

CITY OF JOONDALUP
AMENDMENT LOCAL LAW 2000

ARRANGEMENT

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PART 1 - PRELIMINARY

Title

- 1 This local law may be referred to as the City of Joondalup Amendment Local Law 2000.

Commencement

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

Purpose

- 3 The purpose of this local law is to amend various clauses in the City of Joondalup Parking, Private Property, Signs, Animals, Trading in Public Places and Health Local Laws to remove difficulties identified in their application and better clarify the requirements of the local laws.

PART 2 - PARKING

Amendment

- 4 The City of Joondalup Parking Local Law 1998 published in the Government Gazette on Monday, 9 November 1998, is hereby amended in the following manner:

Definitions

- 4.1 Deleting the existing definition of “sign” and substituting the following:

“sign” means any message, mark, structure, symbol or device, placed or erected on, within or near, or applied to the surface of a road, parking station or a reserve, by the local government for the purpose of prohibiting, regulating, guiding or directing the parking or movement of vehicles.”

4.2 Inserting the following definition:

“Joondalup City North” means all that area of land north of Shenton Avenue, bounded by Joondalup and Lakeside Drives and Shenton Avenue.

Application of Local Law

4.3 Amend clause 6 by inserting “(1)” at the beginning of the clause making existing clause 6 sub clause (1) and

Inserting the following sub clause (2):

“(2) the City may enter into written agreements with owners of private car parks, to regulate, control and manage the parking of vehicles in those car parks under the terms and conditions as may be agreed between the parties.”

PARKING ON ROADS

4.4 Amend clause 38(1) Commercial vehicles, by:

Inserting the words “...and not at any other time.” following the words “.. between the hours of 7.00am and 6.00pm.”

4.5 Amend clause 42 Verge Parking, by:

Inserting the following sub clause:

“(3) the provisions of sub clause (2) do not apply to the area of the City referred to as ‘Joondalup City North.’”

REMOVAL OF VEHICLES CAUSING OBSTRUCTIONS

4.6 Amend clause 62 Recovery of Removed Vehicles, by:

Removal of the colon after the words “...appointed Place” in sub clause (1),

Deletion of the whole of sub clause (1)(a),

Deletion of (b) at the beginning of sub clause 1(b) to create sub clause (1) and

Deletion of the words “.....two (2) months of....” following the words “...in the appointed place, after....” in what was previously sub clause 1(b).

PART 3 – PRIVATE PROPERTY

Amendment

- 5 The City of Joondalup Private Property Local Law 1998 published in the Government Gazette on Monday, 8 March 1999, is hereby amended in the following manner:

Definitions

- 5.1 Insert the following definition:

“state of disrepair” in relation to wrecking and storage of vehicles, means a vehicle, part, or body of a vehicle or machinery that is not working or needs repair for it to work as initially intended or can not be used, driven or applied for the purpose it was manufactured;”

FENCING - GENERAL

- 5.2 Amend Clause 15 Fences within the Front Setback – Approval Requirement, by:

Deleting the words “of non masonry construction,” in sub clause 15(1).

Deleting the word “or” at the end of sub clause 15(3)(a).

Deleting sub clauses 15(3)(b) and (c).

Adding the following sub clause (4) at clause 15:

“(4) notwithstanding anything to the contrary in this local law, a front boundary fence in a residential area is only to be constructed of masonry or composite fencing with a minimum masonry content not less than 30%”

TENNIS COURT FENCING

- 5.3 Amend clause 26 Tennis Court Fencing, by:

Deleting the words “...or repair” in sub clause 26(2)

VEHICLE WRECKING

5.4 Amend clause 37 Wrecking and Storage of Vehicles Generally, by:

Inserting the words "... on any residential lot" in clause 37 so as to read, "A person must not on any residential lot..... "

SPECIFICATIONS FOR A SUFFICIENT FENCE

5.5 Amend sub clause (a) of the Third Schedule titled "Specification for a Sufficient Fence for a Rural Lot and Special Rural Lot" by:

Deleting the words "... these to be spaced equally and threaded through 12mm. holes in posts to all fences;" and

Substituting the following "...generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;"

Permissible Alternative Fence

5.6 Add to the Third Schedule at the end of the Specification for a Sufficient Fence:

"Permissible Alternative Fence

An electrified fence"

Fourth Schedule – Offences and Modified Penalties

5.7 Amend the Fourth Schedule by:

Deleting from:

Item 2, referring to sub clause 15(1) the words "non masonry".

Item 17, referring to sub clause 26(2)(a) the words "or repair".

PART 4 – SIGNS

Amendment

6 The City of Joondalup Signs Local Law 1999 published in the Government Gazette on Friday, 27 August 1999, is hereby amended in the following manner:

Definitions

6.1 Delete the existing definition of "election sign" and substitute the following:

“election sign” means a sign which encourages persons to vote for a candidate, political party, referenda or matter relating to any federal, state or local government election, but excludes bumper stickers;

LICENCES AND EXEMPTIONS

6.2 Amend clause 15 Licence exemptions, by:

Inserting the words “either temporarily or” following the words “a sign” so as to read “a sign either temporarily or permanently affixed”, in sub clause 15(t);

Insert the following new sub clause 15(u) relating to election signs

- (u) election signs or posters erected at the place of an election rally, election meeting or polling place, provided they are-
 - (i) erected on the day of the election rally, election meeting or polling day and are removed on the same day or at the conclusion of the rally or meeting;
 - (ii) each, no greater than 0.55m² in area;
 - (iii) erected at the entrance to a polling place in locations approved by the Presiding Officer, or in the road reserve adjacent a polling place;
 - (iv) not erected within a thoroughfare;
 - (v) erected in accordance with the restrictive provisions of clause 16 excepting sub clauses (f) and (k), and (i) where the total sign area is no greater than 1.75m².

Delete the word “reflective” from sub clause 15(2)(c).

RESTRICTIONS

6.3 Amend clause 16 Restrictions, by:

Deleting sub clause 16(i) and substituting the following sub clause:

- (i) “which is temporarily or permanently fixed to any vehicle that remains parked on private or public property or in a public place, primarily so as to advertise a message to the public, unless with the prior approval of the local government;”

Inserting the following words at the commencement of sub clause 16(l) “subject to sub clauses 15(r) and (u),...”

SPECIAL EVENT PERMITS

6.4 Amend clause 27 Public Liability Insurance and Indemnity, by:

Deleting the words “..or as a result of the holding of the event.” in the last line of the clause.

6.5 Amend clause 33 Removal of Signs, by:

Deleting the word “immediately”, and inserting after the words “...signs erected under the permit” “...forthwith, or as otherwise set out in the cancellation notice, but not longer than 7 days.”

MISCELLANEOUS

6.6 Delete clause 39 Date of Birth to be Given on Demand.

First Schedule Offences and Modified Penalties

6.7 Amend the First Schedule by:

Deleting from item 8 referring to sub clause 15(2)(c), the word “reflective”;

Inserting in item 17, referring to sub clause 16(i), the word “primarily” and “without approval” following the words “public property” and “message” respectfully.

Inserting in item 20, referring to sub clause 16(l), the words “subject to sub clauses (r) and (u),” at the commencement of the offence description and inserting the penalty of \$100.

Deleting item 43 referring to clause 39(2), Date of birth, offence and penalty.

PART 5 – ANIMALS

Amendment

- 7 The City of Joondalup Animals Local Law 1999 published in the Government Gazette on Friday, 27 August 1999, is hereby amended in the following manner:

LIVESTOCK

7.1 Amend clause 24 Property to be fenced, by:

Deleting sub clause 24(2) and substituting the following sub clause:

“(2) The minimum fencing requirements to confine livestock in a rural or special rural area shall be a sufficient fence, a permissible fence or other barrier which is continuously capable of confining livestock and in the case of a dividing fence, as agreed between the adjoining property owners.”

PIGEONS

7.2 Amend clause 29 Application for Certificate of Registration, by:

Inserting the following words in sub clause (2) “In the case of an initial application or where any variations to the original application are required,” before the word “Lodged” at the commencement of the clause.

ANIMALS, BIRDS AND POULTRY

7.3 Amend sub clause 40(1) Keeping a Miniature Horse, by:

Inserting the words “zoned residential, special residential or special rural” after the words “miniature horse on land”.

7.4 Amend Clause 41 Keeping of Pigs, by:

Inserting the words “, special residential area” after the words “residential area” in sub clause 41(1);

Inserting the words “area, special residential area” after the words “in any residential” in sub clause 41(4);

Deleting the word “The” and inserting the words “On land zoned residential, special residential or special rural,” at the beginning of the sub clause 41(5).

7.5 Amend clause 45 Keeping of Cats, by:

Inserting the words “...commercial area or industrial area” after the words “...in any rural area” in sub clause (3)

Re numbering the sub clause commencing with the words, “A registration issued by the” from (3) to (4).

MISCELLANEOUS

7.6 Delete clause 54 Date of Birth to be Given on Demand.

First Schedule - Offences and Modified Penalties

7.7 Amend the First Schedule by:

Inserting in item 38 referring to sub clause 41(1), the words “special residential” following the word “residential,”

Inserting in item 40 referring to sub clause 41(4), the words “special residential” following the word “residential,”

Inserting in item 62 referring to sub clause 45(3)(a), the words “commercial area or industrial area” following the words “rural area”

Deleting item 76 referring to sub clause 54(2), Date of birth offence and penalty.

PART 6 – TRADING IN PUBLIC PLACES

Amendment

- 8 The City of Joondalup Trading in Public Places Local Law 1999 published in the Government Gazette on Friday, 27 August 1999, is hereby amended in the following manner:

LICENCE AND APPROVALS

8.1 Amend Clause 8 Determination of Application, by:

Deleting sub clause (1)(b)

OUTDOOR DINING

8.2 Amend Clause 17 Licence Application, by:

Deleting clause number “(1)”; and

Deleting the words “and licence fee” in sub clause (a).

8.3 Amend Clause 18 Outdoor Dining Licence, by:

Inserting the following new sub clause 18(c)

“(c) be issued on approval of the application and payment of the licence fee”

STREET MARKETS

8.4 Amend Clause 24 Licence Application, by:

Deleting clause number “(1)”; and

Deleting the words “and licence fee” in sub clause (a).

8.5 Amend Clause 25 Street Market Licence, by:

Inserting the following new sub clause 25(e)

“(e) be issued on approval of the application and payment of the licence fee”

STREET TRADING

8.6 Amend Clause 30 Licence Application, by:

Deleting clause number “(1)”; and

Deleting the words “and licence fee” in sub clause (a).

8.7 Amend Clause 31 Street Trading Licence, by:

Inserting the following new sub clause 31(f)

“(f) be issued on approval of the application and payment of the licence fee.”

STREET ENTERTAINMENT

8.8 Amend Clause 36 Licence Application, by:

Deleting the words “and licence fee” in sub clause (a).

8.9 Amend Clause 37 Street Entertainment Licence, by:

Inserting the following new sub clause 37(e):

“(e) be issued on approval of the application and payment of the licence fee.”

8.10 Amend Clause 39 Responsibilities of Licensee, by:

Deleting the semi colon after the word “performance” at the end of the sub clause 39(1)(d) and inserting the following: “, unless specifically authorised by endorsement on the licence;”

Deleting the semi colon after “9.00am” at the end of the sub clause 39(1)(g) and inserting the words: “the following Monday;”

Deleting the numerals “50” and insert the numerals “40” in the first line of the sub clause 39(2)(e)

Insert the following new sub clause 39(2)(f):

“(f) comply with the terms and conditions of the licence.”

Deleting the numeral “2” after the words “...a maximum of ” and inserting the numeral “4” in the first line of sub clause 39(4)(a).

SECURED SUM

8.11 Amend Clause 42 Use by the Local Government of the Secured Sum, by:

Inserting the following sentence at the end of sub clause 42(2):

“The reinstatement costs to be recouped by the City from the licensee, shall be limited to the total costs actually incurred by the City in completing the reinstatement works under this clause.”

MISCELLANEOUS

8.12 Delete clause 49 Date of Birth to be Given on Demand.

First Schedule – Offences and Modified Penalties

8.13 Amend the First Schedule by:

Inserting in item 64 referring to sub clause 39(1)(d), the words “without approval” following the word “performance,”

Deleting in item 78 referring to sub clause 39(2)(e), the numerals “50” and substituting the numerals “40” and deleting the words “or return to the same location within 2 hours” following the words “at end of performance”

Deleting in item 83 referring to sub clause 39(4)(a), the numeral “2” and substituting the numeral “4”

Inserting new item number 81A “fail to comply with terms and conditions of licence \$100”

Deleting item 87 referring to clause 49(2), date of birth offence and penalty.

PART 7 – HEALTH

Amendment

- 9 The City of Joondalup Health Local Law 1999 published in the Government Gazette on Friday, 27 August 1999, is hereby amended in the following manner:

PRELIMINARY

9.1 Amend Clause 1.5 Interpretation, at the definition of “hot water” by:

Deleting the words “...of at least 75 degrees Celsius” and substituting “....in accordance with AS/NZS 3500.4.2”

Deleting the definitions of “restaurant” and ‘take away”.

HOUSING AND GENERAL

9.2 Amend by the addition of the new clause 3.6 as follows:

“3.6 Rear service door to food premises

The proprietor of a Class 1 Food Premises (as defined in the Health (Food Hygiene) Regulations 1993) is to provide a rear service access to those premises.

PEST CONTROL

9.3 Amend Clause 6.4 Swimming pools, by:

Inserting “(1)” in front of the word “Where” at the commencement of the sub clause, and

Inserting a new sub clause (2) as follows:

“(2) Where a swimming pool is not being maintained in accordance with sub clause 1(b) and the owner or occupier fails to respond to a written request to contact an Environmental Health Officer within 24 hours of a notice to do so being served, the Environmental Health Officer may treat the pool in accordance with sub clause (1)(d) to prevent mosquitoes from breeding.”
