No 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

The amended Policy 3-1 was advertised for a period of 35 days, commencing on 24 April and closing on 29 May 2008. Advertising was undertaken in the form of an advertisement placed in the Joondalup Times for two consecutive weeks, and on the City's website.

Upon closure of advertising, no submissions had been received.

COMMENT

The proposed amended Policy 3-1 will clarify suitable locations for Child Care Centres, setbacks, car parking and access requirements, amenity and Council's exercise of discretion. It includes car parking requirements for large Centres, operating days and hours, additional provisions relating to outdoor play areas to improve the safety of the children, clarification of policy application in the residential zones, noise attenuation measures and avoidance of adverse impacts.

In view of no submissions being received during the public advertising period, it is recommended that the Policy Committee recommends to Council that it adopts amended Policy 3-1, without modification.

ATTACHMENTS

Attachment 1 Draft Amended Policy 3-1 -Child Care Centres

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADOPTS as final amended Council Policy 3-1 Child Care Centres, without modification, as shown in Attachment 1 to this Report.

Appendix3 refers

ITEM 5 DRAFT POLICY 3-7 SIGNS – [01907, 85510]**WARD:** All**RESPONSIBLE** Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE/EXECUTIVE SUMMARY

The purpose of this report is to provide a draft Signs Policy for consideration by the Policy Committee. It is recommended that Council initiates public advertising on draft Policy 3-7 Signs.

BACKGROUND

Planning applications as well as sign licences are required for signage within the City. There is no policy to guide the extent and location of various forms of signage within the City. Signs are currently considered under the provisions of the City's Signs Local Law (1999), however, this focuses on safety and maintenance issues. Planning applications are therefore assessed on the merits of the proposal.

On 28 August 2007 Council resolved that a report be prepared for the Policy Committee on business signage. The Policy Committee considered an initial report at its meeting held on 8 October 2007, highlighting key aspects to be considered in the draft policy, including limitations on certain types and sizes of signs, minimising visual clutter and the impacts on building facades. Specifically, the Policy Committee noted that:

- "1 the development of a Signs Policy is underway, and when completed the draft policy will be presented to the Policy Committee for consideration;*
- 2 that the following issues will be considered in formulating the Policy:*
 - Limiting certain types of signs to particular land uses*
 - Regulating the amount of building façade that can be covered by signage*
 - Providing parameters to regulate on-roof signage and minimising the impact of that (for example within the Joondalup City Centre on-roof signage is generally not approved).*
 - Limiting the amount of signage to avoid "clutter" on a building*
 - Providing prescriptive limits for the maximum size of types of signage including:*
 - (a) pylon signs*
 - (b) panel signs*

- (c) *free standing hoardings*
- (d) *product displays*

- *Encouraging multi panel shared pylon signs in lieu of individual signs*
- *Regulating and providing reasonable limits on temporary signage*
- *Regulating inflatable balloon signage*
- *Illumination of signs*
- *Public safety and amenity.”*

Planning applications for signage are considered on the merits of the proposal and in accordance with the objectives of DPS2 relating to advertising signage, being:

- (a) to ensure that the visual quality and character of particular localities and transport corridors are not eroded;
- (b) to achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic;
- (c) to minimize the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;
- (d) to prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;
- (e) to reduce and minimise clutter; and
- (f) to promote a high standard of design and presentation in outdoor advertising.

Clause 5.1.5 of DPS2 states that planning approval is not required for advertisements listed in Schedule 4 – Exempted Advertisements. Exempted signs are based on the provisions of the Signs Local Law and include, but are not limited to, the following, within certain specifications:

- direction signs,
- property disposal (real estate sale) signs,
- building names
- signs and plates advertising the name and business of an occupier.

DETAILS

A draft policy has been prepared in accordance with the objectives of DPS2 and to address the issues raised by the Policy Committee, including recognising and enabling a reasonable degree of signage to support business uses (Attachment 1). As signage can raise amenity concerns, particularly in terms of visual impacts, it is considered prudent for Council to consider common forms of signage within all areas

of the City, not just within business areas. Consequently, the draft planning policy at Attachment 1 covers all areas.

Issues and options considered:

The options available to Council are:

- Accept draft Policy 3-7 for consultation.
- Refuse to accept Policy 3-7.
- Accept draft Policy 3-7, with modifications, for consultation.

Link to Strategic Plan:

The following objective in the City's Strategic Plan 2008-2011 is applicable to this report:

Objective 4.1 To ensure high quality urban development within the City.

Legislation – Statutory Provisions:

Clause 8.11 of the City of Joondalup's District Planning Scheme No 2 (DPS2) enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

Should Council adopt a draft policy or an amendment to a policy, the proposal is required under clause 8.11 to be advertised for a period of not less than 21 days. Advertising is undertaken by way of a notice published once a week for two consecutive weeks in a local newspaper, as well as on the City's website, giving notice where the draft policy or amendment may be inspected. Significant stakeholders such as the Joondalup Business Association may also be invited to contribute during the consultation stage.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

This report proposes a new policy.

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

In the event that Council adopts the draft policy for the purpose of initiating advertising, it is recommended that the proposal be advertised for a minimum period of not less than 21 days. Upon completion of advertising, Council is required to consider all submissions and proceed to either adopt or not adopt the policy. There is no requirement under DPS2 for local planning policies to be forwarded to the Western Australian Planning Commission (WAPC) for approval, however a copy of the policy may be forwarded if its provisions affect the interests the WAPC.

COMMENT

At its October 2007 meeting, the Policy Committee recommended that a number of issues be addressed in the draft policy. Each issue is listed below with a comment on how this has been addressed.

Limiting certain types of signs to particular land uses

The draft policy relates to the common forms of signage that are seen throughout the City of Joondalup. The provisions indicate particular types of signs that can be erected so as to complement associated land uses.

Regulating the amount of building façade that can be covered by signage

The draft policy sets out provisions for wall and window signs in terms of the area of signage allowable. Other types of signs that project from walls or are attached to verandahs are covered in the draft policy.

Providing parameters to regulate on-roof signage and minimising the impact of that

Given the potential negative impact of roof signs on visual amenity, the draft policy does not encourage this type of signage and proposes they not be permitted.

Limiting the amount of signage to avoid 'clutter' on a building

Avoidance of visual clutter is a key objective that has been addressed in the draft policy through limitations on the size and number of signs in relation to the building elevation.

Providing prescriptive size limits for signs, including pylon, panel and product display signs and hoardings

Provisions have been included in the draft policy for pylon and product display signs. Panel signs are known as monolith signs and guidelines have been provided for this type of signage.

Due to the potential negative visual impacts of hoardings and the lack of businesses within the City (such as car sales yards) that would normally utilise this type of signage, hoardings are not separately identified in the draft policy. Wall panels, which are considered an acceptable type of hoarding, are incorporated under the definition of wall signs.

Encouraging multi panel shared signs in lieu of individual signs

Pylon signs providing for multiple businesses to be included in one space are appropriate for large premises containing multiple tenancies. Provisions relating to the number and size of composite pylon signs, based on the provisions of signs policies adopted by similar metropolitan local government authorities, have been included in the draft policy.

Regulating and providing reasonable limits on temporary signage

In recognition of the visual impacts, the draft policy proposes that provisions for temporary signage should not differ from provisions for permanent signage of the same nature. Guidance is proposed for signage that relates to estate development, display homes, real estate home opens, real estate sales, inflatable, banner and community information and portable signs, and trade displays. The permitted duration of approved temporary signs depends on the type, extent and details of the proposal.

Illumination of signs

Illumination of signage has been addressed in the draft policy, however, it does not address details of voltage or wattage. Illuminated signs in residential areas are suggested to be inappropriate under the draft policy.

Public safety and amenity

The existing Signs Local Law is focused on safety and the maintenance of signage. In addition, a Building Licence is required for erection of signs to ensure stability. The draft policy refers to safety and amenity objectives and provides guidance on the location and extent of signage within the City.

General requirements

Signage is not supported in residential areas, with home businesses, child care centres and consulting rooms being the exceptions. Where certain types of signage may be permitted in residential areas, the draft policy provides different requirements where appropriate.

ATTACHMENTS

Attachment 1 Draft Policy 3-7 – Signs

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES the draft Council Policy 3-7 - Signs, as shown in Attachment 1 to this Report for public comment for a period of thirty five (35) days.

Appendix4 refers

**ITEM 6 REPORT TO POLICY COMMITTEE – NOISE –
[01352, 16980]****WARD:** All**RESPONSIBLE** Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE/EXECUTIVE SUMMARY

The purpose of this report is to provide information regarding noise disturbances. This matter is governed by legislation and no noise policies exist at the City of Joondalup. However, the City has a number of administrative procedures which guide the technical management of noise complaints including liaison with complainants and alleged offenders.

BACKGROUND

The Environmental Protection (Noise) Regulations 1997 establish standards for acceptable levels of noise generation (attachment 1 summarises these). The Regulations also prescribe the need for qualified officers to be empowered to measure noise scientifically, within prescribed standards. Local Government can use these Regulations to resolve noise issues. Delegated authority allows for Local Government to administer these Regulations in order to address issues relating to noise.

The Regulations provide methods for the calculation and assessment of sound levels. The Regulations provide a tool for dealing with noise breaches and any Local Authority has discretion as to whether to take action under the Regulations.

Noise issues are addressed on a case by case basis taking into consideration the type, duration and frequency of the noise, the time of day it occurs, its contribution to overall noise levels and whether it unreasonably interferes with the amenity of the complainant.

The City does not have policies relating to noise as issues relating to noise are controlled by the Act and Regulations. A Local Government has no power to extend requirements where these are specifically set by the State Government through legislation. Consequently, a Local Government's major decision making in this area relates to its commitment to respond to noise complaints and to prosecute where breaches are identified. The penalty for breaching the Regulations is up to \$500 where an infringement notice is issued or up to \$62,500 to an individual for a breach of an environmental protection notice if taken to court.

Procedures have been developed over time to ensure that this (sometimes very emotive) issue is managed fairly and objectively. Attachment 2 displays a flow chart that illustrates the standard procedure for dealing with noise complaints.

The City regularly liaises with the Department of Environment and Conservation with respect to noise issues and to share views on how the Regulations are administered.

It is noted that the Regulations are not intended to curtail the normal and reasonable activities of people enjoying the use of their property.

Link to Strategic Plan:

Strategy 5.2.3 – The City provides efficient and effective environmental health and immunisation services.

Legislation – Statutory Provisions:

Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

The control of noise issues are governed by legislation. No further policies exist in relation to noise.

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

For the Policy Committee to consider this report and determine, in light of the information presented, whether it would like additional information or whether it would like the City to lobby for a change to the Regulations.

ATTACHMENTS

Attachment 1	Summary of Environmental Protection (Noise) Regulations
Attachment 2	Noise Procedure Flow Chart

RECOMMENDATION

That the Policy Committee NOTES the contents of this Report.

Appendix5 refers



APPENDICES

ITEM	TITLE	APPENDIX	PAGE
Item 1	Draft Cats Local Law	1	
	Attachment 1 Draft Cats Local Law		1
	Attachment 2 Previous Report to Council on a New Cats Local Law (CJ097-06/08)		18
Item 3	Adoption of a Resident/ Visitor Parking Permit Policy	2	
	Attachment 1 Proposed Resident / Visitor Parking Permit Policy		23
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Item 4	Amended Policy 3-1 Child Care Centres – To consider following advertising.	3	
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Item 5	Draft policy 3-7 signs	4	
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LOCAL GOVERNMENT ACT 1995

The Municipality of the City of Joondalup

CATS LOCAL LAW 2008

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 _____ to make the "*City of Joondalup Cats Local Law 2008*".

ARRANGEMENT

PART 1 – PRELIMINARY..... Clauses 1 – 6
PART 2 – CATS..... Clauses 7 – 32

PART 1 – PRELIMINARY

Title

1 This Local Law may be referred to as the *City of Joondalup Cats Local Law 2008*.

Commencement

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

Purpose

- 3 (1) The purpose of this Local Law is to provide for the registration, control and identification of cats within the City of Joondalup.
- (2) The effect of this Local Law is that a system for the registering and controlling of cats will be operational within the City of Joondalup.

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 welfare group” means any not-for-profit group that is incorporated under the *Associations Incorporation Act 1987* and whose aims predominantly relate to animal welfare;

“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 a certificate of registration required by this Local Law;

“approved fees” means the fees and charges determined by the City of Joondalup from time to time, for putting into effect the provisions of this Local Law;

“authorised person” means a person authorised by the City of Joondalup under section 9.10 of the Local Government Act, to enforce the provisions of this Local Law;

“cattery” means any premises where 4 or more cats are boarded or bred;

“City” means the local government of the City of Joondalup;

“district” means the district of the City;

“private premises” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

“public place” means any place to which the public has access.

PART 2 – CATS

Registration of cats

- 7 (1) All cats within the City shall be registered by 31 October each year except:
- (i) Cats under the age of 3 months;
 - (ii) Cats kept during the period when the owner is applying for registration;
 - (iii) Cats in the custody of an animal welfare group;
 - (iv) Cats held by a registered veterinary surgeon in the course of his or her professional practice;
 - (v) Cats kept in any cattery.
- (2) Excluding the exemptions listed under clause 7(1), if a cat is not registered under this Local Law, the owner of the cat commits an offence.

Penalty: \$500

Identification of registered cats outside of premises where ordinarily kept

- 8 Owners of cats shall ensure that their cats may be identified by one of the following means when outside of the premises where the cat is ordinarily kept:
- (a) The cat has a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner of the cat; or

- (b) The cat has a microchip implanted in its body containing information that may be used to obtain the name of the owner of the cat and a current address or telephone number of the owner.

Register to be maintained

- 9 The City of Joondalup shall maintain a register showing:
 - (i) the details of the name, breed, approximate age, colour, distinguishing marks and sex of each cat which is the subject of an application for registration;
 - (ii) the particulars of the owner or, if the application is not made by the owner, the agent of the owner, and the premises stated as the place at which the cat is intended to be ordinarily kept;
 - (iii) any notification of an alleged change of ownership; and
 - (iv) the period of any registration effected and the registration number relevant to each cat.
- 10 The register shall be kept by the City of Joondalup and shall, as far as is practicable, be so maintained as to include any alteration or addition since the preparation of the register for the preceding year.
- 11 A person who applies to the City of Joondalup is, on payment of the prescribed fee, entitled to inspect and take copies of any entry in the register or, as the case may be, to receive a copy of an entry in the register certified by a registration officer.

Registration periods and fees

- 12 (1) Subject to the provisions of this section, the registration fee payable in relation to a cat shall be such amount as is prescribed by Schedule in this Local Law.
 - (2) The registration of a cat under this Local Law shall:
 - (a) remain in force from the date specified in the certificate until 31 October either:
 - (i) next ensuing; or
 - (ii) where this Local Law permits an extended registration period and the owner has elected to register the cat for that extended period, ensuing in the last registration year of that period; and
 - (b) may be renewed to take effect as from 1 November in any year, within the preceding period of 21 days.
- 13 Schedules to this Local Law may provide that concessional rates of registration be payable:

- (a) by pensioners as defined in the *Rates and Charges (Rebates and Deferments) Act 1992*, or other persons of a specified class or in specified circumstances;
- (b) by persons who elect to effect registration for such extended period as is prescribed by Schedule in this Local Law;
- (c) in respect of registration for a period of less than one year;
- (d) in respect of a cat that is proved by either certificate or to the satisfaction of the registering officer to have been sterilized.

Registration procedure

- 14 The form of application prescribed by Schedule in this Local Law for registration shall require the applicant to state in the application the premises at which the cat will ordinarily be kept.
- 15 Where a cat is ordinarily kept by a person under the age of 18 years, application for registration of that cat shall be made by his parent or guardian or some other person who is over the age of 18 years and any registration shall be in the name of the applicant.

Change of ownership

- 16 Where the ownership of a cat is transferred to another person, the registered owner shall within 28 days thereafter cause the City of Joondalup to be notified in the manner and form prescribed by Schedule in this Local Law of the transfer.

Penalty: \$200

- 17 (1) No change shall be made in the record of the ownership of a cat unless:
 - (a) the registered owner has notified the change to the City of Joondalup; or
 - (b) an application for registration is made by a person who alleges that he is the new owner.
- (2) A person aggrieved by a decision of the City of Joondalup relating to the ownership of a cat as recorded in a register may apply for a review of the decision.

Registration tags

- 18 (1) A registration tag must be worn by the registered cat when in a place that is outside of the premises where the cat is ordinarily kept, as declared on the certificate of registration, and shall —
 - (a) be of a durable material;
 - (b) be of a colour specified by Schedule in this Local Law in accordance with the relevant registration cycle; and

- (c) contain the registration number of the cat.

Offences relating to registration, etc.

19 A person who:

- (a) wilfully inserts or omits, or permits to be inserted or omitted, in any application for the grant or renewal of a registration any matter or thing whatsoever contrary to, or for the purpose of concealing, the truth;
- (b) whether on his own behalf or that of another person, for the purpose of obtaining any benefit or avoiding any penalty or obligation under this Local Law, wilfully makes or causes to be made any representation or statement which is false or misleading in any material particular or which he knows or ought reasonably to know is likely to deceive any person;
- (c) keeps any cat wearing a registration tag –
 - (i) issued in respect of another cat; or
 - (ii) in respect of a registration which is no longer current; or
- (d) wrongfully removes or defaces any registration tag issued under this Local Law, or makes, uses, purchases or has in his possession any counterfeit or false certificate of registration or registration tag or any thing apparently intended to resemble or pass for the same, commits an offence.

Penalty: \$500

Control of cats in public places

20 (1) A cat shall not be –

- (a) in a public place unless the cat is, in the opinion of an authorised officer, under effective control; or
- (b) in any designated area specified in a Schedule to this Local Law; or
- (c) on private premises where a complaint by the owner or occupier of the premises has been made to the City in relation to the cat's unwanted presence on the property.

(2) If a cat is at any time in a place in contravention of –

- (a) Clauses 20(1)(a) or 20(1)(c), the owner of the cat commits an offence against these Clauses unless he establishes a defence under Clause 20.

Penalty: \$500

- (b) Clause 20(1)(b), the owner of the cat commits an offence against that Clause unless he establishes a defence under Clause 21.

Penalty: \$1000

Defences applicable to Clause 20

- 21 It is a defence to a charge of contravening Clause 20(2) if the person charged satisfies the Court –
- (a) in the case of the owner of the cat, that he took all reasonable precautions and exercised all due diligence to avoid the contravention; or
 - (b) that at the material time the cat was in the possession or control of some other person without his consent, express or implied.

Seizure and impounding of cats

- 22 If it appears to an authorised person that a cat is in a place in apparent contravention of Clause 20(1), the authorised person may seize and impound the cat.
- 23 Where a cat is seized pursuant to Clause 22 the authorised person may —
- (a) cause it to be returned to the owner; or
 - (b) impound it, and the owner shall be liable to pay to the City, before the cat is returned to the owner, the reasonable cost of returning the cat or of maintaining it during the period of impoundment, or both where that is appropriate, together with any charges levied in relation to the seizure and impounding of the cat and any other fees or charges relating to that cat which ought to have been, but had not been, paid under this Local Law, including any penalties imposed on, or costs or expenses payable by, the owner in respect of an offence, whether or not the cat is returned to the owner.
- 24 Where a cat is seized under this Local Law and is not forthwith returned to the owner it shall be detained in a pound maintained by the City or at premises maintained by another body, or in any suitable premises.
- 25 If a cat impounded under Clause 22 is wearing a registration tag or the owner is otherwise readily identifiable, the authorised person causing it to be detained shall also cause notice to be given to the owner in the prescribed manner and form as soon as is practicable.
- 26 Where an unidentified cat is impounded and is not reclaimed within 7 days of its impoundment, the City may –
- (a) Offer the cat for sale; or
 - (b) Cause the cat to be destroyed; or
 - (c) Cause the cat to be rehoused.
- 27 Where a registered and identified cat is impounded and it is not reclaimed within the period specified in a notice of impoundment, the City may –
- (a) Offer the cat for sale; or
 - (b) Cause the cat to be destroyed; or

- (c) Cause the cat to be rehoused.
- 28 If an impounded cat is sold under Clause 26(a) or 27(a), the proceeds of sale become the property of the City and may be disposed of in such manner as the City thinks fit.

Register of impounded cats

- 29 The City of Joondalup shall maintain an Impounding Register showing:
- (a) the details of the breed, approximate age, colour, distinguishing marks and sex of the cat subject to the impoundment;
 - (b) if known, the name and address of the owner of the cat;
 - (c) the date and time of impoundment;
 - (d) the name of the person who seized and impounded the cat;
 - (e) the reason for the impounding;
 - (f) a note of any order made by the authorised person relating to the cat;
 - (g) the method of disposal of the cat, whether sold, released, rehoused or destroyed; and
 - (h) the date of sale, release, rehousing or destruction of the cat.
- 30 The Impounding Register is to be available for inspection by the public.

Destruction of cats

- 31 An authorised person under this Local Law may cause a cat to be destroyed at the request of the owner of that cat, whether or not the cat has been seized or impounded.
- 32 Where a cat is destroyed under Clause 30, the owner is liable for the cost of both the destruction and the disposal of the cat.

First Schedule

CITY OF JOONDALUP

CATS LOCAL LAW 2008

FEES FOR REGISTRATION

1	Inspection of register	\$0.50
2	Certified copy of an entry in the register	\$1.00
3	Annual registration, unsterilized cat, unless a concessional rate applies	\$30.00
4	Concessional registration rates —	
	a. Sterilized cats, annual registration	\$10.00
	b. Cats owned by pensioners referred to in Clause 13(a)	50% of fee otherwise payable
	c. Registration after 31 May in any year, for that registration year	50% of fee otherwise payable
	d. Three year registration period —	
	Sterilized cat	\$18.00
	Unsterilized cat	\$75.00

Second Schedule

CITY OF JOONDALUP
CAT LOCAL LAW 2008

DESIGNATED PROHIBITED CAT AREAS

1. Any area listed under Schedule 5 of the City's District Planning Scheme No. 2.

2.	Location	Reserve Number(s)
	Neil Hawkins Park	28544
	Whitford Node, Hillarys	39497
	Mawson Park, Hillarys	33401
	McDonald Park, Padbury	33072
	Heathridge Park, Heathridge	34330
	Blue Lake Park, Joondalup	41893
	Percy Doyle Reserve, Duncraig	33894
	Hepburn Conservation Area, Padbury	42987
	Central Park, Joondalup	48354 and 46710
	Tom Simpson Park, Mullaloo	32074
	Coastal Foreshore Reserve	47831

Third Schedule
Form 1

CITY OF JOONDALUP
CATS LOCAL LAW 2008

CAT REGISTRATION FORM

APPLICATION FOR A CERTIFICATE OF REGISTRATION

FOR THE OWNER OF THE CAT

I, (1) of (2)
the owner of the cat, to which its particulars are listed in this application, declare that —

- (a) I am not under 18 years of age; and
- (b) The particulars shown in this application are true to the best of my knowledge and belief.

FOR APPLICANTS WHO ARE NOT THE OWNER OF THE CAT

I, (3) of (4).....
as the duly authorised agent of (1)
of (2) the owner of the cat, to which its
particulars are listed in this application, declare that —

- (a) I am not under 18 years of age; and
- (b) The particulars shown in this application are true to the best of my knowledge and belief.

Premises where cat will ordinarily be kept	Name of Cat	Sex	Colour and distinguishing marks ⁽⁵⁾	Breed of kind of cat	Approx. age of cat	Concession claimed ⁽⁶⁾

(Signature)

Dated this day of 20.....

- (1) Insert name of owner.
- (2) Insert address of owner.
- (3) Insert name of applicant, if not the owner.
- (4) Insert address of applicant, if not the owner.
- (5) Describe any markings, including any tattooed mark.
- (6) Insert reason for claiming concession e.g. owned by pensioner, etc.

For office use only

Registration Number.....
This registration is valid until
Date of issue Signature of registration officer

Third Schedule
Form 2

CITY OF JOONDALUP
CATS LOCAL LAW 2008

TRANSFER OF CAT OWNERSHIP FORM

PARTICULARS OF THE PERSON TRANSFERRING OWNERSHIP

Name:.....

Address:.....

Cat's Registration Tag Number:.....

Signature of the person transferring ownership:.....

Date:.....

PARTICULARS OF THE NEW OWNER (if known)

Name:.....

Address:.....

Telephone Number:.....

Signature of new owner:.....

Third Schedule

Form 3

**CITY OF JOONDALUP
CATS LOCAL LAW 2008**

CAT SEIZURE AND IMPOUNDMENT FORM

Date:.....

Time:.....

I, (1).....
as an authorised officer under this Local Law, seized and impounded the following cat –

Registration No. (if registered)	Name of Cat (if known)	Sex	Colour and distinguishing marks	Breed or kind of cat	Approx. age of cat

Owner Details (if known)

Name:.....

Address:.....

Phone:.....

The cat was seized and impounded under Clause.....of the Cats Local Law 2008
for.....

I order that

Details of Disposal

The abovementioned cat was (please circle): released to owner/sold/rehoused/destroyed on

(2).....at (3).....

- (1) Name of authorised officer
- (2) Date of cat's disposal
- (3) Time of cat's disposal

Third Schedule
Form 4

CITY OF JOONDALUP

NOTICE OF THE SEIZURE AND IMPOUNDMENT OF A CAT

Place found:.....

Date and time:.....

To (1).....

PLEASE TAKE NOTICE that a cat, of which you are the owner, has been seized and impounded pursuant to the powers conferred by the *Local Government Act 1995*, and is now at.....

If not claimed within 7 days from the date of the service of this notice, the cat will be disposed of pursuant to the *Cats Local Law 2008*. All fees and charges relating to offences committed and associated detainment costs will require full payment before the release of the cat is approved.

The registered number of the cat is.....

.....
(signature of authorised person)

(1) Insert name and address of owner.

Third Schedule
Form 5

CITY OF JOONDALUP
CATS LOCAL LAW 2008

INFRINGEMENT NOTICE

No.
Date/...../.....

To (1)

.....
It is alleged that at (2)

.....
on the day of 20.....
you committed an offence in that you (3)

.....
(to be signed by an authorised person).

You may dispose of this matter —

- (a) by payment of a penalty of (4) \$..... within 21 days of the date of this Notice to (5)
- or
- (b) by having it dealt with by a court.

If this modified penalty is not paid within the time specified, court proceedings may be taken against you.

-
- (1) Insert name and address of alleged offender.
 - (2) Insert place of alleged offence.
 - (3) Insert short particulars of the offence alleged.
 - (4) Insert amount of penalty prescribed.
 - (5) Insert address of the office where payment may be made.

Third Schedule
Form 6

CITY OF JOONDALUP
CATS LOCAL LAW 2008

WITHDRAWAL OF INFRINGEMENT NOTICE

No.
Date/...../.....

To (1)

.....
Infringement Notice No. dated/...../.....
for the alleged offence of (2)

.....
.....
.....
..... Penalty (3) \$..... is hereby withdrawn.

- † No further action will be taken.
- † It is proposed to institute court proceedings for the alleged offence.

.....
(to be signed by an authorised person).

-
- (1) Insert name and address of alleged offender.
 - (2) Insert short particulars of offence alleged.
 - (3) Insert amount of penalty prescribed.
 - † Delete whichever does not apply

Forth Schedule

CITY OF JOONDALUP CATS LOCAL LAW 2008

OFFENCES AND MODIFIED PENALTIES

Part 2 - Cats

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	7(2)	Failure to register cat	50
2	16	Failure to give notice of new owner	20
3	19(a)	Wilfully concealing truths on cat registration form	50
4	19(b)	Providing false or misleading information on cat registration form	50
5	19(c)	Allowing cat to wear incorrect registration tag	50
6	19(d)	Wrongfully removing or defacing cat registration tag or producing counterfeit cat registration tag	50
7	20(1)(a)	Cat in a public place not under effective control	50
8	20(1)(b)	Cat in a prohibited area under Second Schedule	100
9	20(1)(c)	Cat on private premises following complaint	50

Fifth Schedule

CITY OF JOONDALUP
CATS LOCAL LAW 2008

REGISTRATION TAGS

1. Commencing in the year 2008, the following registration tag colours are to be utilised on a three-yearly rotational basis.

One Year Registrations

Year Number	Tag Colour
1*	Red
2	Blue
3	Yellow

Three Year Registrations

Year Number	Tag Colour
1*-3	Purple
4-6	Green
7-9	Orange

*Year 1 commences in the Year 2008.

ITEM 6 REGISTERING AND IDENTIFYING CATS: A NEW LOCAL LAW -
 [29182]

WARD: All

RESPONSIBLE Mr Ian Cowie
DIRECTOR: Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

For the Council to consider beginning the process of making a new local law to provide for the registration of cats within the City.

The proposed local law will implement a system for the registering of cats in a similar way to the requirements for dog registration as contained in the Dog Act 1976.

BACKGROUND

At the Council meeting of 24 April 2007 (CJ064–04/07 refers) it was resolved that a local law requiring the registration of cats within the City be enacted. Specifically, the resolution stated that the new local law provisions should mirror as closely as possible those contained in the Dog Act 1976 including:

- (a) creating an offence for the owner of the cat and the occupier of the premises where the cat is ordinarily kept if the cat is not registered;
- (b) establishing a penalty for this offence of \$500;
- (c) that registration not apply to:
 - Cats under the age of 3 months;
 - Cats kept during the period when the owner is applying for registration;
 - Cats in the custody of an animal welfare group;
 - Cats held by a registered veterinary surgeon in the course of his or her professional practice;
 - Any cattery establishment;
- (d) the City maintaining a register of cats which contains information similar to the register maintained for dogs;
- (e) the registration periods concluding on 31 October;
- (f) the concessional rates applying to dog registration apply to cats.
- (g) a form similar to the form for registering dogs being prepared for registering cats;

- (h) a specific process for registering cats in a similar manner to the process for registering dogs in the Dog Act being established;
- (i) provisions relating to a change of ownership and the refusal or cancellation of a registration similar to those within the Dog Act being established;
- (j) that the City prescribes registration tags for cats each year;
- (k) establishing penalties for false or misleading claims in relation to registration.

Further, Council resolved that the proposed new local law will need to include the identification of all registered cats either by a microchip or a collar and tag similar to that which applies to dogs.

The proposed **draft** Cats Local Law, which incorporates these provisions, can be found in Attachment 1 to this report. It also includes a range of control measures similar to the *Dog Act 1976* ("the Act") that were adopted either from the Act itself or from other local government's local laws relating to cats. These provide a rationale and purpose for the registration provisions.

Issues and options considered:

Several local governments within the State have introduced local laws relating to cats. Below is a table outlining the various elements included in these local laws.

Local Government	Elements within Local Law Relating to Cats
Shire of Ashburton	Identification, max number of cats, nuisance, abandonment, impounding and trapping, penalties and infringements.
Shire of Busselton	Identification, registration, permits for keeping cats, cat control, nuisance, impounding of cats, destruction of cats and offences and penalties.
Shire of Capel	Max number of cats, nuisance, enclosures.
Shire of Mundaring	Identification, permits for keeping cats, fauna protection and buffer zones, removal and impounding of cats, abandonment and offences and penalties.
City of Stirling	Identification, permits for keeping cats, prohibited cat areas, removal and impounding of cats, destruction of cats, abandonment and offences and penalties.

Options for Council to consider:

Option 1

Council may decide not to proceed with a new Cats Local Law.

Option 2

Council may decide to proceed with the proposed Cats Local Law and advertise it for public comment.

Option 3

Council may decide to amend the proposed **draft** Cats Local Law and advertise it for public comment.

Link to Strategic Plan:

Objective 1.2: To engage proactively with the community

Legislation – Statutory Provisions:

Local Government Act 1995, Sections 3.5 and 3.12. Attachment 2 presents a flow chart of the process.

Risk Management considerations:

Registering cats is likely to be strongly supported by some and opposed by others.

Financial/Budget Implications:

Should Council decide to progress the new local law, additional costs will be involved in completing the process. This may be in the region of some \$2,000, including advertising and any additional consultation undertaken on the matter. Further, as noted in the previous report to Council on this matter (CJ064–04/07 refers), whilst revenue from registration of cats will be generated, this will be dependent on cat owners being prepared to register their pets and may not offset the costs of processing registrations and maintaining the registration database.

In 2007, \$202,166 of revenue was raised from the processing of 9532 dog registrations. (This was a combination of renewals and new registrations and the application of full and concessional rates). The administrative costs of processing this number of registrations was \$91,970 including the purchasing of registration tags, time taken to process applications, costs of providing online payment services and mailing distributions. This equates to a revenue-administrative cost ratio of almost 2:1, (meaning that for every \$2 generated from revenue, \$1 is spent on administrative costs).

Operationally, the annual cost of enforcing the registration provisions of the *Dog Act 1976* is \$215,330. This includes the time taken to address inquiries, relocate animals either back to their owner or to Malaga for impounding and the administration of the register of offences. Consequently, the implementation of the *Dog Act 1976* costs the City \$82,500 overall. Given that State legislation requires the City to enforce dog-related offences, the City is obligated to provide satisfactory resources to ensure that its responsibilities are fulfilled. Should a Cats Local Law be introduced, the City will be imposing additional operational costs upon itself which will not be offset by revenue from registrations and infringement payments. In addition, set-up costs of purchasing microchip scanners and cat traps would also be imposed on the City should the proposed cats local law be pursued.

Policy Implications:

This report relates to a new policy provision for cats.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Opportunities for the public to make submissions on the proposed local law are contained within the provisions of 3.12 of the Local Government Act 1995, and will involve Statewide and local advertising of both the notice of the City's intention to introduce the new local law and the proposed local law itself. It is anticipated that this will serve to identify the extent of public acceptance of the proposed new local law relating to cat registration.

COMMENT

City officers recommended against enacting a Cat Local Law in the report to Council dated April 2007. Reasons for this included:

- (a) There are no real benefits in just registering cats. Public concerns tend to reflect on sterilisation to address the number of unwanted cats and cat nuisance. These matters can, at best, be only indirectly influenced by a Local Law requiring registration. (For example, a discounted registration fee could be adopted for a sterilised cat).
- (b) It is unlikely that large numbers of cats would be registered, even with a local law in place. Across local government, it is generally accepted that only around 50% of dogs are registered by their owners. A local government can door knock residences to identify where dogs are kept to increase this percentage but this would be far more difficult with cats which do not 'come to the door' in the same manner as a dog when a stranger approaches the house. Consequently, it is likely that there will be comparatively low levels of compliance with a cat registration system.
- (c) The State Government should regulate cats, as it does with dogs, and not shift the issue to local government. By local government taking on this role, it is supporting a cost shift from the State Government.

Further to the concerns listed above, the City has received a recent position statement from the Western Australian Rangers Association (WARA) in relation to the management of cats. It is the Association's recommendation that the identification and registration of cats in a local law should *not* be supported (unless State legislation is introduced) due to the associated responsibilities of local government to enforce the offences.

It is also postulated that the majority of owners who register their cats will have 'good' cats (that is, cats which do not cause a nuisance, are well controlled and which are sterilised). Consequently, registration will do little to change the approach of owners whose cats are not well controlled, cause a nuisance and breed excessively.

In addition to this, the costs associated with registration will create expectations that a service will be provided by the local government, most likely being the provision of a cat pound. For most local governments, providing such a service would run at a significant loss. This report demonstrates that administering the requirements of the *Dog Act 1976* costs the City \$82,500 annually. If only half as many cats are registered, it could be estimated that administering this Local Law would end up costing the City around \$40,000. However, this is considered a significant underestimation as revenue is being set at a level equivalent to that generated under the *Dog Act* while costs associated with capturing and impoundment are likely to be much higher than dogs.

City officers agree with the position statement provided by WARA and maintain their previously held reservations. However, this report is presented to Council with a recommendation in keeping with the April 2007 direction from Council.

ATTACHMENTS

Attachment 1 Proposed **draft** Cats Local Law
Attachment 2 Local Law making process flow chart

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council, in accordance with Section 3.12 of the Local Government Act 1995, APPROVES the proposed **draft** Cats Local Law contained in Attachment 1 to this Report as the basis for public consultation with the following purpose and effect:

“The purpose of this local law is to provide for the registration, control and identification of cats within the City of Joondalup”;

“The effect of this local law is that a system for the registering and controlling of cats will be operational within the City of Joondalup.”

POLICY – RESIDENT / VISITOR PARKING PERMITS

- STATUS:** *City Policy - A policy that is developed for administrative and operational imperatives and has an internal focus.*
- City policies are developed by the Policy Committee and/or the administration and adopted by Council.*
- RESPONSIBLE DIRECTORATE:** Corporate Services
- OBJECTIVE:** To provide guidelines for the issue and management of parking permits for use by residents that reside in properties within areas affected by parking restrictions and their visitors.

STATEMENT:

The City recognises that the introduction of parking restrictions may adversely affect the amenity or lifestyle of residents who live in the affected area.

As such, providing a resident can demonstrate that they have fully utilised their existing on-site parking, for the purpose of vehicle parking, they may apply for a permit that exempts them and/or their visitors from parking restrictions in the affected area. The permit will allow residents, or their visitors, to park in their street, the adjacent street or in any street in an area designated for the use of 'authorised vehicles' in accordance with the conditions of the permit.

The following conditions apply:

Resident Permits

1. A maximum of two Resident Parking Permits will be issued per property as set out in the Table - Number of Permits Per Property shown below.
2. A Resident Parking Permit will be valid to a maximum period of one year expiring on 31 December in the year of issue after which the permit will be renewed on application.
3. A Resident Parking Permit can be issued on a temporary basis to a maximum period of six months and in any case expiring on 31 December in the year of issue.
4. A Resident Parking Permit will display a permit number, vehicle registration number, vehicle make, date of expiry and the street(s) or area in which the vehicle will be permitted to park.
5. A Resident Parking Permit is to be affixed to the passenger side front windscreen of the vehicle and all details must be clearly visible.

6. A fully completed Resident Parking Permit Application Form must be accompanied by the following documentation:
 - a. Proof of occupancy such as a copy of the current rates notice or existing lease agreement.
 - b. Proof of vehicle ownership displaying the residential address indicated on the application.

Note: If the vehicle is registered to a company then written authorisation, on company letterhead, must be provided indicating that the vehicle can be kept at the address indicated on the application.

7. A Resident Parking Permit will not be issued to a vehicle which is classified as any of the following types:
 - a. a commercial vehicle (with a tare weight greater than 2,500 kgs).
 - b. a caravan.
 - c. a bus.
 - d. a semi-trailer.
 - e. a tow truck.
 - f. a tractor.
 - g. a trailer.
8. A Resident Parking Permit affected by a change of vehicle ownership is to be returned, with supporting documentation relating to the new vehicle, and will be replaced free of charge.

Visitor Permits

1. A maximum of one Visitor Parking Permit will be issued per property as set out in the Table - Number of Permits Per Property shown below.
2. A Visitor Parking Permit is transferable from one vehicle to another and is to be retained by the resident and given to visitors for them to clearly display on the dashboard of their vehicle.
3. A fully completed Visitor Parking Permit application must be accompanied by the following documentation:
 - a. Proof of occupancy such as a copy of the current rates notice or existing lease agreement.
4. A Visitor Parking Permit will display a permit number, date of expiry and the street(s) or area in which the vehicle will be permitted to park.
5. A Visitor Parking Permit is not permitted for use on a vehicle, for more than three consecutive hours, which is classified as any of the following types:
 - h. a commercial vehicle (with a tare weight greater than 2,500 kgs).
 - i. a caravan.
 - j. a bus.
 - k. a semi-trailer.
 - l. a tow truck.

- m. a tractor.
- n. a trailer.

General Information

To recover the cost of administering the scheme, a fee (as varied by Council from time to time) will be charged for each permit issued.

Renewal of lost, stolen or damaged permits will incur a fee (as varied by Council from time to time) for each replacement.

Resident / Visitor Parking Permits will not apply in areas covered by paid parking or where retail premises and time limited parking applies.

The policies and Local Laws relating to parking of vehicles for people with disabilities are unaffected by this policy.

The City encourages residents not to use their on-site parking for purposes other than the parking of vehicles and will limit the number of permits issued per property to ensure that on-site parking is fully utilised, for vehicle parking, before on-street permits are issued as shown in the table below

Table: Number of Permits Per Property

Number of Parking Spaces on Property	Number of Vehicles Registered to the Residential Address	Maximum Number of Permits Permissible
Nil parking spaces on site	Nil	1 Visitor Parking Permit
	1	1 Resident Parking Permit 1 Visitor Parking Permit
	2 or more	2 Resident Parking Permits 1 Visitor Parking Permit
1 parking space on site	Nil	Nil
	1	1 Visitor Parking Permit
	2 or more	1 Resident Parking Permit 1 Visitor Parking Permit
2 parking spaces on site	Nil	Nil
	1	Nil
	2 or more	1 Visitor Parking Permit

Amendments:
Related Documentation:
Issued:

ATTACHMENT 2

ADOPTION OF A RESIDENT / VISITOR PARKING PERMIT POLICY

PROPOSED AMENDMENT TO THE FEES AND CHARGES SCHEDULE

The table below displays the proposed amendment to the Fees and Charges Schedule that would be required to be advertised as part of the adoption of the Resident / Visitor Parking Permit Policy to enable parking permits to be issued as part of this policy.

Proposed Amendment to Fees and Charges

DESCRIPTION	Basis of charge	GST (Y/N)	Fee	GST	Total Fee
<i>Ranger, Parking and Community Safety</i>					
<i>Resident / Visitor Parking Permit</i>	<i>Annual Permit (Expires 31 December)</i>	Y	\$50.00	\$5.00	\$55.00
	<i>Temporary Permit (Maximum 6 Months)</i>	Y	\$30.00	\$3.00	\$33.00
	<i>Replacement Permit (Damaged, lost or stolen)</i>	Y	\$20.00	\$2.00	\$22.00

POLICY 3-1 CHILD CARE CENTRES

STATUS: **Council Policy** - *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations. The policy has a strategic focus and aligns with the Mission, Vision and Strategic Directions.*

Council policies are developed and reviewed by the policy Committee.

RESPONSIBLE DIRECTORATE: Planning and Community Development

OBJECTIVE: To provide guidelines for the location, siting and design of Child Care Centres to ensure that such developments are compatible with, and avoid adverse impacts on, the amenity of adjoining and surrounding areas.

AUTHORITY

This policy has been prepared in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2 which allows Council to prepare planning policies relating to planning or development within the scheme area.

POLICY AREA

This policy applies to the whole of the City of Joondalup.

POLICY STATEMENT

A Child Care Centre means premises providing a service for the casual, part-time or day-to-day care of children as defined within District Planning Scheme No 2 (DPS2).

In considering applications for Child Care Centres, Council shall take the following criteria into consideration:

1 Location

The appropriate location of Child Care Centres is crucial in avoiding adverse impacts on surrounding properties, particularly in terms of additional traffic, car parking and noise.

1.1 Neighbouring Uses

To minimise potential adverse impacts such Centres may have on the amenity of residential properties, wherever possible, it is preferred to locate Child Care

Centres adjacent to non-residential uses such as shopping centres, medical centres or consulting rooms, schools, parks and community purpose buildings.

1.2 Road Hierarchy

In Western Australia, Main Roads Western Australia lists the types of roads that perform designated functions required of the road network. This is known as the 'Functional Hierarchy of Roads'. The suitability of locating Child Care Centres on the different types of roads is considered in this policy.

Residential amenity, safety and aesthetics take priority in considering vehicular access for Child Care Centres. Child Care Centres should be located on Local Distributor roads in such a manner that they would not conflict with traffic control devices and will not encourage the use of nearby Access Roads for turning movements.

As Child Care Centres can be reasonably high traffic generators, vehicular access should not be located on District Distributor Roads, the primary function of which is to cater for through-traffic. Only under exceptional circumstances may vehicular access be considered from a District Distributor or Access Roads.

2 **Parking and Traffic**

2.1 Traffic Impacts and Safety

Council shall have regard to the need to minimise disruption of existing traffic safety measures and traffic flows in close proximity to proposed Child Care Centres, the potential for substantial traffic increases, particularly on residential streets, and the provision of safe access to proposed on-site car parking areas.

2.2 Design and Location of Car Parking

Car parking is to be located on site in an arrangement that enables a free flow of traffic movement internal and external to the site. Vehicular access to and from must enable vehicles to move in a forward direction. A car park design using 'one-way' traffic flow, shown as Type 1 on Figure 2 is preferred. Alternatively, a 'two-way' crossover shown as Type 2 is required. Incorporation of a designated 'pick-up/drop-off' area is recommended to reduce congestion and improve safety for patrons and prevent traffic build-up on access roads.

Car parking and associated driveways should be easily visible from the street to encourage patrons to park on-site instead of road verges. Car bays that are least visible or difficult to access should be allocated for staff use.

Landscaping of car park areas abutting a street is required in accordance with the requirements of DPS2.

A Traffic and Road Safety Impact Report, including consideration of traffic flows to and within the on-site car park, is required with all Child Care Centre applications.

2.3 Number of Car Bays

The required number of car parking bays required to be provided onsite is set out in Table 2 of DPS2, and in Figure 1 of this policy. The allocation of car parking bays for use of disabled persons is required in accordance with the provisions of the Building Code of Australia, being 1 bay for every 100 car parking bays or part thereof.

3 **Building Design and Outdoor Play Area**

3.1 Orientation and Building Setbacks

Building setbacks are to be in accordance with the requirements of DPS2, or any relevant Structure Plan. Council may consider the exercise of discretion to vary the setback provisions under DPS2 for Child Care Centres located in the Residential zone, in order to more appropriately reflect the existing building setbacks in the immediate vicinity.

Openings to activity rooms and doors to the outside should be orientated in such a manner as to minimise noise to adjoining properties. A Noise Impact Assessment is required to be submitted with all Child Care Centre applications.

3.2 Outdoor Play Areas

Outdoor play areas should be located away from adjoining noise-sensitive premises such as residences where possible. In order to assist in minimising noise from these areas and to screen these areas from sources of pollution, such as vehicular traffic, suitable fencing or landscaping must be considered.

A portion of the outdoor play area with play equipment is required to be covered with a shade structure for sun protection. The colours of shade or sailcloth should be considered in relation to the streetscape and surrounding properties.

3.3 Noise Attenuation

The layout and design of Child Care Centres shall include noise attenuation measures to reduce the impact of the use on adjacent and surrounding properties. Noise-generating activities such as play areas, vehicle accessways, car parking areas and any plant and equipment are to be located away from noise-sensitive land uses, such as residences.

The design and construction of Child Care Centres shall also include measures to reduce the impacts of noise from external sources, to achieve acceptable indoor noise limits. These measures should include consideration of the size and placement of windows and doors, the use of double glazing, and the location of vehicle accessways, car parking areas and any plant and equipment.

A noise impact assessment report must be submitted with applications to the City for Child Care Centres.

4 Landscaping

4.1 On-site

Landscaping for Child Care Centres is required in accordance with DPS2.

4.2 Verge

The verge areas of all Child Care Centres are required to be suitably landscaped, reticulated and maintained to discourage patrons from parking on the verge. Under no circumstances is the verge to be paved or sealed as this would encourage its use for parking, compromising safety by inhibiting visibility and detracting from the amenity of the area.

4 Operating Times

Within the Residential zone, days and times of operation are restricted to 7.00am to 6pm weekdays and 8am to 1pm Saturday, unless otherwise approved by Council. Operation of Child Care Centres on Sundays within the Residential zone will not be approved by Council.

5 Application and Advertising

6.1 Applications

A planning application for a Child Care Centre requires submission of a Metropolitan Region Scheme (MRS) Form 1 - Approval to Commence Development. In addition to the general requirements for planning applications, the following are required:

- i) Traffic and Road Safety Impact Report;
- ii) Noise Impact Assessment.

6.2 Advertising

In view of the potential of Child Care Centres to generate significant traffic and noise, all applications will, at a minimum, be advertised to adjoining and affected properties, require a sign to be erected on site, and a notice placed in the local newspaper.

7 Related Documents

District Planning Scheme No 2
Planning Application Fact Sheet
Child Care Services (Child Care) Regulations 2006
Child Care Services Regulations 2007
Functional Hierarchy of Roads – Main Roads WA

PARKING FOR CHILD CARE CENTRES

CHILDREN	BAYS
<25	5
26 — 30	6
31 — 56	7
57 — 64	8
65 — 72	9
73 — 80	10
81 — 88	11
89 — 96	12
97 — 104	13
105 +	14

NOTE: ABOVE BAYS ARE FOR NUMBERS OF CHILDREN ONLY. ADDITIONAL BAYS ARE REQUIRED FOR EACH STAFF MEMBER, IN ACCORDANCE TO DPS2

Figure 1

PARKING LAYOUTS

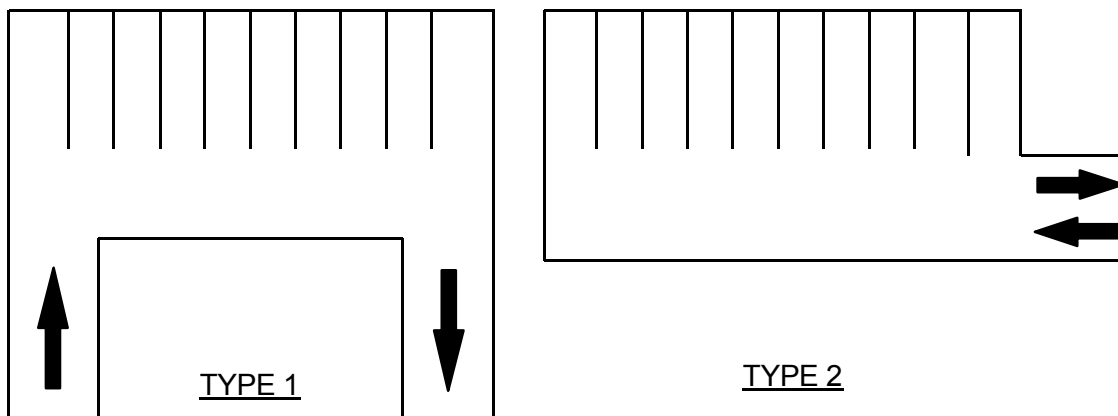


Figure 2

POLICY 3-7 SIGNS

STATUS: Council Policy - *A strategic policy that sets governing principles and guides the direction of the organisation to align with community values and aspirations. The policy has a strategic focus and aligns with the Mission, Vision and Strategic directions.*

Council policies are developed by the Policy Committee for approval by Council.

RESPONSIBLE DIRECTORATE: Planning and Community Development

OBJECTIVES:

1. To provide guidance on the design and placement of signs located within the City of Joondalup.
2. To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.
3. To encourage signs that are well designed and positioned, appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.
4. To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.
5. To complement the provisions for signs as specified in the City of Joondalup's Signs Local Law (1999).

AUTHORITY

This policy has been prepared in accordance with Clause 8.11 of District Planning Scheme No 2 (DPS2) which allows Council to prepare planning policies relating to planning and development within the Scheme area.

This policy provides guidance on the extent and location of various forms of signage that are not exempt from planning approval under DPS2 and complements the requirements of the City's Signs Local Law (1999) which focuses on safety and maintenance issues.

POLICY AREA

This policy applies to signs located throughout the City of Joondalup.

1. POLICY STATEMENT

This policy is to be read in conjunction with the City's DPS2 and Signs Local Law (1999) and any relevant Agreed Structure Plan. The provisions of Agreed Structure Plans prevail over this policy.

Words and expressions used in this policy shall have the meanings given to them in DPS2 and the Signs Local Law. For the purposes of interpretation, the terms 'sign', 'advertisement' and 'advertising device' referred to within these documents have the same meaning.

DPS2 contains the following objectives for the control of advertising signs:

- a) to ensure that the visual quality and character of particular localities and transport corridors are not eroded
- b) to achieve advertising signs that are not misleading or dangerous to vehicular or pedestrian traffic
- c) to minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising
- d) to prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content
- e) to reduce and minimise clutter; and
- f) to promote a high standard of design and presentation in outdoor advertising

A sign may not be attached or erected on property within the City unless approval has been obtained in accordance with DPS2 and the provisions of this policy. Signs that are exempt from the requirement to obtain planning approval are listed in Schedule 4 of DPS2.

Unless otherwise specified in this policy, where signage that is compliant with this policy is shown as part of a development application submitted to the City for development of a property, the signage is deemed approved in the event of the development application being granted approval.

2. DESIGN REQUIREMENTS

The following design requirements relate to all signs located within the City.

Overall, signs shall:

- Not be located on land zoned or used for residential purposes, unless expressly permitted in this policy.
- Advertise goods or services that relate to the land use of the site on which the sign is located, unless expressly permitted in this policy.
- Integrate with the building design, particularly through the provision of signage panels within the building façades, where possible.
- Be contained within the boundary of the lot on which they are situated, unless expressly permitted in this policy.
- Maintain the existing amenity of the locality, including minimising noise generated by the sign or supporting structures.
- Not present a hazard or be misleading to vehicles or pedestrians.
- Not obstruct visual sightlines required for vehicular access to and from properties.
- Not obstruct access to or from any door, window or fire escape.
- Not contain any obscene or vulgar material.

- Not be affixed to boundary fences or boundary walls.

Where a particular type of sign could fit within the definition of more than one sign type described below, the requirements for the more specific type of sign shall apply.

In determining the size of a sign, the measurements are taken as the greatest horizontal dimension multiplied by the greatest vertical dimension, excluding any support structures.

Unless otherwise indicated in this policy, signs may be illuminated.

2.1 Signs on Buildings

2.1.1 Wall Sign

A wall sign is a sign attached to or painted directly onto the external wall of a building or a wall panel. A wall sign includes a sign located on support pillars and columns, parapets and fascia.



The following specifications of a wall sign apply:

- The aggregate area of all wall signs is not to exceed 25% of the façade, to a maximum area of 8m².
- Not project more than 300 mm from the wall or surface to which it is attached.
- Where projecting, provide a minimum clearance of 2.75 metres from the level of the footpath, pavement or ground level, whichever is the higher level.
- Not extend beyond the top or either end of the wall.
- Be positioned at right angles or parallel to the wall of the building to which it is attached.
- Not be located within 4.0 metres of another wall sign on the same building.
- Not obscure architectural details.

Where a wall sign is located within a residential zone and attached to a building that is used predominately for non-residential purposes, the sign shall:

- Be limited to one sign per strata or 'green' title lot
- Not exceed 1.2m² in area

- Not be illuminated.

Where a wall sign is located within a residential zone and attached to a building used predominately for residential purposes, the sign shall:

- Be limited to one sign per strata or 'green' title lot.
- Not exceed 0.2m² in area.
- Not be illuminated.

2.1.2 Verandah Sign

A verandah sign is a sign affixed on or above a verandah fascia or under a verandah and includes a sign that is affixed to cantilevered awnings and balconies.

A verandah sign fixed on or above a verandah shall comply with the following specifications:

- The aggregate area of all signs on any one façade of a verandah is not to exceed 25%.
- Not exceed 400mm in height and 2.4 metres in length.
- Not extend above or beyond the width of the fascia, verandah, awning or balcony.
- Provide a minimum clearance of 2.75 metres from the level of the footpath pavement or ground level, whichever is the higher level.
- Not be located within 2.0 metres of another such sign on the fascia of the same verandah.

A sign situated under a verandah shall:

- Not exceed 400mm in height and 2.4 metres in length.
- Not extend beyond the width of the verandah.
- Provide a minimum clearance of 2.75 metres from the level of the footpath pavement or ground level, whichever is the higher level.
- Not be located within 2.0 metres of another such sign under the same verandah.

2.1.3 Roof Sign

A roof sign is a sign that is erected or painted directly on the roof of a building or attached to the top of a parapet wall of a building.

Roof signs are not permitted within the City of Joondalup.

2.1.4 Window Signs

A window sign is a sign painted or affixed to either the interior or exterior surface of the glazed area of a window.

Notwithstanding the provisions of Schedule 4 of District Planning Scheme No 2, window signs shall:

- Not cover more than 50% of the glazed surface of any window or exceed 10m² in total area per tenancy on a lot on any building façade (all floors).

2.1.5 Semaphore Signs

A semaphore sign is a sign that is affixed to a building or structure at or by one of its ends.



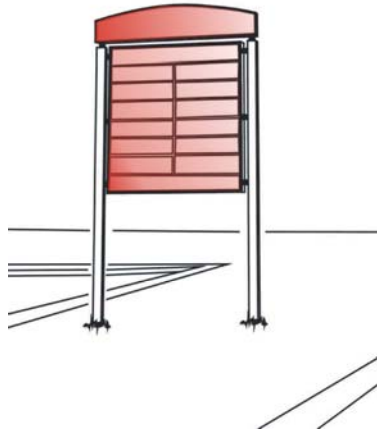
Semaphore signs shall:

- Not be fixed over or under a verandah.
- Be a maximum height of 1.5 metres.
- Be a maximum width of 1.5 metres.
- Not project more than 1.0 metre from the wall or structure to which it is attached.
- Provide a minimum clearance of 2.75 metres from the level of the footpath, pavement or ground level, whichever is the higher level.

2.2 Free-standing Signs

2.2.1 Pylon Signs

A pylon sign is a sign that is not attached to a building, is supported by one or more supports, and includes a sign framework to which sign infill panels may be added. A pylon sign shall:



- Not be permitted in the Central Business District of the City Centre.

- Be restricted to one sign per lot unless relating to a corner lot where one sign per frontage is permitted.
- Be located no closer than 3 metres to a side boundary or secondary street.
- Not exceed 6.0 metres in height.
- Not exceed 6.0m² in area.
- Provide a minimum clearance of 2.75 metres from the level of the footpath pavement or ground level, whichever is the higher level.

Where pylon signs are proposed to be erected on a lot where there are multiple tenancies, signs are to be incorporated into one composite sign. The composite pylon sign shall provide one infill space for each tenancy and not exceed 8 metres in height and 12.0m² in area.

2.3 Other Signs

2.3.1 Monolith Signs

Monolith signs are signs that are fixed to the ground and not attached to a building or structure, with its largest dimension being vertical. Monolith signs shall:

- Not be permitted in the Central Business District of the City Centre.
- Be restricted to one sign per lot unless relating to a corner lot where one sign per frontage may be permitted.
- Not be permitted in the case where a pylon sign or other free standing sign has been approved and erected on the same frontage of the property.
- Not exceed 6 metres in height and 2 metres in width.
- Not be located within 1.0 metre of the boundaries of the lot on which it is erected.
- Not be located within 15 metres of the intersecting point of corner truncations.
- Not impede vehicle sightlines for access to and from the property.

2.3.2 Flag Pole Sign

A flag pole sign is made from a piece of material, usually oblong or square, and attached to a pole. Flag poles shall:

- Be limited to two per lot, or in the case of a corner lot, two per street frontage, unless in a residential area where a limit of one pole per lot applies.
- Not exceed 6 metres in height.

Each flag shall not exceed 4m² in area and be securely fixed to a pole of sufficient size and strength to support the flag under all conditions.

2.3.3 Bunting

A bunting is an advertising device that is made from strips of material used for decorative purposes or to highlight a location.

Bunting signs shall not be permitted within the City of Joondalup.

2.4 Temporary Signs

Temporary signs are not permanently fixed to or erected on a building, structure or site and have a limited duration of planning approval. Temporary signs include signs related to estate

developments, display homes, real estate home opens, real estate sales, inflatable, banner and community information and portable signs, and trade displays.

The provisions of this policy apply to temporary signs, in the same manner as for permanent signs. The duration of approved temporary signs shall depend on the type, extent and details of the proposal and be based on the merits of the proposal.

2.4.1 Estate Development Sign

An estate development sign is a sign erected on a lot which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no housing or commercial development, other than display home construction, has taken place.

Estate development signs shall:

- Be removed from the site within two years of the date of planning approval being issued for the sign, or whenever 80% of the lots in the subdivision have been sold, whichever is the sooner.
- Not be illuminated.

2.4.2 Display Home Sign

A display home sign is a sign used for the purpose of advertising a home or homes on display for public inspection.

Display Home Signs shall:

- Be limited to one sign per display home.
- Not exceed 6 metres in height or 2.5 metres measured horizontally across the face of the sign.
- Be removed within 10 days of closure of the display home.
- Not be illuminated.

2.4.3 Home Open Signs

A home open sign is a sign placed on a road reserve or street verge that advertises a home for sale is open for inspection.

Home Open Signs shall:

- Be portable, freestanding and not affixed to an existing structure and have a maximum area of 0.2m², with a maximum height above ground level of 600mm.
- Be placed no earlier than 2 hours before the home is open for inspection and be removed immediately following the conclusion of the home open.
- Not be placed on the median strip of a road open to use by vehicles, on the road surface itself, on a vehicle access way or on a pedestrian footpath or dual use path.
- Be secured and stabilised, and not be constructed of a hard or sharp material that may be dangerous to pedestrians or road users in the event the sign may be hit, become wind blown or present any other hazard.
- Not be erected further than 1 kilometre from the property that is being advertised for sale.

2.4.4 Real Estate Sale Signs

A real estate sale sign is a sign relating to the sale, leasing or auctioning of property upon which the sign is displayed.

Real estate signs that exceed the dimensions exempted from planning approval under Schedule 4 of District Planning Scheme No 2 shall:

- Be permitted on land zoned or used for residential purposes.
- Not exceed one sign per street frontage for each property.
- Not exceed a maximum area of 3m² for commercial, mixed use, multiple and grouped dwellings developments.
- Not exceed a maximum area of 5m² for large properties comprising shopping centres, service industry and buildings in excess of 4 storeys in height.
- Be fully contained within the property boundaries.
- Not be illuminated.

2.4.5 Inflatable Sign

An inflatable sign is a sign that is painted, stencilled or attached to an inflatable device such as a balloon.

Inflatable signs shall:

- Not be permitted in residential areas.
- Not exceed 7 metres in diameter.
- Not exceed 9 metres in height above the roof ridge.
- Only be displayed for a maximum period of 21 days at a time at no less than 3 monthly intervals.
- Be covered by General Liability Insurance, a copy of which is to be provided to the City.
- Require a certificate from a structural engineer certifying that the connection of the inflatable object to the building or lot is structurally sound. This should be submitted to the City with the sign application.

2.4.6 Banner Sign

A banner sign is a temporary sign normally made of a lightweight, non rigid material, such as fabric, canvas or cloth and is generally used to promote a particular event. A banner sign shall comply with the following requirements:

- Be restricted to one banner on any occasion.
- Not exceed dimensions of 1 metre in height and 4 metres in length.
- May be displayed for up to one week prior to the promotional event or offer.
- Be removed immediately following the event or offer.
- Not be displayed for a period of time greater than 4 weeks.
- Be restricted to promote no more than 4 promotional events per year.

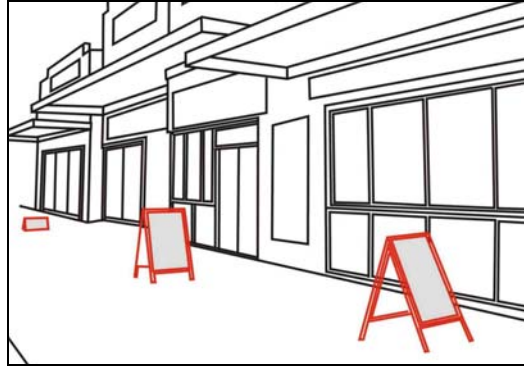
2.4.7 Community Information Signs

A community information sign is a temporary sign relating to or giving directions to a charitable, cultural, educational, recreational or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain.

Community information signs shall be considered in accordance with the provisions contained within the Signs Local Law 1999.

2.4.8 Portable Sign

A portable sign is a sign that is not permanently attached to a building, structure, fence or the ground. Portable signs include “A-frame” and ‘sandwich board’ signs.



Portable signs shall:

- Be limited to a maximum of one portable sign per tenancy.
- Not exceed 1.0m in any dimension.
- Not exceed 1.0m².
- Not rotate or have any moving parts attached.
- Be removed at the end of each close of trading for the premises each day and shall not be displayed again until the business opens for trading the next day.
- Be secured and stabilised, and shall not be constructed of a hard or sharp material that may be dangerous to pedestrians or road users in the event the sign may be hit, become wind blown or present any other hazard.
- Be placed so they do not obstruct or impede pedestrians, or obstruct vehicular access or car parking bays.

In the Joondalup City Centre, portable signs shall comply with the above requirements, with the following addition:

- Be located immediately adjacent to the building frontage.

2.4.9 Trade Display

A trade display means the use of land or buildings for the display of trade goods and equipment for advertisement as an ancillary activity.

A trade display shall:

- Display goods or equipment relevant to the premises in front of which it is located.
- Be incidental in extent compared to the primary activity on the land and be located in a manner that does not compromise approved car parking, access or landscaping.
- Where located on a footpath in the Joondalup City Centre, not project more than 1.0 metre from the front of the premises and provide a minimum footpath width of 1.8 metres between the goods or equipment and kerb.

2.5 Variation to Standard Signs

Applications for planning approval for signage that complies with the provisions of this policy are encouraged. Should an application not comply, the applicant will be required to submit written justification for the non-compliance and additional information, including but not limited to, an overall plan of the whole of the subject site showing the location, size and details of all existing and proposed advertising signs for the site, as well as the outline of any buildings, car parking areas and vehicular access points and landscaping for the site.

ATTACHMENT 1 - SUMMARY OF ENVIRONMENTAL PROTECTION (NOISE) REGULATIONS

The regulations specify three types of allowable noise levels:

- LA max-maximum noise level which is not to be exceeded.
- LA 1-assigned noise level which is not to be exceeded for more than 1% of the time.
- LA 10-assigned noise level for noises which occur for more than 10% of the time. (air conditioner)

The reason for taking into account the duration of exposure is to allow for brief louder noises such as a car departing a residence.

Table of assigned noise levels

Type of premises receiving noise	Time of day	Assigned level (dB)		
		L _{A 10}	L _{A 1}	L _{A max}
Noise sensitive premises at locations within 15 metres of a building directly associated with a noise sensitive use	0700 to 1900 hours Monday to Saturday	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days	40 + influencing factor	50 + influencing factor	55 + influencing factor
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + influencing factor	45 + influencing factor	55 + influencing factor
Noise sensitive premises at locations further than 15 metres from a building directly associated with a noise sensitive use	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and utility premises	All hours	65	80	90

For comparison, the following table provides a guide to an approximate level of noise for different types of activities.

Type of Noise Source	Approximate Sound Level (dB)
Leaves Rustling	20
Washing machine	50
Vacuum Cleaner	60
Busy Road	80
Ride on mower	90

The “influencing factor” takes into account the amount of Industrial/Commercial land and the presence of major roads within a 450m radius of domestic or noise sensitive premises. The influencing factor can range from zero for a premise surrounded by houses to about 20 for a premise close to Industry and major roads.

The regulations also take into account the characteristics or intrusive nature of the noise source. These annoying characteristics are assessed objectively which can only be undertaken with a sound level meter.

Exemptions apply for equipment used in the construction industry and the operation of noisy equipment to allow for people mowing lawns or using power tools during the day. Similar exemptions also apply to the playing of musical equipment.

The main criteria for such exemptions are based on the time of day the equipment is operated.

ATTACHMENT 2 - NOISE PROCEDURE FLOW CHART

