

Local Government Act 1995

City of Joondalup

Amendment Local Law 2021

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CONTENTS

Part 1 - Preliminary

- 1.1 Citation
- 1.2 Commencement
- 1.3 Purpose and effect

Part 2 - Amendments – Animals Local Law 1999

- 2.1 City of Joondalup Animals Local Law 1999 amended
- 2.2 Clause 6 amended
- 2.3 Clause 13 amended
- 2.4 Clause 14 replaced
- 2.5 Clause 15 amended
- 2.6 Clause 24 amended
- 2.7 Clause 27 deleted
- 2.8 Clause 28A inserted
- 2.9 Clause 30 replaced
- 2.10 Clause 34 amended
- 2.11 Part 6 replaced
- 2.12 Clause 40 amended
- 2.13 Clause 41 amended
- 2.14 Clause 46 deleted
- 2.15 Clause 47 replaced
- 2.16 Clause 48 amended
- 2.17 Clause 49 deleted
- 2.18 Clause 50 deleted
- 2.19 First Schedule replaced

Part 3 - Amendments – Local Government and Public Property Local Law 2014

- 3.1 City of Joondalup Local Government and Public Property Local Law 2014 amended
- 3.2 Clause 1.6 amended
- 3.3 Clause 2.8 amended

- 3.4 Clause 3.1 amended
- 3.5 Clause 5.1 amended
- 3.6 Clause 8.2 amended
- 3.7 Clause 8.6 amended
- 3.8 Clause 8.15 amended
- 3.9 Part 9 replaced
- 3.10 Schedule 1 amended

Part 4 - Amendments – Meeting Procedures Local Law 2013

- 4.1 City of Joondalup Meeting Procedures Local Law 2013 amended
- 4.2 Clause 1.4 amended
- 4.3 Clause 1.5 amended
- 4.4 Clause 4.3 amended
- 4.5 Clause 4.6 amended
- 4.6 Clause 4.8 amended
- 4.7 Clause 5.7 amended
- 4.8 Clause 5.17 amended
- 4.9 Clause 6.6 amended
- 4.10 Clause 9.12 amended
- 4.11 Clause 10.1 amended
- 4.12 Clause 10.5 amended
- 4.13 Clause 17.1 amended

Part 5 - Amendments – Parking Local Law 2013

- 5.1 City of Joondalup Parking Local Law 2013 amended
- 5.2 Clause 1.11 inserted
- 5.3 Clause 2.4 amended
- 5.4 Part 7 replaced

Local Government Act 1995

City of Joondalup

Amendment Local Law 2021

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 (insert date) to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Amendment Local Law 2021*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.
- (2) The effect of this local law is to better clarify the provisions and requirements within *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.

Part 2 - Amendments – Animals Local Law 1999

2.1 City of Joondalup Animals Local Law 1999 amended

This Part of the local law amends the *City of Joondalup Animals Local Law 1999* as published in the *Government Gazette* on 27 August 1999 and as amended in the *Government Gazette* on 10 July 2000, 15 January 2002, 28 March 2008, 18 February 2011 and 3 August 2018.

2.2 Clause 6 amended

In clause 6:

- (a) delete the definitions for:
 - (i) “rural area”
 - (ii) “special rural area”

- (iii) "beehive"
- (b) delete the definition of "Code of Practice" and insert:

"Code of Practice" means the Code of Practice – Pigeon Keeping and Pigeon Racing in Western Australia as amended from time to time and as approved by the Pigeon Racing Federation of Western Australia (Inc) and the Independent Racing Pigeon Federation (Inc);
- (c) delete the definition of "environmental health officer" and insert:

"environmental health officer" means a person appointed as an environmental health officer under section 17 of the *Public Health Act 2016*;
- (d) delete the definition of "large animal" and insert:

"large animal" includes a sheep, cow, goat, cattle, horse (excluding a miniature horse), buffalo, camel, llama, deer, alpaca or any other animal so classified by the local government;
- (e) amend the definition of "livestock" by deleting "swine,";
- (f) delete the definition of "town planning scheme" and insert in alphabetical order:

"local planning scheme" means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;

2.3 Clause 13 amended

Delete clause 13(3).

2.4 Clause 14 replaced

Delete clause 14 and insert:

Maximum number of dogs

- 14 A person shall not keep or permit to be kept on any premises more than 2 dogs over the age of 3 months and the young of those dogs under that age unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26(3) of the Dog Act.

2.5 Clause 15 amended

In clause 15 delete "town" and insert "local".

2.6 Clause 24 amended

Delete clause 24(2).

2.7 Clause 27 deleted

Delete clause 27.

2.8 Clause 28A inserted

After clause 28 insert:

Restrictions on pigeon and dove nesting or perching

- 28A (1) An environmental health officer may order an owner or occupier of premises in or on which pigeons or doves are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier must comply with an order made under this clause.

2.9 Clause 30 replaced

Delete clause 30 and insert:

Adjoining owners to be consulted

- 30 Prior to granting any certificate of registration on an initial application, the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

2.10 Clause 34 amended

In clause 34(1)(a) delete “of 50mm thick concrete” and insert “constructed of a suitable impervious material as approved by an environmental health officer”.

2.11 Part 6 replaced

Delete Part 6 and insert:

PART 6 – KEEPING OF BEES

Definitions

- 37 In this Part -

“bee” means an insect belonging to the super family Apoidea (Order: Hymenoptera), commonly known as a bee;

“beehive” means a moveable or fixed structure, container or object, either standing alone or in a group of 2 or more, which contains a bees nest and in which bees are kept;

“permit” means a permit issued under this Part and includes the conditions (if any) to which that permit is subject; and

“permit holder” means a person who holds a valid permit.

Limit on beehives

- 37A A person must not keep or permit to be kept on any land a beehive -
- (a) without obtaining a permit from the City; and
- (b) except in accordance with a valid permit issued in relation to that land.

Application for a permit

- 37B (1) An application for a permit must -

- (a) be in the form determined by the City;
 - (b) include –
 - (i) a site plan detailing the proposed location of the beehive or beehives and any significant structures, barriers or water sources on the land, and potential flight paths for bees; and
 - (ii) any further information that may be required by the City; and
 - (c) pay any application fee imposed by the City under sections 6.16 – 6.19 of the Act.
- (2) On an application for a permit under clause 37B(1) the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned or occupied by the applicant.

Determining an application

- 37C (1) The City may refuse to consider an application that does not comply with clause 37B(1).
- (2) The City may -
- (a) approve an application, subject to any conditions that it considers to be appropriate; or
 - (b) refuse an application.
- (3) If the City approves an application, it is to issue to the applicant a permit in the form determined by the City.
- (4) The City may vary a condition to which a permit is subject by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.
- (5) A permit holder must comply with each condition to which the permit is subject including any varied condition under subclause (4).
- (6) A permit is valid from the date of issue until it is cancelled under this local law.
- (7) A permit is personal to the permit holder and applies only to the land described in the permit.

Cancellation of a permit

- 37D The City may cancel a permit if -
- (a) the permit holder requests the City to do so;
 - (b) 12 continuous months elapse during which the permit holder has not kept any bees on the land to which the permit applies; or

- (c) the permit holder fails to comply with a notice under clause 37F within the time specified in the notice or commits any other offence under this local law.

General conditions for keeping beehives

37E A permit issued under this Part may include, but not limited to, one or more of the following conditions -

- (a) the beehive is to be maintained in a clean and tidy condition;
- (b) the beehive is screened or positioned in such a manner as to ensure, as far as practicable, that the bees do not create a nuisance or threat to people in the locality or the public in general;
- (c) the flight path of any bees entering or exiting the land from the beehive is to be at least 2 metres above natural ground level;
- (d) the continual provision of an adequate water supply on the land for the bees; or
- (e) any maintenance or activities relating to a beehive, including but not limited to the collection of honey, is carried out at such times as to not to create a nuisance.

Notice to remove

- 37F (1) If, in the opinion of an environmental health officer, bees on any land (whether or not the subject of a permit) are likely to endanger the safety of any person or create a serious public nuisance, the environmental health officer may give to the owner or occupier of that land a written notice requiring the owner or occupier (as the case may be) to remove the bees before the date specified in the notice.
- (2) If, in the opinion of an environmental health officer, a person has breached a provision of this local law, an environmental health officer may give to that person a written notice requiring him or her to remedy that breach before the date specified in the notice.

2.12 Clause 40 amended

- (1) In clause 40(1) delete “zoned residential, special residential or special rural”.
- (2) In clause 40(2)(a) delete “zoned residential, special residential or special rural”.

2.13 Clause 41 amended

(1) Delete clauses 41(1), 41(2) and 41(3) and insert:

41 (1) Subject to sub-clause (4) a person shall not keep a pig on any land within the district.

(2) ~~In clause~~ Renumber clause 41(4) to 41(2) and delete “in any residential area, special residential area or special rural area” and insert “on land”.

(3) Renumber ~~In~~ clause 41(5) delete “special residential or special rural,” and insert “the”.

2.14 Clause 45 amended

In clause 45(3) delete “in any rural area, commercial area or industrial area,”.

2.15 Clause 46 deleted

Delete clause 46.

2.16 Clause 47 replaced

Delete clause 47 and insert:

47 A person shall not keep an ostrich or emu on any land within the district.

2.17 Clause 48 amended

(1) In the heading of clause 48 delete “in Residential Areas”.

(2) In clause 48(1) delete “, in any residential area” and insert “on any land within the district”.

(3) In clause 48(2) delete “a premises situated in any residential area” and insert “land within the district”.

(4) Delete clause 48(2)(a) and insert:

(a) no poultry is able to approach within 9 metres of a dwelling or within 1 metre from a boundary of the lot;

(5) In clause 48(2)(b) delete “kept in” and insert “provided”.

(6) In clause 48(2)(b) delete “the diagram which follows this clause and”.

(7) In clause 48(4) delete “12” and insert “6”.

(8) Under clause 48(4) delete the Diagram for “Specification for a domestic deep litter poultry shed”.

2.18 Clause 49 deleted

Delete clause 49.

2.19 Clause 50 deleted

Delete clause 50.

2.20 First Schedule replaced

Delete the First Schedule and insert:

FIRST SCHEDULE

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

Offences and Modified Penalties

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	11	Permitting a dog to be in a public building, shop or business premises	100
2	12	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100
3	13(1)	Failing to install and maintain a fence capable of confining a dog to the premises	100
4	13(2)	Fence not adequate to confine dog of the species, age, size and physical condition to the premises	100
5	14	Keeping more than permitted number of dogs without approval	100
6	15	Keeping a kennel establishment without a licence	100
7	20(a)	Failing to maintain establishment in a clean, sanitary and tidy condition	100
8	20(b)	Failing to dispose of refuse, faeces and food waste daily in approved manner	100
9	20(c)	Failing to take practical measures to destroy fleas, flies and other vermin	100
10	21	Keeping a greater number or breed of dogs than specified in the licence	100
11	23	Permitting livestock to stray or be at large in a street, public place or private property without consent	100
12	24(1)	Failing to keep property fenced in a manner capable of confining livestock	100
13	26(2)	Riding, driving or bringing an animal onto a reserve or foreshore not set aside for the purpose	100
14	26(3)	Riding, driving, exercising or training an animal on a reserve or foreshore so as to create a danger or cause a nuisance	100
15	26(4)	Riding, driving or bringing an animal on to a reserve or foreshore set aside for exercise of dogs	100
16	28A(2)	Failing to comply with an order to prevent the nesting or perching of pigeons or doves	100
17	28	Keeping of pigeons without approval	100

18	31(1)	Keeping of pigeons within: a caravan park; a grouped dwelling (not being one of only two grouped dwellings) a premises classified as part of a "multiple dwelling"	100 100 100
19	32(b)	Failing to keep cages, enclosures and lofts maintained to minimum standard specified in Code of Practice	100
20	32(c)	Failing to dispose of loft litter in approved manner to ensure no nuisance occurs	100
21	33(1)	Keeping more than 20 pigeons for each Certificate of Registration	100
22	33(2)	Keeping more than maximum number of birds approved	100
23	35(1)	Releasing registered pigeons outside hours permitted	100
24	35(2)	Releasing more than 60 pigeons for exercise or training at any one time	100
25	37A	Keeping a beehive without a valid permit	100
26	37E	Failing to comply with a condition of a permit	100
27	37F(2)	Failing to remedy breach in notice	100
28	38(a)	Failing to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, attract rats, vermin or insects	100
29	38(b)	Failing to clean and disinfect premises when directed by an environmental health officer	100
30	38(c)	Failing to keep premise free of flies or when directed, spray premises with residual insecticide to kill or repel flies	100
31	39(a)	Keeping a large animal on land less than 2,000m ² in area	100
32	39(b)	Permitting a large animal to approach within 9 metres of habitable room, shop, church, or any premises where food is stored, manufactured or sold	100
33	40(1)	Keeping a sterilised miniature horse on land less than 1,000m ² not registered with local government and registration fee paid	100
34	40(2)(a)	Keeping more than one miniature horse on land zoned residential without approval	100
35	40(2)(b)	Permitting a miniature horse within 9 metres of a house	100
36	41(1)	Keeping a pig on any land throughout the district	100
37	41(4)	Keeping an unregistered miniature pig in residential area and/or not pay registration fee	100
38	41(5)(a)	Keeping an unsterilised miniature pig or failing to retain written proof of its sterilisation	100
39	41(5)(b)	Failing to confine animal on property at all times	100
40	41(5)(c)	Failing to ensure animal does not cause a nuisance to any neighbour through noise, dust or odour	100
41	41(5)(d)	Failing to maintain documentary evidence that an animal's veterinary treatment against roundworm and tapeworm is current	100

42	42(1)(a)	Permitting a stable within 9 metres of house or other building	100
43	42(1)(b)	Failing to have stable floor area of 6m ² per animal	100
44	42(1)(c)	Failing to have stable floor or roof constructed of impervious material	100
45	42(1)(d)	Failing to have on all sides of stable building clear opening 50mm in height between all walls and roof	100
46	42(1)(e)(i)	Failing to have upper surface of stable floor at least 75mm above ground	100
47	42(1)(e)(ii)	Failing to have upper surface of stable floor constructed of cement, concrete, compacted limestone or approved material	100
48	42(2)(a)	Failing to keep stable free from flies	100
49	42(2)(b)	Failing to spray stable with residual insecticide when directed by environmental health officer	100
50	43	Permitting a habitable room including a stablehand's room to open directly into a stable	100
51	44(a)	Failing to provide in convenient position, an impervious receptacle with tight fitting lid, for manure	100
52	44(b)	Failing to keep lid of manure receptacle closed except when manure being deposited or removed	100
53	44(c)	Failing to empty manure receptacle to prevent it becoming offensive or breeding place for flies	100
54	44(d)	Failing to collect all manure produced on premises and place in receptacle	100
55	45(1)	Keeping more than 3 cats over three months	100
56	45(2)	Keeping more than 3 adult cats for breeding without written approval of the local government	100
57	45(2)(a)	Failing to confine cats in effective cage system on the property	100
58	45(2)(b)	Failing to comply with conditions imposed by the local government	100
59	45(3)(a)	Keeping more than 3 cats over 3 months in rural area, commercial area or industrial area without approval to establish a cattery	100
60	45(3)(b)	Failing to pay the annual registration and certification fee for a cattery	100
61	45(3)(c)	Failing to provide for each cat a properly constructed shelter/enclosure to comply with specifications	100
62	47	Keeping an ostrich or emu on any land throughout the district	100
63	48(1)	Keeping a rooster, turkey, goose or geese, peacock or a peahen on any land throughout the district	100
64	48(2)	Keeping or permitting to be kept poultry, not in accordance with conditions of local law	100
65	48(3)	Constructing or permitting a poultry shed to be nearer than 1m from boundary of occupied land or 9m from any dwelling or street	100
66	48(4)	Keeping more than 6 poultry (including maximum 2 ducks) in any residential area	100
67		Other offences not specified	100

Part 3 - Amendments – Local Government and Public Property Local Law 2014

3.1 City of Joondalup Local Government and Public Property Local Law 2014 amended

This Part of the local law amends the *City of Joondalup Local Government and Public Property Local Law 2014* as published in the *Government Gazette* on 14 January 2015 and amended in the *Government Gazette* on 13 November 2015 and 3 December 2019.

3.2 Clause 1.6 amended

In clause 1.6:

- (a) delete **bulk rubbish container** and insert:

bulk rubbish bin means a bin or receptacle designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or receptacle used in connection with the local government's rubbish collection service;

- (b) delete **charitable organisation** and insert in alphabetical order:

community organisation means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, environmental, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium;

- (c) delete **collection bin** and insert:

collection bin means a receptacle for the collection of clothing or other goods, but does not include a container receptacle;

- (d) insert in alphabetical order:

container has the meaning given to it in section 47(c)(1) of the *Waste Avoidance and Resource Recovery Act 2007*;

- (e) insert in alphabetical order:

container receptacle means a receptacle used by a community organisation, for the depositing and collection of containers;

- (f) amend the definition of **garden** by deleting "developed or treated,"

- (g) insert in alphabetical order:

local planning scheme means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;

3.3 Clause 2.8 amended

In clause 2.8(3) after "stadium" insert ", built structure".

3.4 Clause 3.1 amended

- (1) In clause 3.1(v) delete “; or” and insert “;”.
- (2) In clause 3.1(w) delete “.” and insert “; or”.
- (3) After clause 3.1(w) insert:
 - (x) place a container receptacle on local government property.

3.5 Clause 5.1 amended

- (1) In clause 5.1(e) delete “or”.
- (2) In clause 5.1(f) delete “.” and insert “; or”.
- (3) After clause 5.1(f) insert:
 - (g) operating a camera device in a pool area to record or transmit an image.

3.6 Clause 8.2 amended

- (1) In clause 8.2(1)(k) delete “container” and insert “bin or container receptacle”.
- (2) In clause 8.2(1)(l) delete “; or” and insert “;”.
- (3) In clause 8.2(1)(m)(ii) delete “.” and insert “; or”.
- (4) After clause 8.2(1)(m)(ii) insert:
 - (n) conduct a function, or undertake any promotional activity on a thoroughfare.

3.7 Clause 8.6 amended

In the definition of ***acceptable material*** in clause 8.6, delete “that will create a hard and stable surface”.

3.8 Clause 8.15 amended

In clause 8.15(1) after “local government” insert “or a person authorised by the local government,”.

3.9 Part 9 replaced

Delete Part 9 and insert:

Part 9 – Advertising signs on thoroughfares

9.1 Definitions

In this Part –

advertising sign means a sign used for the purpose of an advertisement or to draw attention to a product, business, person or event, and includes an election sign;

community event means a charitable, cultural or educational display, event or activity conducted by a community organisation;

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;

home business has the meaning given to it under the local planning scheme;

home occupation has the meaning given to it under the local planning scheme;

portable direction sign means a portable free-standing sign that –

- (a) does not exceed 500mm in height or 0.5m² in area, and
- (b) is used to direct persons to a residential property for disposal and which is open for inspection by any person; or
- (c) is used to direct persons to a garage sale;

portable business sign means a portable free-standing sandwich board or “A” frame signs designed, intended or used for advertising of a business, and not permanently attached to the ground or to a structure, wall, fence or building;

property disposal sign means a sign indicating that the adjoining premises is for sale, for letting or to be auctioned.

9.2 General prohibitions

Subject to the provisions in this Part, a person must not –

- (a) erect or place an advertising sign on a thoroughfare or verge; or
- (b) post any bill or paint, place or affix any advertisement on a thoroughfare or verge,

unless permitted to do so under this local law or any written law.

9.3 Portable direction signs

- (1) A person may erect or place, in a thoroughfare or verge, a portable direction sign –
 - (a) on the day the property referred to in the sign is open for inspection by the public until a reasonable time following the close of inspections referred to in the sign; or
 - (b) during the hours that the garage sale is being conducted.
- (2) The portable direction sign must not be erected or placed –
 - (a) on a footpath; or
 - (b) in any location where, in the opinion of an authorised person, the sign is likely to obstruct a line of sight along a thoroughfare or create a hazard for any person using the thoroughfare.

9.4 Property disposal signs

A person may erect or place a property disposal sign on a verge adjoining the property being disposed, subject to the property disposal sign -

- (a) not being illuminated or incorporating reflecting or fluorescent materials;
- (b) being freestanding and erected as close to the property boundary line of the property in which the property disposal sign relates;
- (c) not obstructing or impeding the reasonable use or access of a thoroughfare or verge by any person;
- (d) not obstructing or impeding a line of sight of a driver of a vehicle along a thoroughfare, verge or vehicle crossing;
- (e) not creating a hazard for any person using a thoroughfare or verge; or
- (f) not affecting or damaging any public utility infrastructure or City infrastructure located in the thoroughfare or verge.

9.5 Portable business signs

- (1) In this clause -

the business means a business or premises –

- (a) directly adjacent to the thoroughfare or verge on which a portable business sign is located, or proposed to be located for that business; or
- (b) which gains access from the thoroughfare or verge on which a portable business sign is located, or proposed to be located for that business,

but does not include a home business or home occupation.

- (2) Unless subclause (3) applies, a person must not erect a portable business sign in a thoroughfare or verge without a permit.
- (3) A person may place a portable business sign for the business on a thoroughfare or verge which -
 - (a) neither exceeds 1 metre in height nor 1 square metre in area per face;
 - (b) is the only sign on a City controlled thoroughfare or verge advertising the business;
 - (c) only promotes the business or contains content that relates to the business;
 - (d) is of sound construction and maintained in a good condition;
 - (e) is kept clean and free from unsightly matter including any offensive words or representations;
 - (f) is removed at the close of business each day and not erected again until the commencement of business on a subsequent trading day;

- (g) does not create a nuisance or interfere, obstruct or impede vehicular or pedestrian traffic;
 - (h) has a maximum of 2 facing sides;
 - (i) is erected so as not to be moveable by wind or natural forces;
 - (j) is positioned -
 - (i) immediately adjacent to the shop front of the business premises; and
 - (ii) no less than 500mm from the edge of a kerb; and
 - (iii) so as to maintain a minimum 2 metre clearway for pedestrians; and
 - (k) is not -
 - (i) illuminated, rotating or flashing;
 - (ii) displayed on a carriageway, median strip or roundabout;
 - (iii) attached to any City owned street furniture, utility infrastructure or natural feature including a tree;
 - (iv) attached to or obscuring any other fixed sign, road sign or other sign approved by the local government; or
 - (v) in any other location where, in the opinion of an authorised person, the sign is likely to obstruct lines of sight along a street or cause danger to any person using the street.
- (4) The business in subclause (3) must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the portable business sign.

9.6 Permit for a community organisation

The local government may issue to a community organisation a permit to place, on a thoroughfare or verge, advertising signs to draw attention to a community event held by that organisation.

9.7 Advertising permit or exemption

- (1) The local government may enter into an agreement with a person to post a bill, paint, place or affix any advertisement on a bus seat, bus shelter or other street furniture.
- (2) The local government may exempt the holder of a valid stallholder's permit, trader's permit or outdoor eating facility permit from all or part of the prohibitions in clause 9.2 in relation to an advertising sign or advertisement that directly relates to the goods or services which are the subject of the permit.
- (3) A permit is not required for a cultural or educational display, event or activity conducted by the local government.

9.8 Election or poll

The local government may erect or authorise an electoral officer to erect, a sign on a thoroughfare or verge to draw attention to the date of, or location of a polling place for, a local government election or poll.

9.9 Impounding of advertising signs

An authorised person may remove or impound an advertising sign, property disposal sign, portable business sign or portable direction sign that is in a thoroughfare or verge in contravention of this local law.

3.10 Schedule 1 amended

(1) In Schedule 1 delete Item 48 and insert:

48	8.2(1)(k)	Placing a bulk rubbish bin or a container receptacle on a thoroughfare without a permit	200
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(2) In Schedule 1 after Item 50 insert:

50A	8.2(1)(n)	Conducting a function or promotional activity on a thoroughfare without a permit	200
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(3) In Schedule 1 delete Item 60 and insert:

60	9.3(2)	The erection or placing of a portable direction sign contrary to the local law	125
60A	9.4	The erection or placing of a property disposal sign on a verge contrary to the local law	125
60B	9.5(2)	The erection or placement of a portable business sign without a permit	125
60C	9.5(3)	The erection or placing of a portable business sign contrary to the local law	125

Part 4 - Amendments – Meeting Procedures Local Law 2013

4.1 City of Joondalup Meeting Procedures Local Law 2013 amended

This Part of the local law amends the *City of Joondalup Meeting Procedures Local Law 2013* as published in the *Government Gazette* on 14 October 2013.

4.2 Clause 1.4 amended

In clause 1.4 delete “Rules of” and insert “Model”.

4.3 Clause 1.5 amended

In clause 1.5:

- (a) amend the definition of **Regulations** by inserting “and” after “;”
- (b) delete the definition of **Rules of Conduct Regulations** and insert in alphabetical order:

Model Conduct Regulations means the *Local Government (Model Code of Conduct) Regulations 2021*;

- (c) amend the definition of **simple majority** by deleting “; and” and inserting “.”
- (d) delete the definition of **special majority**.

4.4 Clause 4.3 amended

- (1) In clause 4.3(2)(i) delete “Petitions and deputations” and insert “Deputations”.
- (2) In clause 4.3(2)(l) after “;” insert “and”.
- (3) Delete clause 4.3(2)(m).

4.5 Clause 4.6 amended

After clause 4.6(8) insert:

- (9) Where a motion of which notice has been given is defeated at the meeting by a vote, a motion of the same effect cannot be submitted under subclause (1) within three months from the date in which the first motion of which notice had been given and was considered.

4.6 Clause 4.8 amended

- (1) In clause 4.8(3)(a) delete “or a special majority”.
- (2) In clause 4.8(3)(b) after “disclosed” insert “by the Mayor or a Councillor”.

4.7 Clause 5.7 amended

In clause 5.7(5) after “copy” insert “of”.

4.8 Clause 5.17 amended

Delete clause 5.17(2) and insert:

- (2) A person must ensure that his or her mobile telephone or other electronic device does not cause an audible disturbance during any meeting of the Council, a committee or electors.

4.9 Clause 6.6 amended

In clause 6.6 delete “Rules of” and insert “Model”.

4.10 Clause 9.12 amended

Delete subclause 9.12(1) and insert:

- (1) A member may move an amendment to a primary motion at any time during debate on the motion, except -
 - (a) if the member is the mover or seconder of the primary motion;
 - (b) if the member has already spoken to the primary motion;
 - (c) if the mover has been called by the presiding member to exercise the right of reply;
 - (d) if another amendment is being debated, or has not been withdrawn, carried or lost; or
 - (e) during debate on a procedural motion.

4.11 Clause 10.1 amended

In clause 10.1(a) delete “motion” and insert “item”.

4.12 Clause 10.5 amended

Delete clause 10.5 and insert:

10.5 Item be deferred – effect of motion

- (1) If a motion “that the item be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the item is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion “that the item be deferred” must not be moved in respect of the election of a Mayor, Deputy Mayor or presiding member.

4.13 Clause 17.1 amended

In clause 17.1 delete “Rules of” and insert “Model”.

Part 5 - Amendments – Parking Local Law 2013

5.1 City of Joondalup Parking Local Law 2013 amended

This Part of the local law amends the *City of Joondalup Parking Local Law 2013* as published in the *Government Gazette* on 19 August 2013 and amended in the *Government Gazette* on 4 September 2015 and 3 August 2018.

5.2 Clause 1.11 inserted

After clause 1.10 insert:

1.11 Alternative methods of payment for parking

- (1) Where a person is required to obtain a valid parking permit, ticket or other authorisation under this local law, the local government may authorise a person to pay for the permit, ticket or authorisation, in advance or in arrears by issuing (electronically or otherwise) a permit, invoice, ticket or pass (referred to in this clause as an Alternative Method of Payment).
- (2) A person who has been authorised by the local government to make an Alternative Method of Payment for parking under subclause (1) is exempt from paying fees, if any, providing that he or she complies with the terms of the Alternative Method of Payment.
- (3) An Alternative Method of Payment may not be used by any person other than the person who received authorisation by the local government or from an agent or representative authorised by the local government.

5.3 Clause 2.4 amended

Delete clause 2.4(2).

5.4 Part 7 replaced

Delete Part 7 and insert:

PART 7 – PARKING PERMITS

7.1 Permitted persons

The local government may issue an annual parking permit to a person who is -

- (a) the occupier of a premises adjoining a carriageway within the parking region; and
- (b) at the address shown on the application for the permit.

7.2 Annual parking permits

- (1) Subject to subclause (2) an annual parking permit may be issued as –
 - (a) an annual permit for a period of not more than twelve months, expiring on 31 December on the year of issue; or
 - (b) a temporary permit for a period as agreed by the local government.

- (2) The local government –
 - (a) may issue an annual parking permit to a person in the form prescribed for that purpose; or
 - (b) may authorise a person to use an electronic system approved by the local government for the issuing of an annual parking permit, providing that the person complies with the terms of use for the electronic system.

7.3 Annual parking permits not applicable

An annual parking permit does not apply to areas covered by paid parking, except in an area designated by the local government.

7.4 Permitted exemptions

Where the stopping of a vehicle on any part of a carriageway within the parking region is prohibited for more than a specified time, or in a ticket parking zone without a valid parking ticket being displayed within the vehicle, the holder of an annual parking permit issued under clause 7.1 is exempt from such prohibition, but the exemption shall only apply -

- (a) to the part of the carriageway specified in the annual parking permit;
- (b) if the annual parking permit is either -
 - (i) displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read from outside and from the front of the vehicle; or
 - (ii) issued through the electronic system approved by the local government under clause 7.2(2)(b);
- (c) if the annual parking permit was validly issued and has not expired; and
- (d) if the annual parking permit holder occupies the premises in respect of which the annual parking permit is issued.

7.5 Annual parking permits to be returned

An annual parking permit holder who ceases to occupy the premises in relation to which the annual parking permit was issued, shall remove any annual parking permit displayed in or affixed to the windscreen of any vehicle and return the annual parking permit to the local government.

7.6 Revoking annual parking permits

The local government may revoke an annual parking permit if the permit holder breaches any of the conditions for its use or the prerequisites for the issue of the annual parking permit no longer apply.

7.7 Fees for annual parking permits

Fees payable for the issue of an annual permit shall be determined in accordance with section 6.16 of the Act.

Dated xxx of xxxx.

The Common Seal of the City of Joondalup)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....
HON. ALBERT JACOB, JP
MAYOR

.....
JAMES PEARSON
CHIEF EXECUTIVE OFFICER

(Extract from Government Gazette (No 162) of 27 August 1999)

LOCAL GOVERNMENT ACT 1995

The Municipality of the City of Joondalup

ANIMALS LOCAL LAW 1999

Under the powers of the Local Government Act 1995 and by all other powers, the Council of the City of Joondalup resolved to make the following local law on the 13th July, 1999.

ARRANGEMENT

PART 1 - PRELIMINARY	Clauses 1 - 6
PART 2 - DOGS	Clauses 7 - 14
PART 3 - APPROVED DOG KENNEL ESTABLISHMENT	Clauses 15 - 22
PART 4 - LIVESTOCK	Clauses 23 - 27
PART 5 - PIGEONS	Clauses 28 - 36
PART 6 - BEES	Clause 37
PART 7 - ANIMALS, BIRDS AND POULTRY.....	Clauses 38 - 50
PART 8 - MISCELLANEOUS	Clauses 51 - 54
PART 9 - PENALTIES	Clauses 55 - 59
SCHEDULES 1, 3 and 4	

PART 1 - PRELIMINARY

Title

- 1 This local law may be referred to as the City of Joondalup Animals Local Law 1999.

Commencement

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

Purpose and Intent

- 3 (1) The purpose of this local law is to provide for the regulation, control and management of the keeping of animals within the City of Joondalup.
- (2) The effect of this local law is to establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local law.

Repeal

- 4 The following by laws of the former City of Wanneroo:
- By Law B2: Keeping of Bees, published in the Government Gazette - 19 August 1983;
 - By Law D2: Dog Kennels, published in the Government Gazette - 1 February 1980 and amendments;
 - By Law D3: Relating to Dogs, published in the Government Gazette - 21 November 1986 and amendments;
 - Local Law P6: Keeping of Pigeons, published in the Government Gazette - 27 February 1998;
 - Clauses 9 and 9A, By Law R3: Reserves and Foreshores, published in the Government Gazette - 28 September 1990 and amendments;

are repealed on the day this local law comes into operation.

Application of Local Law

- 5 This local law applies throughout the district.

Definitions

- 6 In this local law unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“application” means the completed form lodged by an applicant as required by this local law;

“applicant” means a person who has lodged an application for an approval, certificate or licence required for any activity by this local law;

“approved fees” means the fees and charges determined by the local government from time to time, for putting into effect the provisions of this local law;

“authorised person” means a person authorised by the local government under section 9.10 of the Act, to carry into effect the provisions of this local law;

~~“beehive” means a moveable or fixed structure, container or object in which a colony of bees is kept;~~

“caravan park” means an area of land on which caravans or caravans and camps situated for habitation;

“cattery keeper” means a person registered to keep a cattery;

“certificate of registration” means a certificate of registration to keep pigeons issued pursuant to this local law;

“City” means the City of Joondalup;

~~“Code of Practice” means the Code of Practice – Pigeon Keeping and Pigeon Racing, International Standard Book Number (ISBN 0 958 6677 0 5), Part 1 (ISBN 0 958 6677 2 1), Part 2 (ISBN 0 958 6677 1 3) published May 1994 as amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc;~~

“Code of Practice” means the Code of Practice – Pigeon Keeping and Pigeon Racing in Western Australia as amended from time to time and as approved by the Pigeon Racing Federation of Western Australia (Inc) and the Independent Racing Pigeon Federation (Inc);

“cow” includes an ox, calf or bull;

“district” means the district of the City;

“Dog Act” means the Dog Act 1976;

~~“environmental health officer” means an environmental health officer appointed under the Health Act 1911 and includes an acting or assistant environmental health officer;~~

“environmental health officer” means a person appointed as an environmental health officer under section 17 of the Public Health Act 2016;

“food premises” means a premises where food is stored, kept, prepared, manufactured, processed, cooked or served or otherwise dealt with for subsequent sale to the public either directly or indirectly;

“grouped dwelling” means a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise;

“horse” includes an ass, mule, donkey, shetland pony or pony;

“land” means land in the district and includes houses, buildings, works and structures, in or upon the land;

~~“large animal” includes a sheep, cow, goat, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig) or any other animal so classified by the local government.~~

“large animal” includes a sheep, cow, goat, cattle, horse (excluding a miniature horse), buffalo, camel, llama, deer, alpaca or any other animal so classified by the local government;

“livestock” means any horse, cattle, sheep, goat, ~~swine~~, buffalo, deer, camel, llama and alpaca;

“local government” means the City of Joondalup;

“local planning scheme” means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the Planning and Development Act 2005;

“lot” means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;

“miniature horse” means a horse that does not exceed 870 millimetres in height as an adult and is classified as a miniature by the Miniature Horse Association of Australia;

“miniature pig” means a pig that does not exceed 650 millimetres in height as an adult and weighs between 45 - 55 kilograms.

“multiple dwelling” means a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other;

“nuisance” means:-

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or
- (c) any thing a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

“pigeon” includes homing pigeon and racing pigeon;

“poultry” means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock;

“pound” means a building or yard established by the local government or authorised person for the impounding of dogs or animals for the purposes of this local law;

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

“residential area” means any land situated within a residential zone as classified by the town planning scheme and includes land predominately used for residential purposes;

~~“rural area” means any land situated within a rural zone as classified by the town planning scheme;~~

~~“special rural area” means any land situated within a special rural zone as classified by the town planning scheme;~~

“stablehand room” means a room or rooms used for occasional overnight occupation to facilitate husbandry to pregnant or sick animals.

~~“town planning scheme” means any town planning scheme for the time being applying zoning or classification to land within the district;~~

“young birds” means any pigeon under 24 days of age and, unless the contrary can be shown, a pigeon shall be deemed under this local law to be a young bird if it is without feathers on the flesh under the wings.

PART 2 - DOGS

Pound

- 7 The local government may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act or this local law.

Impounding Dogs

- 8 A dog seized by the Police or by a person authorised by the local government may be placed in a pound.

Pound Fees

- 9 The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under section 29(4) of the Dog Act, are those approved by the local government from time to time.

Dog Exercise Areas

Clause 10 deleted.

Amd GG
No 7
15.01.02
GG No 51
28.03.08
& GG
No 117
03.08.18

Prohibited Places

- 11 (1) A person liable for the control of a dog shall prevent that dog from entering or being in or on any public building, shop or business premises, with the exception of a shop or business premises where dogs are sold.
- (2) Subclause (1) does not apply to a person with a vision impairment or who is a trainer accompanied by a bona fide guide dog.

Fouling of Streets and Public Places

- 12 Any person liable for the control of a dog who permits that dog to excrete on any street or public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as the local government may approve.

Fencing Requirements

- 13 (1) The owner or occupier of premises within the local government on which a dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in a manner which complies with this clause.
- (2) The fence used to confine a dog and every part of the fence shall be of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, prevents the dog from passing over, under or through the fence.
- (3) ~~Subsections (1) and (2) shall not apply to any rural area.~~

Maximum Number of Dogs

- 14 ~~A person shall not keep or permit to be kept on any premises more than:~~
- (a) ~~2 dogs over the age of 3 months and the young of those dogs under that age;~~
or
- (b) ~~6 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a rural area or comprise a lot in a special rural area having an area of 4 hectares or more,~~

~~unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26 (3) of the Dog Act.~~

Maximum number of dogs

- 14 A person shall not keep or permit to be kept on any premises more than 2 dogs over the age of 3 months and the young of those dogs under that age unless the premises are licensed as an approved kennel establishment or have been granted exemption

Amd
GG No 7
15.01.02

[pursuant to section 26\(3\) of the Dog Act.](#)

Footnote:

The provisions of section 29 of the Dog Act will apply to dogs seized and placed in a pound in relation to:

- Notification of Owner;
- Release of dogs from the pound;
- Sale of dogs; and
- Destruction of dogs.

PART 3 - APPROVED DOG KENNEL ESTABLISHMENT

Approved Kennel Establishment Licence

- 15 A person shall not keep a kennel establishment without having first obtained a licence under this local law and a planning approval under the ~~town~~ local planning scheme.

Notice of Application for Kennel Establishment Licence

- 16 An applicant for a licence to keep an approved kennel establishment shall:
- (a) publish in a newspaper circulating in the district a notice of his intention to submit an application for a licence, being that of Form 1 of the Fourth Schedule, specifying that any interested person may within 21 days after the date of such publication object to or make representations in respect of the application in writing directly to the local government; and
 - (b) forward a notice, being that of Form 1 of the Fourth Schedule to the owners and occupiers of all land within a radius of 275 metres of the boundaries of the land upon which it is proposed to establish the kennel.

Application for Kennel Establishment Licence

- 17 An application for a licence to keep an approved kennel establishment shall be on Form 2 of the Fourth Schedule and shall be accompanied by:
- (a) evidence that notice of the proposed use of the land has been given in accordance with clause 16 (a) and (b);
 - (b) a plan showing the details and specifications of all kennels, adjacent yards and the distances from the kennels to the boundaries of the land the subject of the application and all buildings on the land together with such information as the local government may require; and
 - (c) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

Determination of Application

- 18 (1) The local government may refuse an application for a licence:
- (a) that does not comply with the requirements of clause 17;
 - (b) for which the processes required by clause 16 have not been completed;

-
- (c) after considering any submissions or representations received within the specified period in accordance with clause 16 (a);
 - (d) where planning approval for use of the land as an approved dog kennel establishment has not first been obtained under any relevant town planning scheme.
- (2) The local government may, in respect of an application for a licence:-
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

Licence and Fees

- 19 A licence to keep an approved kennel establishment shall be that of Form 3 in the Fourth Schedule and fees payable to the local government on the issue and renewal of such licences shall be as approved by the local government.

Duties of Licence Holder

- 20 The holder of a licence to keep an approved kennel establishment shall:
- (a) maintain the establishment in a clean, sanitary and tidy condition;
 - (b) dispose of all refuse, faeces and food waste daily in a manner approved by the local government; and
 - (c) take all practical measures for the destruction of fleas, flies and other vermin.

Limit on Number and Breed of Dogs

- 21 A person who conducts an approved kennel establishment shall not keep or permit to be kept thereon more than the number of dogs specified in the licence or dogs of a breed different to the breed or breeds (if any) specified in the licence without the written approval of the local government.

Kennel Establishment Requirements

- 22 Dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question, be sufficiently secured, sited and maintained to a standard not less than the following:
- (a) each kennel shall have an adjacent yard;
 - (b) each kennel and each yard and every part thereof shall be at a distance of not less than 15 metres from the boundaries of the land in the occupation of the occupier;

-
- (c) each kennel and each yard and every part thereof shall be at a distance of not less than 24 metres from the front road or street;
 - (d) each kennel and each yard and every part thereof shall be at a distance of not less than 10 metres from any dwelling house;
 - (e) each yard shall be secured with a fence not less than 1.8 metres in height;
 - (f) the upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface and shall have a fall of not less than 1 in 100. The entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped. All floor washings shall pass through this drain and shall be disposed of in accordance with the health requirements of the local government;
 - (g) the floor of any yard shall be constructed in the same manner as the floor of any kennel and as provided in paragraph (f);
 - (h) for each dog kept therein every kennel shall have not less than 1.8m² of floor space and every yard not less than 2.5m²;
 - (i) all kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and cleaned and disinfected when so ordered by a person authorised by the local government.

PART 4 - LIVESTOCK

Livestock Not to Stray

- 23 The owner or person in charge of livestock shall not permit that livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

Property to be Fenced

- 24 (1) The owner or occupier of a property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.
- ~~(2) The minimum fencing requirements to confine livestock in a rural or special rural area shall be a sufficient fence, a permissible fence or other barrier which is continuously capable of confining livestock and in the case of a dividing fence, as agreed between the adjoining property owners.~~

Amd
GG No 136
10.07.00

Livestock may be Impounded

- 25 (1) An authorised person may impound livestock found straying in contravention of clause 23.
- (2) Livestock being impounded shall be placed in:
- (a) a pound established and maintained by the local government; or
 - (b) a secured portion of private property with the consent of the property owner.

Horse Exercise Area

- 26 (1) The local government may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive a horse or into which a person may bring a horse.
- (2) A person shall not ride, drive or bring a horse onto any reserve or foreshore or any part thereof that has not been set aside for that purpose.
- (3) A person shall not ride, drive, exercise or train a horse on any part of a reserve or foreshore set aside under subsection (1), faster than walking pace or in a manner so as to create a danger or become a nuisance to the public or to any person.
- (4) A person may only ride, drive or bring a horse onto a designated horse exercise area between the times of midnight and midday, Monday to Saturday.
- (5) A person may exercise a dog on an area of reserve or foreshore set aside as a horse exercise area provided the dog remains under full control on a leash during the times set out in subclause (4). A dog may be exercised within a designated horse exercise area off leash at all other times.
- (6) All that section of Foreshore Reserve 47831 as specified in the Third Schedule, is a designated horse exercise area.

Amd
GG No 22
18.02.11

Amd
GG No 22
18.02.11

Amd
GG No 7
15.01.02 &
GG No 51
28.03.08

Fouling of Public Places

- ~~27 Any person liable for the control of a horse who permits that horse to excrete on any public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the written consent of the occupier or in such other manner as the local government may approve.~~

PART 5 - PIGEONS

Certificate of Registration

- 28 (1) A person shall not keep pigeons on any land in the district without having first obtained a certificate of registration from the local government.
- (2) A certificate of registration shall be valid from its date of issue until the next 30 June.

Restrictions on pigeon and dove nesting or perching

- 28A (1) An environmental health officer may order an owner or occupier of premises in or on which pigeons or doves are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier must comply with an order made under this clause.

Application for Certificate of Registration

- 29 An application for certificate of registration shall be:
- (1) lodged by the applicant on the form approved by the local government from time to time.
- (2) in the case of an initial application or where any variations to the original application are required, lodged with specifications, site and construction plans of proposed cages, enclosure or lofts; and
- (3) lodged with the registration fee set by the local government.

Amd
GG No 136
10.07.00

~~Adjoining Owners to be Consulted~~

- ~~30 Prior to granting any certificate of registration, the applicant shall seek the written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.~~

Adjoining owners to be consulted

- 30 Prior to granting any certificate of registration on an initial application, the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned by the applicant.

Approval Limitations

- 31 (1) Pigeons shall not be kept within a caravan park or on any land on which is situated a group dwelling or multiple dwellings except for land on which 2 grouped dwellings are permitted; and

-
- (2) Unless previously approved by the local government prior to this local law coming into effect, pigeons shall not be kept on any land which has an area of less than 600m².

Duties of Certificate Holder

32 The holder of a certificate of registration to keep pigeons shall:

- (a) keep all pigeons confined continuously in cages, enclosures and lofts approved by the local government except that homing pigeons and racing pigeons registered in accordance with this local law may be released in accordance with this local law;
- (b) keep all cages, enclosures, lofts and their immediate surrounds clean and maintained in good order and condition at all times and the minimum standard to be adhered to shall be that which is specified in the Code of Practice; and
- (c) dispose of all loft litter by immediate burial or by being bagged and deposited in a household rubbish bin to ensure no nuisance occurs.

Amd
GG No 136
10.07.00

Limit on Number of Pigeons

- 33 (1) Subject to subclause (2), the maximum number of pigeons which shall be kept on land the subject of a certificate of registration pursuant to each certificate of registration shall not exceed 20, excluding young birds.
- (2) A person who on or before 30 June each year produces to the local government, satisfactory proof that the person is a current financial member of a recognised incorporated racing pigeon body, or is a registered pigeon fancier, may be permitted by the local government to keep up to 150 pigeons, excluding young birds, in any residential area, rural area or special rural area.

Cage, Enclosure or Loft Requirements

- 34 (1) An approved cage, enclosure or loft used to house pigeons shall aesthetically blend with its surrounds, be constructed of new materials and shall be constructed to the following minimum requirements:
- (a) the base floor of any loft shall be of ~~50mm thick concrete~~ constructed of a suitable impervious material as approved by an environmental health officer;
- (b) in the case of an elevated loft the suspended floor shall be constructed and maintained in accordance with the requirements in the Code of Practice;
- (c) cladding of a loft, including the roof shall be of smooth fibro cement sheeting, sheet metal or other smooth material;

-
- (d) except as provided in paragraph (e), a loft height shall not exceed 2.4 metres at any point when measured from ground level; and
 - (e) where a loft has a gable roof the loft height shall not exceed 3 metres at any point when measured from ground level.
- (2) A cage, enclosure or loft shall not be located nearer than:
- (a) 1.2 metres from the boundary of any land adjacent to the land, the subject of an application;
 - (b) 9 metres from any dwelling house, church, school room, hall, factory, dairy or food premises; or
 - (c) 9 metres from any road reserve or street.

Exercise of Pigeons

- 35 (1) A person who is approved to keep registered homing pigeons or racing pigeons may only release such homing pigeons or racing pigeons for exercise between the hours set out in the Code of Practice, unless otherwise authorised by the local government.
- (2) A person shall not release more than 60 registered homing or racing pigeons may be released for exercise or training at any one time.

Alteration, Cancellation or Refusal of Certificate of Registration

- 36 (1) At any time the local government may amend the conditions contained in or relating to a certificate of registration and without limiting the generality of the same, where any complaint of a nuisance is received, the local government may vary the hours for release of pigeons and impose any other conditions deemed necessary to minimise any nuisance from the keeping of pigeons or any associated activity.
- (2) The local government may cancel, refuse to approve or refuse to renew a certificate of registration for any one or more of the following reasons:
- (a) the land is not maintained in accordance with this local law;
 - (b) the cages, enclosures or loft have fallen into disrepair, are unclean or infested with vectors of disease;
 - (c) the pigeons are being released outside the times permitted in clause 35;
 - (d) a condition imposed in accordance with this local law or a certificate of registration has not been complied with in the time limits set out for doing so;

- (e) the applicant or holder of the certificate of registration as the case may be, has two or more convictions under this local law; or
- (f) non payment of registration fees.

~~PART 6 – KEEPING OF BEES~~

- ~~37 (1) A person shall not keep a beehive in a residential area or a special rural area without written approval of the local government.~~
- ~~(2) A person shall remove a beehive kept in contravention of this local law when directed to do so by the local government.~~

PART 6 – KEEPING OF BEES

Definitions

37 In this Part -

“bee” means an insect belonging to the super family Apoidea (Order: Hymenoptera), commonly known as a bee;

“beehive” means a moveable or fixed structure, container or object, either standing alone or in a group of 2 or more, which contains a bees nest and in which bees are kept;

“permit” means a permit issued under this Part and includes the conditions (if any) to which that permit is subject; and

“permit holder” means a person who holds a valid permit.

Limit on beehives

37A A person must not keep or permit to be kept on any land a beehive -

(a) without obtaining a permit from the City; and

(b) except in accordance with a valid permit issued in relation to that land.

Application for a permit

37B (1) An application for a permit must -

(a) be in the form determined by the City;

(b) include –

- (i) a site plan detailing the proposed location of the beehive or beehives and any significant structures, barriers or water sources on the land, and potential flight paths for bees; and

-
- (ii) any further information that may be required by the City; and
 - (c) pay any application fee imposed by the City under sections 6.16 – 6.19 of the Act.
- (2) On an application for a permit under clause 37B(1) the City shall seek written opinion of all owners and occupiers whose land is adjacent to the land owned or occupied by the applicant.

Determining an application

- 37C (1) The City may refuse to consider an application that does not comply with clause 37B(1).
- (2) The City may -
- (a) approve an application, subject to any conditions that it considers to be appropriate; or
 - (b) refuse an application.
- (3) If the City approves an application, it is to issue to the applicant a permit in the form determined by the City.
- (4) The City may vary a condition to which a permit is subject by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.
- (5) A permit holder must comply with each condition to which the permit is subject including any varied condition under subclause (4).
- (6) A permit is valid from the date of issue until it is cancelled under this local law.
- (7) A permit is personal to the permit holder and applies only to the land described in the permit.

Cancellation of a permit

- 37D The City may cancel a permit if -
- (a) the permit holder requests the City to do so;
 - (b) 12 continuous months elapse during which the permit holder has not kept any bees on the land to which the permit applies; or
 - (c) the permit holder fails to comply with a notice under clause 37F within the time specified in the notice or commits any other offence under this local law.

General conditions for keeping beehives

37E A permit issued under this Part may include, but not limited to, one or more of the following conditions -

- (a) the beehive is to be maintained in a clean and tidy condition;
- (b) the beehive is screened or positioned in such a manner as to ensure, as far as practicable, that the bees do not create a nuisance or threat to people in the locality or the public in general;
- (c) the flight path of any bees entering or exiting the land from the beehive is to be at least 2 metres above natural ground level;
- (d) the continual provision of an adequate water supply on the land for the bees; or
- (e) any maintenance or activities relating to a beehive, including but not limited to the collection of honey, is carried out at such times as to not to create a nuisance.

Notice to remove

- 37F (1) If, in the opinion of an environmental health officer, bees on any land (whether or not the subject of a permit) are likely to endanger the safety of any person or create a serious public nuisance, the environmental health officer may give to the owner or occupier of that land a written notice requiring the owner or occupier (as the case may be) to remove the bees before the date specified in the notice.
- (2) If, in the opinion of an environmental health officer, a person has breached a provision of this local law, an environmental health officer may give to that person a written notice requiring him or her to remedy that breach before the date specified in the notice.

PART 7 - ANIMALS, BIRDS AND POULTRY**General**

38 The owner or occupier of a premises where a dog, cat or other animal is kept shall:

- (a) keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rats, vermin or insects;
- (b) when so directed by an environmental health officer, clean and disinfect the premises; and

- (c) keep the premises, so far as possible, free of flies and when directed by an environmental health officer, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

Keeping of Large Animals

39 An owner or occupier of a premises shall:

- (a) not keep a large animal on any land less than 2000m² in area;
- (b) not permit any large animal to approach within 9 metres of a habitable room, shop, church or any premises where food is stored, manufactured or sold.

Keeping a Miniature Horse

- 40 (1) An owner or occupier of a premises may keep a sterilised miniature horse on land ~~zoned residential, special residential or special rural~~ of not less than 1000m² in area, provided it is registered with the local government and the approved annual registration fee is paid.
- (2) An owner or occupier of a premises shall:
- (a) not keep more than one miniature horse on land ~~zoned residential, special residential or special rural~~, without the written approval of the local government; and
- (b) not permit a miniature horse within 9 metres of any house.
- (3) The local government may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

Amd
GG No 136
10.07.00

Keeping of Pigs

- 41 (1) ~~Except for a miniature pig, no person shall keep a pig or pigs, in any residential area, special residential area or special rural area or on any land zoned commercial or industrial under the town planning scheme.~~
- (2) ~~Except on a licensed piggery, no person shall keep more than 2 pigs in any rural area without prior written approval of the local government.~~
- (3) ~~The local government may prohibit the keeping of pigs, including a miniature pig, on any land or state the conditions under which they may be kept.~~

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GG No 136
10.07.00

41 (1) Subject to sub-clause (4) a person shall not keep a pig on any land within the district.

- (4)(2) A person may keep 1 miniature pig ~~in any residential area, special residential area or special rural area~~ **on land** provided it is registered with the local government and the approved annual registration fee is paid.

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GG No 136
10.07.00

(5)(3) On land zoned residential, ~~special residential or special rural~~, the occupier of any premises where a miniature pig is kept shall:

- (a) only keep a sterilised animal and retain written proof of its sterilisation;
- (b) confine the animal on the property at all times;
- (c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust or odour; and
- (d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tape worm is current.

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10.07.00

Stables

- 42 (1) The owner or occupier of any land where a stable is erected shall:
- (a) not permit a stable within 9 metres of a house or other building;
 - (b) have a floor area of 6m² per animal;
 - (c) ensure the stable has walls and a roof, constructed of impervious material;
 - (d) have on all sides of the building between the walls and the roof, a clear opening of at least 50 millimetres in height; and
 - (e) provide a floor, which shall have an upper surface:
 - (i) at least 75 millimetres above the ground; and
 - (ii) be constructed of cement, concrete, compacted limestone or similar approved material.
- (2) The owner or occupier of a premises where a stable is located shall:
- (a) keep all parts of the stable free from flies; and
 - (b) when directed by an environmental health officer, spray the stable, or such parts as may be indicated, with a residual insecticide.

Stablehand Room

- 43 The owner or occupier of a premises shall not permit a habitable room, including a stablehand's room, to open directly into a stable area.

Manure Receptacle

- 44 An owner or occupier of a premises where a large animal, miniature horse or miniature pig is kept shall:
- (a) provide in a convenient position, an impervious receptacle with a tight fitting lid, for storage of manure;
 - (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
 - (c) cause the receptacle to be emptied at least once a week and more often as necessary to prevent it becoming offensive or a breeding place for flies or other insects; and
 - (d) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Keeping of Cats

- 45 (1) Subject to sub-clauses (2) and (3), the owners or occupiers of a property shall not permit more than 3 cats over the age of 3 months to be kept on that property.
- (2) A person who breeds cats may, with the written approval of the local government, keep up to 6 adult breeding cats on a property in the district, subject to:
- (a) each cat being permanently confined in an effective cage system on the property; and
 - (b) under such terms and conditions that may be imposed by the local government from time to time.
- (3) A person may keep more than 3 cats over the age of 3 months ~~in any rural area, commercial area or industrial area,~~ if the owner or occupier of such lot has:
- (a) obtained written approval from the local government to establish a cattery;
 - (b) paid to the local government, the annual fee for registration and certification of the premises as a cattery;
- (The annual registration and certification fee shall be due each June 30th, except for the first issue which may be paid on a pro-rata basis.)
- (c) provided for each cat on the lot, a properly constructed shelter with an

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GG No 136
10.07.00

enclosure, which complies with the following specifications:

- (i) a floor area of not less than 0.56m² for each cat;
 - (ii) the area of the enclosure adjacent to any shelter or group of shelters forming a cattery shall be at least 3 times the area of the shelter or the group of shelters;
 - (iii) no shelter or enclosure shall be closer than 9 meters from the boundary of the lot of the keeper or any other building on the property of the keeper; and
 - (iv) all enclosures, yards, runs and shelters within a cattery shall be maintained in a clean condition and shall be cleaned, disinfected or otherwise dealt with as an environmental health officer may direct.
- (4) A registration issued by the local government shall lapse upon the keeper vacating the premises although a transfer of the registration may be effected if the cattery operation remains continuous and the approved transfer fee is paid to the local government.

Amd
GG No 136
10.07.00

Burial of Animals

- ~~46 (1) The operators of commercial poultry farms, licensed piggeries and similar intensive animal or bird farming shall not dispose of any dead animals or birds on their premises without written approval from the local government.~~
- ~~(2) Owners and occupiers of properties in any rural or special rural area who occasionally need to bury an animal on their property, shall cover the carcass with lime before burial.~~

Keeping of Ostrich or Emu

- ~~47 (1) A person shall not keep an ostrich or emu on any land in any residential area, or any land zoned commercial or industrial under the town planning scheme.~~
- ~~(2) A person shall not keep an ostrich or emu in any special rural area without the written approval of the local government.~~
- ~~(3) A person shall not keep more than 3 adult pairs of ostrich or emu for each 2 hectares of land and no single pair shall be confined in any area less than 0.1 hectares.~~
- ~~(4) The local government may prohibit the keeping of any ostrich and emu on any land or state the conditions under which they may be kept.~~

47 A person shall not keep an ostrich or emu on any land within the district.

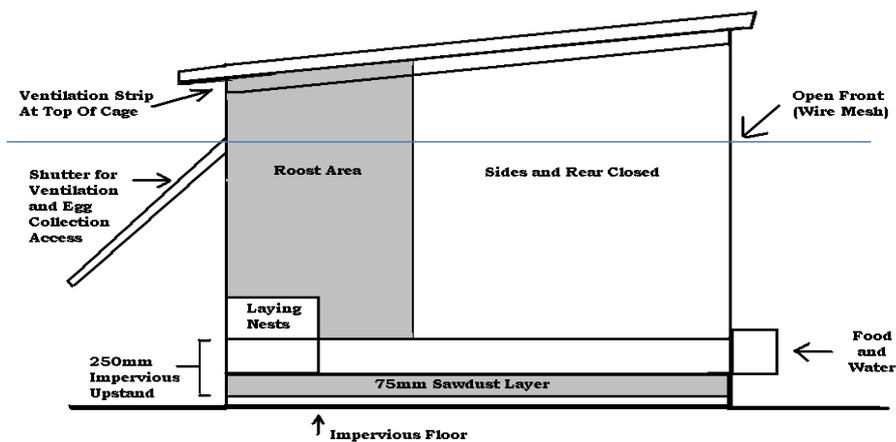
Keeping Poultry in Residential Areas

- 48 (1) A person shall not keep or suffer to remain, ~~in any residential area~~ on any land within the district a rooster, turkey, goose or geese, peacock or a peahen.
- (2) Notwithstanding sub-clause (1), the owner or occupier of a ~~premises situated in any residential area~~ land within the district shall not keep thereon or permit to be kept thereon any poultry otherwise than under the following conditions:
- ~~(a) no poultry shall be kept in an open yard;~~
(a) no poultry is able to approach within 9 metres of a dwelling or within 1 metre from a boundary of the lot;
- (b) poultry must be ~~kept in~~ provided a shed or hut designed to permit a deep litter system in accordance with ~~the diagram which follows this clause and~~ the following specifications:
- (i) the floor shall be concrete, brick paving, compressed limestone or any other suitable impervious surface;
 - (ii) frames shall be of timber, steel, brick or other approved material;
 - (iii) cladding shall be of sheet metal, brick, weatherboard or other materials approved by an environmental health officer;
 - (iv) the roof shall have sufficient slope to shed storm water;
 - (v) the poultry shed to be constructed in a sound and weatherproof manner and to be between 1.5m to 2.0 m in height;
 - (vi) provision must be made for adequate ventilation to the shed during hot weather;
 - (vii) the minimum size of any shed must allow for at least 0.3m² for each and every bird kept therein;
 - (viii) the roof, walls, floor, doors and ventilating panels must be maintained in good order and condition at all times;
 - (ix) the floor must be covered with a layer of dry sand or sawdust at least 75 millimetres deep; and
 - (x) the sawdust or sand must be kept dry at all times and be changed at least once every 6 months or when directed by an environmental health officer.
- (3) A person shall not permit a poultry shed to be nearer than 1 metre from the boundary of land in other occupation or 9 metres from any dwelling house or street.

- (4) A person shall not keep more than ~~12~~ 6 poultry (including a maximum of 2 ducks) in any residential area.

DIAGRAM

Specification for a domestic deep litter poultry shed



Keeping of Poultry in Special Rural Areas

- ~~49 The occupier of premises situated in any special rural area, shall not keep or permit to be kept thereon, poultry other than under the following conditions:~~
- ~~(a) in a shed designed to permit the use of a deep litter system or in open yards with a shed that has concrete floor at least 50 millimetres thick;~~
 - ~~(b) the shed shall be of sound construction and its yard shall be maintained in a clean condition at all times;~~
 - ~~(c) the shed must be between 1.5m to 1.8m in height to allow easy entry for cleaning;~~
 - ~~(d) the shed shall not be nearer than 1 metre from the boundary of land in other occupation or 15 metres from any dwelling house or 15 metres from a street; and~~
 - ~~(e) no more than 25 head of poultry without the written approval of the local government.~~

Keeping Poultry in Rural Areas

- ~~50 The occupier of premises in any rural area, shall not keep or permit to be kept thereon, more than 50 head of poultry, without written approval from the local government.~~

PART 8 - MISCELLANEOUS

False or Misleading Statement

- 51 A person shall not make a false or misleading statement in connection with any application, requirement or demand under this local law.

Licence Fees and Charges

- 52 All licence fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 of the Act.

Limit on Liability

- 53 A person, owner, occupier or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to enter the land and carry out all or part of the works and do all things necessary that the owner, occupier or licensee was required to do to comply with this local law.

Date of Birth to be Given on Demand

- 54 Clause deleted

Amd
GG No 136
10.07.00

PART 9 - PENALTIES

Offences

- 55 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

Infringement and Infringement Withdrawal Notices

- 56 For the purposes of this local law:
- (a) the form of the infringement notice referred to in section 9.17 of the Act is

Form 2 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and

- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in the First Schedule of the Local Government (Functions and General) Regulations 1996; and

Offence Description and Modified Penalty

- 57 The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

Prosecution for Offences

- 58 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

- 59 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Footnote:

Right of Appeal

- 1 When the local government makes a decision as to whether it will:
 - (a) grant a person a licence or certificate of registration under this local law; or
 - (b) renew, vary, or cancel a licence or certificate of registration that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.

FIRST SCHEDULE
CITY OF JOONDALUP**ANIMALS LOCAL LAW 1999****Offences and Modified Penalties****Part 2—Dogs**

Item No	Clause No	Nature of Offence	Modified Penalty \$
1		Deleted by GG No 117,03.08.18	
2	11	Permitting a dog to be in a public building, shop or business premises	100
3	12	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100
4	13(1)	Failing to install and maintain a fence capable of confining a dog to the premises	100
5	13(2)	Fence not adequate to confine dog of the species, age, size and physical condition to the premises	100
6	13(3)(a)	Failing to keep gate closed when the dog is at the premises	100
7	13(3)(b)	Failing to have a gate fitted with self closing/self latching and/or permanently locking mechanisms	100
8	14	Keeping more than permitted number of dogs without approval	100

Part 3—Approved Dog Kennel Establishments

9	15	Keeping a kennel establishment without a licence	100
10	20(a)	Failing to maintain establishment in a clean, sanitary and tidy condition	100
11	20(b)	Failing to dispose of refuse, faeces and food waste daily in approved manner	100
12	20(e)	Failing to take practical measures to destroy fleas, flies and other vermin	100
13	21	Keeping a greater number or breed of dogs than specified in the licence	100

Part 4—Livestock

14	23	Permitting livestock to stray or be at large in a street, public place or private property without consent	100
15	24	Failing to keep property fenced in a manner capable of confining livestock	100
16	26(2)	Ride, drive or bring an animal onto a reserve or foreshore not set aside for the purpose	100

Livestock (continued)

Item No	Clause No	Nature of Offence	Modified Penalty \$
17	26(3)	Ride, drive, exercise or train an animal on a reserve or foreshore so as to create a danger or cause a nuisance	100
18	26(4)	Ride, drive or bring an animal on to a reserve or foreshore set aside for exercise of dogs	100
19	27	Permitting a horse to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100

Part 5 – Pigeons

20	28	Keeping of pigeons without Council approval	100
21	31(1)	Keeping of Pigeons within: a caravan park; a grouped dwelling (not being one of only two grouped dwellings) a premises classified as part of a “multiple dwelling”	100 100 100
22	32(b)	Failing to keep cages, enclosures and lofts maintained to minimum standard specified in Code of Practice	100
23	32(e)	Failing to dispose of loft litter in approved manner to ensure no nuisance occurs	100
24	33(1)	Keeping more than 20 pigeons for each Certificate of Registration	100
25	33(2)	Keeping more than maximum number of birds approved	100
26	35(1)	Releasing registered pigeons outside hours permitted	100
27	35(2)	Releasing more than 60 pigeons for exercise or training at any one time	100

Part 6 – Keeping of Bees

28	37(1)	Keeping a beehive in a residential area or special rural area without approval	100
29	37(2)	Failing to remove a beehive when directed	100

Part 7 – Animals, Birds and Poultry

30	38(a)	Fail to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, attract rats, vermin or insects.	100
31	38(b)	Fail to clean and disinfect premises when directed by an environmental health officer	100
32	38(e)	Fail to keep premise free of flies or when directed, spray premises with residual insecticide to kill or repel flies	100

Animals, Birds and Poultry (continued)

33	39(a)	Keep large animal on land less than 2000m ² in area	100
34	39(b)	Permit large animal to approach within 9 m of habitable room, shop, church, or any premises where food is stored, manufactured or sold.	100
35	40(1)	Keep a sterilised miniature horse on land less than 1000m ² not registered with local government and registration fee paid.	100
36	40(2)(a)	Keep more than one miniature horse on land zoned residential, special residential or special rural without approval	100
37	40(2)(b)	Permit a miniature horse within 9m of a house.	100
38	41(1)	Keep a pig on land zoned residential, special residential, special rural, commercial or industrial area	100
39	41(2)	Keep more than two pigs in rural area without prior written approval of local government.	100
40	41(4)	Keep an unregistered miniature pig in residential, special residential or special rural area and/or not pay registration fee.	100
41	41(5)(a)	Keep an unsterilised pig or fail to retain written proof of its sterilisation.	100
42	41(5)(b)	Fail to confine animal on property at all times.	100
43	41(5)(c)	Fail to ensure animal does not cause a nuisance to any neighbour through noise, dust or odour.	100
44	41(5)(d)	Fail to maintain documentary evidence that an animal's veterinary treatment against roundworm and tapeworm is current.	100
45	42(1)(a)	Permit a stable within 9m of house or other building.	100
46	42(1)(b)	Fail to have stable floor area of 6m ² per animal.	100
47	42(1)(c)	Fail to have stable floor or roof constructed of impervious material.	100
48	42(1)(d)	Fail to have on all sides of stable building clear opening 50 ml in height between all walls and roof	100
49	42(1)(e)(i)	Fail to have upper surface of stable floor at least 75mm above ground.	100
50	42(1)(e)(ii)	Fail to have upper surface of stable floor constructed of cement, concrete, compacted limestone or approved material.	100
51	42(2)(a)	Fail to keep stable free from flies.	100
52	42(2)(b)	Fail to spray stable with residual insecticide when directed by environmental health surveyor.	100
53	43	Permit a habitable room including a stablehand's room to open directly into a stable.	100
54	44(a)	Fail to provide in convenient position, an impervious receptacle with tight fitting lid, for manure	100
55	44(b)	Fail to keep lid of manure receptacle closed except when manure being deposited or removed.	100

56	44(e)	Fail to empty manure receptacle to prevent it becoming offensive or breeding place for flies.	100
57	44(d)	Fail to collect all manure produced on premises and place in receptacle.	100
58	45(1)	Keep more than 3 cats over three months.	100
59	45(2)	Keep more than 3 adult cats for breeding without written approval of the local government.	100
60	45(2)(a)	Fail to confine cats in effective cage system on the property.	100
61	45(2)(b)	Fail to comply with conditions imposed by the local government.	100
62	45(3)(a)	Keep more than 3 cats over 3 months in rural area, commercial area or industrial area without approval to establish a cattery.	100
63	45(3)(b)	Fail to pay the annual registration and certification fee for a cattery.	100
64	45(3)(c)	Fail to provide for each cat a properly constructed shelter/enclosure to comply with specifications.	100
65	46(1)	Dispose of dead animals or birds without written approval of the local government.	100
66	46(2)	Fail to cover the carcass of dead animal with lime before burial on any rural or special rural area.	100
67	47(1)	Keep an ostrich or emu on any land in residential area or land zoned commercial or industrial.	100
68	47(2)	Keep an ostrich or emu on any special rural area without written approval of the local government.	100
69	47(3)	Keep more than 3 adult pairs of ostrich or emu for each 2 hectares or single pair in less than 0.1 hectares.	100
70	48(1)	Keep or suffer to remain in a residential area a rooster, turkey, goose or geese, peacock or a peahen.	100
71	48(2)	Keep or permit to be kept in any residential area any poultry, not in accordance with conditions of local law.	100
72	48(3)	Construct or permit a poultry shed to be nearer than 1m from boundary of occupied land or 9m from any dwelling or street.	100
73	48(4)	Keep more than 12 poultry (including maximum 2 ducks) in any residential area.	100
74	49	Keep or permit to be kept in any special rural area any poultry, not in accordance with conditions.	100
75	50	Keep or permit to be kept in any rural area more than 50 head of poultry without written approval of the local government.	100
Miscellaneous			
76		Other offences not specified.	100

FIRST SCHEDULECITY OF JOONDALUPANIMALS LOCAL LAW 1999Offences and Modified Penalties

<u>Item No</u>	<u>Clause No</u>	<u>Nature of Offence</u>	<u>Modified Penalty \$</u>
1	11	Permitting a dog to be in a public building, shop or business premises	100
2	12	Permitting a dog to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100
3	13(1)	Failing to install and maintain a fence capable of confining a dog to the premises	100
4	13(2)	Fence not adequate to confine dog of the species, age, size and physical condition to the premises	100
5	14	Keeping more than permitted number of dogs without approval	100
6	15	Keeping a kennel establishment without a licence	100
7	20(a)	Failing to maintain establishment in a clean, sanitary and tidy condition	100
8	20(b)	Failing to dispose of refuse, faeces and food waste daily in approved manner	100
9	20(c)	Failing to take practical measures to destroy fleas, flies and other vermin	100
10	21	Keeping a greater number or breed of dogs than specified in the licence	100
11	23	Permitting livestock to stray or be at large in a street, public place or private property without consent	100
12	24(1)	Failing to keep property fenced in a manner capable of confining livestock	100
13	26(2)	Riding, driving or bringing an animal onto a reserve or foreshore not set aside for the purpose	100
14	26(3)	Riding, driving, exercising or training an animal on a reserve or foreshore so as to create a danger or cause a nuisance	100
15	26(4)	Riding, driving or bringing an animal on to a reserve or foreshore set aside for exercise of dogs	100
16	28A(2)	Failing to comply with an order to prevent the nesting or perching of pigeons or doves	100
17	28	Keeping of pigeons without approval	100

<u>18</u>	<u>31(1)</u>	<u>Keeping of pigeons within:</u> <u>a caravan park;</u> <u>a grouped dwelling (not being one of only two</u> <u>grouped dwellings)</u> <u>a premises classified as part of a “multiple dwelling”</u>	<u>100</u> <u>100</u> <u>100</u>
<u>19</u>	<u>32(b)</u>	<u>Failing to keep cages, enclosures and lofts maintained</u> <u>to minimum standard specified in Code of Practice</u>	<u>100</u>
<u>20</u>	<u>32(c)</u>	<u>Failing to dispose of loft litter in approved manner to</u> <u>ensure no nuisance occurs</u>	<u>100</u>
<u>21</u>	<u>33(1)</u>	<u>Keeping more than 20 pigeons for each Certificate of</u> <u>Registration</u>	<u>100</u>
<u>22</u>	<u>33(2)</u>	<u>Keeping more than maximum number of birds approved</u>	<u>100</u>
<u>23</u>	<u>35(1)</u>	<u>Releasing registered pigeons outside hours permitted</u>	<u>100</u>
<u>24</u>	<u>35(2)</u>	<u>Releasing more than 60 pigeons for exercise or training</u> <u>at any one time</u>	<u>100</u>
<u>25</u>	<u>37A</u>	<u>Keeping a beehive without a valid permit</u>	<u>100</u>
<u>26</u>	<u>37E</u>	<u>Failing to comply with a condition of a permit</u>	<u>100</u>
<u>27</u>	<u>37F(2)</u>	<u>Failing to remedy breach in notice</u>	<u>100</u>
<u>28</u>	<u>38(a)</u>	<u>Failing to keep premises free from excrement, filth, food</u> <u>waste and other matter likely to be offensive or injurious</u> <u>to health, attract rats, vermin or insects</u>	<u>100</u>
<u>29</u>	<u>38(b)</u>	<u>Failing to clean and disinfect premises when directed by</u> <u>an environmental health officer</u>	<u>100</u>
<u>30</u>	<u>38(c)</u>	<u>Failing to keep premise free of flies or when directed,</u> <u>spray premises with residual insecticide to kill or repel</u> <u>flies</u>	<u>100</u>
<u>31</u>	<u>39(a)</u>	<u>Keeping a large animal on land less than 2,000m² in area</u>	<u>100</u>
<u>32</u>	<u>39(b)</u>	<u>Permitting a large animal to approach within 9 metres of</u> <u>habitable room, shop, church, or any premises where food</u> <u>is stored, manufactured or sold</u>	<u>100</u>
<u>33</u>	<u>40(1)</u>	<u>Keeping a sterilised miniature horse on land less than</u> <u>1,000m² not registered with local government and</u> <u>registration fee paid</u>	<u>100</u>
<u>34</u>	<u>40(2)(a)</u>	<u>Keeping more than one miniature horse on land zoned</u> <u>residential without approval</u>	<u>100</u>
<u>35</u>	<u>40(2)(b)</u>	<u>Permitting a miniature horse within 9 metres of a house</u>	<u>100</u>
<u>36</u>	<u>41(1)</u>	<u>Keeping a pig on any land throughout the district</u>	<u>100</u>
<u>37</u>	<u>41(4)</u>	<u>Keeping an unregistered miniature pig in residential area</u> <u>and/or not pay registration fee</u>	<u>100</u>
<u>38</u>	<u>41(5)(a)</u>	<u>Keeping an unsterilised miniature pig or failing to retain</u> <u>written proof of its sterilisation</u>	<u>100</u>
<u>39</u>	<u>41(5)(b)</u>	<u>Failing to confine animal on property at all times</u>	<u>100</u>
<u>40</u>	<u>41(5)(c)</u>	<u>Failing to ensure animal does not cause a nuisance to</u> <u>any neighbour through noise, dust or odour</u>	<u>100</u>

<u>41</u>	<u>41(5)(d)</u>	<u>Failing to maintain documentary evidence that an animal's veterinary treatment against roundworm and tapeworm is current</u>	<u>100</u>
<u>42</u>	<u>42(1)(a)</u>	<u>Permitting a stable within 9 metres of house or other building</u>	<u>100</u>
<u>43</u>	<u>42(1)(b)</u>	<u>Failing to have stable floor area of 6m² per animal</u>	<u>100</u>
<u>44</u>	<u>42(1)(c)</u>	<u>Failing to have stable floor or roof constructed of impervious material</u>	<u>100</u>
<u>45</u>	<u>42(1)(d)</u>	<u>Failing to have on all sides of stable building clear opening 50mm in height between all walls and roof</u>	<u>100</u>
<u>46</u>	<u>42(1)(e)(i)</u>	<u>Failing to have upper surface of stable floor at least 75mm above ground</u>	<u>100</u>
<u>47</u>	<u>42(1)(e)(ii)</u>	<u>Failing to have upper surface of stable floor constructed of cement, concrete, compacted limestone or approved material</u>	<u>100</u>
<u>48</u>	<u>42(2)(a)</u>	<u>Failing to keep stable free from flies</u>	<u>100</u>
<u>49</u>	<u>42(2)(b)</u>	<u>Failing to spray stable with residual insecticide when directed by environmental health officer</u>	<u>100</u>
<u>50</u>	<u>43</u>	<u>Permitting a habitable room including a stablehand's room to open directly into a stable</u>	<u>100</u>
<u>51</u>	<u>44(a)</u>	<u>Failing to provide in convenient position, an impervious receptacle with tight fitting lid, for manure</u>	<u>100</u>
<u>52</u>	<u>44(b)</u>	<u>Failing to keep lid of manure receptacle closed except when manure being deposited or removed</u>	<u>100</u>
<u>53</u>	<u>44(c)</u>	<u>Failing to empty manure receptacle to prevent it becoming offensive or breeding place for flies</u>	<u>100</u>
<u>54</u>	<u>44(d)</u>	<u>Failing to collect all manure produced on premises and place in receptacle</u>	<u>100</u>
<u>55</u>	<u>45(1)</u>	<u>Keeping more than 3 cats over three months</u>	<u>100</u>
<u>56</u>	<u>45(2)</u>	<u>Keeping more than 3 adult cats for breeding without written approval of the local government</u>	<u>100</u>
<u>57</u>	<u>45(2)(a)</u>	<u>Failing to confine cats in effective cage system on the property</u>	<u>100</u>
<u>58</u>	<u>45(2)(b)</u>	<u>Failing to comply with conditions imposed by the local government</u>	<u>100</u>
<u>59</u>	<u>45(3)(a)</u>	<u>Keeping more than 3 cats over 3 months in rural area, commercial area or industrial area without approval to establish a cattery</u>	<u>100</u>
<u>60</u>	<u>45(3)(b)</u>	<u>Failing to pay the annual registration and certification fee for a cattery</u>	<u>100</u>
<u>61</u>	<u>45(3)(c)</u>	<u>Failing to provide for each cat a properly constructed shelter/enclosure to comply with specifications</u>	<u>100</u>
<u>62</u>	<u>47</u>	<u>Keeping an ostrich or emu on any land throughout the district</u>	<u>100</u>
<u>63</u>	<u>48(1)</u>	<u>Keeping a rooster, turkey, goose or geese, peacock or a peahen on any land throughout the district</u>	<u>100</u>
<u>64</u>	<u>48(2)</u>	<u>Keeping or permitting to be kept poultry, not in accordance with conditions of local law</u>	<u>100</u>

<u>65</u>	<u>48(3)</u>	<u>Constructing or permitting a poultry shed to be nearer than 1m from boundary of occupied land or 9m from any dwelling or street</u>	<u>100</u>
<u>66</u>	<u>48(4)</u>	<u>Keeping more than 6 poultry (including maximum 2 ducks) in any residential area</u>	<u>100</u>
<u>67</u>		<u>Other offences not specified</u>	<u>100</u>

SECOND SCHEDULE

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

Deleted GG No 117, 03.08.18

THIRD SCHEDULE

CITY OF JOONDALUP

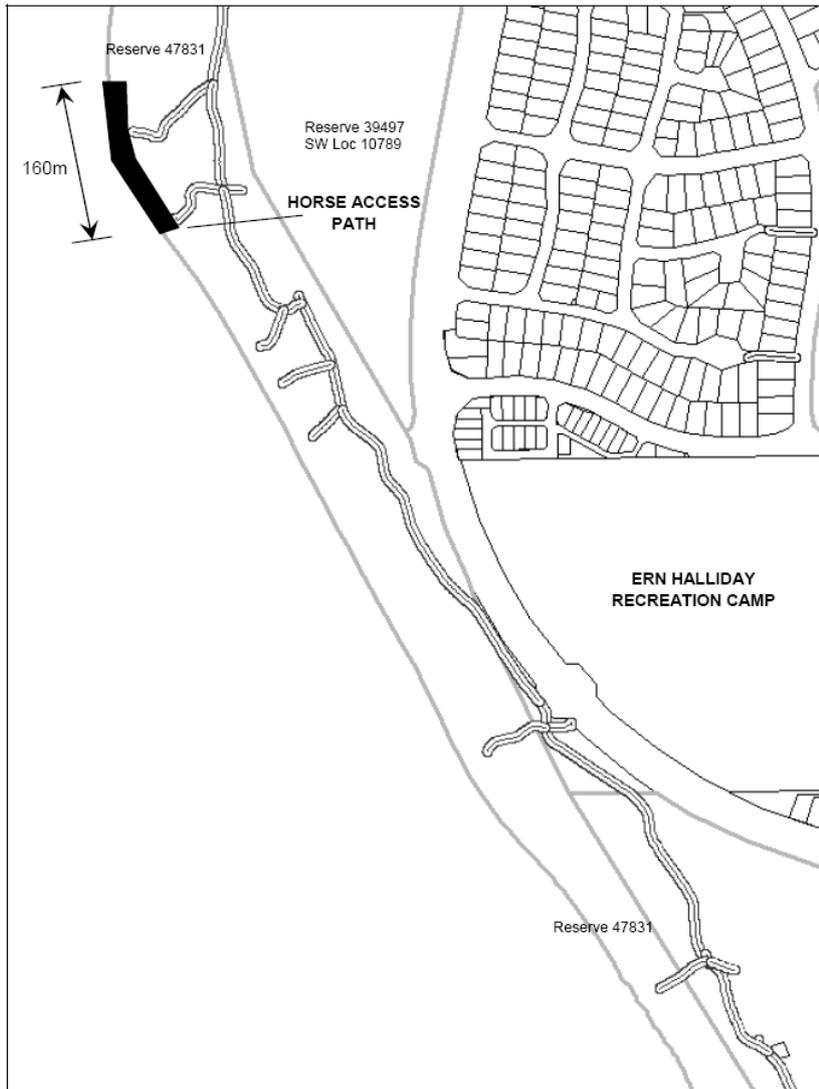
ANIMALS LOCAL LAW 1999

Restricted Horse Exercise Area

All that area of the Foreshore Reserve 47831 as shown delineated in black on Diagram 2 - Horse Exercise Area, from the constructed horse access path northwards for a distance of 160 metres as designated by signs.

Amd
GG No 7
15.01.02 GG
No 51
28.03.08 &
GG No 22
18.02.11
GG No 117
03.08.18

DIAGRAM 2 – RESTRICTED HORSE EXERCISE AREA



Amd
GG No 51
28.03.08 &
GG No 22
18.02.11
GG No
117
03.08.18

Fourth Schedule
Form 1

Dog Act 1976

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

**NOTICE OF INTENTION TO MAKE APPLICATION FOR KENNEL
LICENCE**

To Owners and Occupiers of

In accordance with Clause 16 (b) of the City of Joondalup Animals Local Law 1999, I advise my intention to make application to the City for an Approved Kennel Establishment Licence.

The issue of an Approved Kennel Establishment Licence is subject to compliance with the provisions of the abovementioned local law.

The land subject of this application is:

.....
(insert address of proposed Kennel Establishment)

Please note any interested person may within 21 days of the date of this advice object to or make representations in respect of the application in writing directly to the:

Chief Executive Officer
City of Joondalup

.....

.....

Name and Signature of Applicant

Date

Form 2

Dog Act 1976

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

**APPLICATION FOR LICENCE OR RENEWAL OF LICENCE
TO KEEP APPROVED KENNEL ESTABLISHMENT**

In accordance with the Dog Act 1976, and the local laws of the City of Joondalup:

I/We (full name)

of

hereby apply for a licence/the renewal of a licence (strike out whichever is not applicable) to keep an approved kennel establishment at:

.....

Attached hereto are:

- (a) a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;
- (b) plans and specifications of the kennels;
- (c) evidence that due notice of the proposed use of the premises has been given to persons in the locality;
- (d) particulars of the number and breed of dogs to be kept in the kennels;
- (e)(a) a remittance for the fee of \$.....

Dated the day of 19.....

Signature of Applicant

Note: Items (a), (b), (c) and (d) may be struck out if the application is for the renewal of a licence and if no change has been made since the previous application.

Fourth Schedule

Form 3

Dog Act 1976

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT

..... is/are the holder(s) of a
 licence to keep an approved kennel establishment at

..... for dogs
 of breed (s).

This licence has effect for a period of 12 months from the date hereof.

Dated the day of 19

.....
 Chief Executive Officer

Local Government Act 1995

City of Joondalup

Local Government and Public Property Local Law 2014

(Amended by Local Government and Public Property Amendment Local Law 2015)

(Amended by Local Government and Public Property Amendment Local Law 2019)

Local Government Act 1995

City of Joondalup

Local Government and Public Property Local Law 2014

CONTENTS

Part 1 - Preliminary	7
1.1 Citation.....	7
1.2 Commencement.....	7
1.3 Purpose and effect	7
1.4 Application.....	7
1.5 Repeal.....	7
1.6 Definitions	8
1.7 Interpretation	14
1.8 Overriding power to hire and agree	14
1.9 Transitional.....	14
1.10 Application as to assistance animals	14
Part 2 - Determinations in respect of local government property	14
<i>Division 1 - Determinations</i>	<i>14</i>
2.1 Determinations as to use of local government property	14
2.2 Procedure for making a determination.....	15
2.3 Discretion to erect sign.....	16
2.4 Determination to be complied with.....	16
2.5 Register of determinations.....	16
2.6 Amendment or revocation of a determination	16
<i>Division 2 - Activities which may be pursued or prohibited under a determination.....</i>	<i>16</i>
2.7 Activities which may be pursued on specified local government property	16
2.8 Activities which may be prohibited on specified local government property	17
<i>Division 3 - Transitional.....</i>	<i>18</i>
2.9 Signs taken to be determinations	18
Part 3 - Activities on local government property	19
<i>Division 1 - When a permit is required.....</i>	<i>19</i>
3.1 Activities needing a permit.....	19
3.2 Permit required to camp outside a facility	20
3.3 Permit required for possession and consumption of liquor.....	21
<i>Division 2 - Responsibilities of permit holder.....</i>	<i>21</i>

3.4	Responsibilities of permit holder	21
Part 4	- Behaviour on all local government property	21
	<i>Division 1 - Behaviour on and interference with local government property.....</i>	<i>21</i>
4.1	Behaviour which interferes with others	21
4.2	Behaviour detrimental to property.....	22
4.3	Taking or injuring any fauna	22
4.4	Removing or damaging any flora.....	22
4.5	Intoxicated persons not to enter local government property.....	22
4.6	No prohibited drugs	22
4.7	No smoking	23
4.8	Appropriate behaviour and adequate clothing	23
4.9	Refusal of entry to local government property	23
	<i>Division 2 - Signs</i>	<i>23</i>
4.10	Signs.....	23
Part 5	- Matters relating to particular local government property	23
	<i>Division 1 - Pool areas</i>	<i>23</i>
5.1	When entry must be refused	23
5.2	Consumption of food or drink may be prohibited	24
	<i>Division 2 - Beaches</i>	<i>24</i>
5.3	Powers of authorised persons or surf life saving club members	24
5.4	Authority of local government employee to prevail.....	25
5.5	Persons to comply with signs and directions	25
	<i>Division 3 - Fenced or closed property.....</i>	<i>25</i>
5.6	No entry to fenced or closed local government property.....	25
	<i>Division 4 - Toilet blocks and change rooms</i>	<i>25</i>
5.7	Only specified gender to use entry of toilet block or change room	25
5.8	Hire of lockers	25
5.9	Unclaimed property in locker	26
5.10	Use of showers	26
5.11	No use of camera devices in toilet blocks or change rooms	26
Part 6	- Fees for entry on to local government property	26
6.1	No unauthorised entry to function.....	26
Part 7	- Jetties and bridges	27
7.1	Interpretation	27
7.2	Application for consent and application fee	27
7.3	When use of jetty is prohibited.....	27
7.4	Method of mooring boat.....	27
7.5	When boat may remain moored	27

7.6	Authorised person may order removal of boat	28
7.7	Restrictions on launching	28
7.8	Limitations on fishing.....	28
Part 8 - Activities in public places		28
<i>Division 1 - General</i>		28
8.1	General prohibitions	28
8.2	Activities allowed with a permit - general	29
8.3	No possession and consumption of liquor on thoroughfare	30
<i>Division 2 - Vehicle crossings</i>		30
8.4	Temporary crossing.....	30
8.5	Removal of redundant crossing	31
<i>Division 3 - Verge treatments</i>		31
8.6	Definition	31
8.7	Permissible verge treatments	31
8.8	Only permissible verge treatments to be installed and maintained	32
8.9	Obligations of owner or occupier	32
8.10	Notice to owner or occupier	32
8.11	Transitional provision	32
<i>Division 4 - Property numbers.....</i>		33
8.12	Definition	33
8.13	Assignment of numbers.....	33
<i>Division 5 - Fencing</i>		33
8.14	Public place – clause 4(1) of Division 1, Schedule 3.1 of Act.....	33
<i>Division 6 - Signs erected by the local government.....</i>		33
8.15	Signs	33
8.16	Transitional.....	33
<i>Division 7 - Driving on a closed thoroughfare.....</i>		33
8.17	No driving on closed thoroughfare.....	33
Part 9 - Advertising signs on thoroughfares		34
9.1	Definitions	34
9.2	General prohibitions	34
9.3	Portable direction signs	34
<u>9.4</u>	<u>Property disposal signs</u>	<u>36</u>
<u>9.5</u>	<u>Portable business signs.....</u>	<u>36</u>
9.4 <u>6</u>	Permit for a charitable community organisation	35
9.5 <u>7</u>	Advertising permit or exemption	35
9.6 <u>8</u>	Election or poll.....	35
9.7 <u>9</u>	Impounding of advertising signs	35

Part 10 - Obstructing animals, vehicles or shopping trolleys	38
<i>Division 1 - Animals and vehicles</i>	38
10.1 Leaving animal or vehicle in public place.....	38
10.2 Prohibitions relating to animals.....	38
<i>Division 2 - Shopping trolleys</i>	39
10.3 Definitions	39
10.4 Shopping trolley to be marked	39
10.5 Person not to leave trolley in public place.....	39
10.6 Retailer to remove abandoned trolley	39
10.7 Retailer taken to own trolley	40
Part 11 - Trading in public places and local government property	40
<i>Division 1 - Traders</i>	40
11.1 Definitions	40
11.2 Trader's permit	40
11.3 Exemption from the requirements to obtain a permit	40
11.4 Exemptions from requirement to pay a fee	40
11.5 Conduct of traders.....	41
<i>Division 2 – Street markets</i>	42
11.6 Definitions	42
11.7 Street market permit.....	42
<i>Division 3 – Street entertainers</i>	42
11.8 Definitions	42
11.9 Street entertainer’s permit required to perform	42
11.10 Variation of permitted area and permitted time	42
11.11 Duration of street entertainer’s permit.....	43
11.12 Cancellation of permit.....	43
11.13 Obligations of permit holder.....	43
<i>Division 4 – Outdoor eating facilities</i>	44
11.14 Definitions	44
11.15 Permit required to conduct facility.....	44
11.16 Removal of an unlawfully conducted facility.....	44
11.17 Temporary removal of facility may be requested	44
Part 12 - Permits	44
<i>Division 1 - Applying for a permit</i>	44
12.1 Application of Part	44
12.2 Application for permit.....	44
12.3 Decision on application for permit.....	45
12.4 Relevant considerations in determining application for permit	45

<i>Division 2 - Conditions</i>	46
12.5 Examples of conditions	46
12.6 Imposing conditions under a policy.....	47
12.7 Compliance with and variation of conditions	47
<i>Division 3 - General</i>	47
12.8 Duration of permit.....	47
12.9 Renewal of permit	4847
12.10 Transfer of permit.....	48
12.11 Production of permit	48
12.12 Cancellation or suspension of permit.....	48
12.13 Nominee of permit holder	49
Part 13 - Objections and appeals	49
13.1 Objection and appeal rights.....	49
Part 14 - Miscellaneous	49
14.1 Authorised person to be obeyed.....	49
14.2 Persons may be directed to leave local government property or public place	49
14.3 Disposal of lost property	49
14.4 Liability for damage to local government property or public place.....	5049
Part 15 - Enforcement	50
<i>Division 1 - Notices given under this local law</i>	50
15.1 Offence to fail to comply with notice	50
15.2 Local government may undertake requirements of notice.....	50
<i>Division 2 - Offences and penalties</i>	50
15.3 Offences and general penalty.....	50
15.4 Prescribed offences.....	50
15.5 Form of notices	50
15.6 Impounding of goods.....	51
15.7 Evidence of a determination	51
Schedule 1 - Prescribed offences	52
Schedule 2 - Determinations	56

Local Government Act 1995

City of Joondalup

Local Government and Public Property Local Law 2014

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 9 December 2014¹ to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Local Government and Public Property Local Law 2014*.

1.2 Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government and public property within the district.
- (2) The effect of this local law is to establish the requirements with which any persons using or being on local government and public property within the district, must comply.

1.4 Application

This local law applies –

- (a) throughout the district; and
- (b) in the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides, as approved by the Governor under section 3.6 of the *Local Government Act 1995* as published in the *Government Gazette* on 2 December 2014, No. 188, page 4490.

1.5 Repeal

The following local laws are repealed:

- (1) the *City of Joondalup Local Government and Public Property Local Law 1999* as published in the *Government Gazette* on 18 January 2000;
- (2) the *City of Joondalup Trading in Public Places Local Law 1999* as published in the *Government Gazette* on 27 August 1999;

¹ Amended by *Local Government and Public Property Amendment Local Law 2015*, effective 27 November 2015

- (3) Part 4 of the *City of Joondalup Signs Local Law 1999* as published in the *Government Gazette* on 27 August 1999;
- (4) Clauses 6.4 and 6.5 and Part 4 of the *City of Joondalup Amendment Local Law 2000*, as published in the *Government Gazette* on 10 July 2000;
- (5) Part 6 of the *City of Joondalup Amendment Local Law 2001*, as published in the *Government Gazette* on 15 January 2002;
- (6) the *City of Joondalup Local Government and Public Property Amendment Local Law 2007* as published in the *Government Gazette* on 25 January 2008;
- (7) the *City of Joondalup Local Government and Public Property Local Law (No. 2) 2007* as published in the *Government Gazette* on 11 January 2008;
- (8) the *City of Joondalup Local Government and Public Property Amendment Local Law 2008* as published in the *Government Gazette* on 5 December 2008;
- (9) the *City of Joondalup Local Government and Public Property Amendment Local Law (No. 2) 2008* as published in the *Government Gazette* on 13 January 2009;
- (10) the *City of Joondalup Trading in Public Places Amendment Local Law 2009* as published in the *Government Gazette* on 22 September 2009; and
- (11) the *City of Joondalup Trading in Public Places Amendment Local Law (No. 2) 2009* as published in the *Government Gazette* on 1 December 2009.

1.6 Definitions

In this local law -

Act means the *Local Government Act 1995*;

aircraft has the meaning given to it in the *Civil Aviation Act 1988* (Cth);

animal means any living thing that is not a human being or plant;

aperture means a man-made opening;

applicant means a person who applies for a permit under this local law;

authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

article in respect of lost property, includes money;

attendant means an employee of the local government with responsibility for the control and management of persons in a pool area or other facility which is local government property;

beach means the area of sandy shoreline from the low-water mark to either the toe of the sand dune or the commencement of vegetation or a man-made structure;

boat means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a personal watercraft;

building means any building which is local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

~~**bulk rubbish container** means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;~~

bulk rubbish bin means a bin or receptacle designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or receptacle used in connection with the local government's rubbish collection service;

camera device means an apparatus for taking photographs or moving pictures, and includes a mobile phone when used for this purpose;

carriageway has the meaning given to it in the *Road Traffic Code 2000*;

CEO means the Chief Executive Officer of the local government;

change room means a room designated for the changing of clothes and may include showers, toilets and hand washing basins;

~~**charitable organisation** means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium;~~

children's playground means an area set aside for use by children and noted by the presence of dedicated children's playground equipment and the presence of either sand or other form of soft fall surface;

~~**collection bin** means a receptacle for the collection of clothing or goods;²~~

collection bin means a receptacle for the collection of clothing or other goods, but does not include a container receptacle;

commencement day means the day on which this local law commences under clause 1.2;

community organisation means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, environmental, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium;

container has the meaning given to it in section 47(c)(1) of the *Waste Avoidance and Resource Recovery Act 2007*;

container receptacle means a receptacle used by a community organisation, for the depositing and collection of containers;

² Amended by *Local Government and Public Property Amendment Local Law 2015*, effective 27 November 2015

Council means the Council of the local government;

crossing means a crossing giving access from a public thoroughfare to –

- (a) private land; or
- (b) a private thoroughfare serving private land;

date of publication means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

determination means a determination made under clause 2.1;

district means the district of the local government;

drone means a remotely piloted aircraft system that³

- (a) has three or more propellers; and
- (b) capable of vertical take-off and landing;

electoral officer has the meaning given to it in the Act;

food business has the meaning given to it in the *Food Act 2008*;

footpath has the meaning given to it in the *Road Traffic Code 2000*;

firework means a device like a Catherine wheel, roman candle, or rocket made from combustible materials which may be ignited to produce coloured flames, smoke or a loud bang;

fireworks display means a show of a number of fireworks set off over a prearranged time period, for the purpose of providing enjoyment to those persons able to view them;

fishing means to use any line, lure, rod, pot, net or other method for the purpose of catching marine life and fish has correlative meaning;

function means an event or activity characterised by all or any of the following:

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; or
- (e) systematic recurrence in relation to the day, time and place;

garage sale means the sale of second hand domestic goods, not being part of a business, trade or profession and being held on no more than 2 occasions for the same lot in each 6 month period;

garden means any part of a thoroughfare which is planted, ~~developed or treated,~~ otherwise than as a lawn, with one or more plants but does not include the planting of a tree;

³ Amended by *Local Government and Public Property Amendment Local Law 2019*, effective 19 November 2019

indecent exposure means the revealing to view of those parts of the body, especially the genitals, which by law and convention should be covered by clothing under the given circumstances;

intersection has the meaning given to it in the *Road Traffic Code 2000*;

kerb includes the edge of a carriageway;

lawn means any part of a thoroughfare which –

- (a) is planted, by any person, only with grass, or with a similar plant; or
- (b) is planted, by the local government, with any other plant;

life saving equipment means any equipment, gear or appliance for the use in the provision of life saving or for training of members of a life saving club in their duties;

liquor has the meaning given to it in the *Liquor Control Act 1988*;

local government means the City of Joondalup;

local government property means anything except a thoroughfare –

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

local planning scheme means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;

local public notice has the same meaning as in section 1.7 of the Act;

lot has the meaning given to it in the *Planning and Development Act 2005*;

nature strip has the meaning given to it in the *Road Traffic Code 2000*;

nuisance means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

obstruct means to hinder in passing and obstruction has correlative meaning;

occupier has the meaning given to it in the Act, but does not include the local government;

owner has the meaning given to it in the Act;

permissible verge treatment means a treatment described in clause 8.7(2), and includes reticulation pipes and sprinklers installed for the purposes of the treatment;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

personal watercraft means any vessel designed for the transport of 1, 2, or 3 persons that:

- (a) is propelled by means of an inboard motor powering a water jet pump; and
- (b) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it;

pool area means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

premises for the purpose of the definition of “public place” in both this clause and clause 4.7, means a building or similar structure, but does not include a carpark or a similar place;

prohibited drug has the meaning given to it in the *Misuse of Drugs Act 1981*;

promotional activity means the advertising of, promotion of, or raising of funds for, a particular group, product or service;

public place includes a thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include –

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

regulations means the *Local Government (Functions and General) Regulations 1996*;

sandboard means a board designed to be used for sliding down a slope of land and sandboarding has correlative meaning;

Schedule means a schedule in this local law;

sign includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

stall means a movable or temporarily fixed structure, stand or table in, on or from which trading is conducted;

surf life saving club means a life saving club affiliated with Surf Lifesaving WA Inc. or any branch thereof;

thoroughfare has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management or control of the local government;

toilet block means a toilet block or toilet facility, with or without change room facilities which is local government property;

tree means woody perennial plant generally having a single stem or trunk which will grow to a height of approximately 4 metres or higher;

trading means -

- (a) the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for, goods or services in a public place or local government property;
- (b) displaying goods in a public place or local government property for the purpose of -
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them;

and includes the setting up of a stall, or the conducting of a business at a stall;

Unclaimed Property Register means the register kept by an attendant of any unclaimed belongings under Division 4 of Part 5 of this local law;

utility means any public or private body which provides an essential service, such as electricity, gas, water, drainage, sewerage, telecommunications or traffic control, and has equipment on, in or under a public place for that purpose;

valid, in relation to a permit issued under this local law, means current and for which all the associated fees have either been paid in full or have been waived by the local government;

vehicle includes -

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes -

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device;
- (e) a bicycle or wheeled recreational device;
- (f) a shopping trolley; and
- (g) a boat;

verge means that part of a thoroughfare between the carriageway and a lot which abuts the thoroughfare and includes a nature strip, but does not include a footpath;

wheeled recreational device means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play, and includes -

- (a) in-line skates, rollerskates, a skateboard or similar wheeled device;
- (b) a scooter being used by a person aged 12 years of age or older; and
- (c) a unicycle,

but excludes a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy; and

wheeled toy means a child's pedal car, a tricycle, a scooter or a similar toy, but only if it is being used by a child under 12 years of age.

1.7 Interpretation

In this local law, a reference to local government property includes a reference to any part of that local government property.

1.8 Overriding power to hire and agree

Despite anything to the contrary in this local law, the local government may -

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use or operation of any local government property.

1.9 Transitional

A permit or licence issued in accordance with a local law listed in clause 1.5 -

- (a) is to be taken to be a permit granted under this local law;
- (b) is to be valid for the period specified on the licence or permit; and
- (c) may be earlier cancelled or suspended under this local law.

1.10 Application as to assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Cth).

Part 2 - Determinations in respect of local government property

Division 1 - Determinations

2.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 2.2 -
 - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;

- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

(2) The determinations in Schedule 2 -

- (a) are to be taken to have been made in accordance with clause 2.2;
- (b) may be amended or revoked in accordance with clause 2.6; and
- (c) have effect on the commencement day.

2.2 Procedure for making a determination

(1) The local government is to give local public notice of its intention to make a determination.

(2) The local public notice referred to in subclause (1) is to state that –

- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
- (b) a copy of the proposed determination may be inspected and obtained from the local government's offices; and
- (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

(3) If no submissions are received in accordance with subclause (2)(c), the local government is to decide –

- (a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;
- (b) to amend the proposed determination, in which case subclause (5) will apply; or
- (c) not to continue with the proposed determination.

(4) If submissions are received in accordance with subclause (2)(c), the local government –

- (a) is to consider those submissions; and
- (b) is to decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.

(5) If the local government decides to amend the proposed determination, it is to give local public notice –

- (a) of the effect of the amendments; and
- (b) that the proposed determination has effect as a determination on and from the date of publication.

- (6) If the local government decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by Council.

2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The local government may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the local government revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2 - Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
 - (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aircraft, car, ship, glider or rocket;
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach, retrieve or leave a boat;
 - (f) take or use a boat, or a particular class of boat;

- (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (i) ride a bicycle, a wheeled recreational device, a sandboard or a similar device;
 - (j) wear no clothing; or;
 - (k) launch or land a drone.⁴
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property:
- (a) smoking on premises;
 - (b) riding a bicycle, a wheeled recreational device, a sandboard or a similar device;
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of -

⁴ Amended by *Local Government and Public Property Amendment Local Law 2019*, effective 19 November 2019

- (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property;
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose;
 - (i) the placing or maintaining of a collection bin⁵; and
 - (j) the launching or landing of drone.⁶
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.
- (3) In this clause –

premises means a building, stadium, **built structure** or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

2.9 Signs taken to be determinations

- (1) Where a sign erected on local government property has been erected under a local law of the local government that is repealed by this local law, then it is to be taken to be and has effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

⁵ Amended by *Local Government and Public Property Amendment Local Law 2015*, effective 27 November 2015

⁶ Amended by *Local Government and Public Property Amendment Local Law 2019*, effective 19 November 2019

Part 3 - Activities on local government property

Division 1 - When a permit is required

3.1 Activities needing a permit

- (1) A person must not without a permit -
- (a) subject to subclause (3), hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect any sign on local government property;
 - (d) erect, on local government property, a structure for public amusement or for any performance, whether for gain or otherwise;
 - (e) teach, coach or train, for profit, any person in or on local government property;
 - (f) cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass or plant of any kind on local government property;
 - (g) cut, collect, or remove any timber, firewood, stone, sand or other materials, other than seaweed on local government property;
 - (h) plant any plant or sow any seeds on local government property;
 - (i) carry on any trading on local government property unless the trading is conducted -
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (j) unless that person is an employee of the local government acting in the course of his or her duties or on an area set aside for that purpose -
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stop any vehicle on local government property;
 - (k) conduct a function, or undertake any promotional activity, on local government property;
 - (l) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a charitable organisation;
 - (m) light a fire on local government property except in a facility provided for that purpose;
 - (n) light or set off any fireworks or conduct a fireworks display on local government property;
 - (o) parachute, hang glide, abseil or base jump from or on to local government property;
 - (p) launch an aircraft from, or land an aircraft onto, local government property;

- (q) erect a building or a refuelling site on local government property;
- (r) make any excavation on or erect or remove any fence on local government property;
- (s) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
- (t) deposit or store any thing on local government property;
- (u) depasture, tether, drive or ride any horse, sheep, cattle, goat, camel, ass, mule or pig on local government property;
- (v) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property; ~~or~~;
- (w) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property, other than those used by a surf life saving club in the performance of its functions; or

(x) place a container receptacle on local government property.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

(3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.2 Permit required to camp outside a facility

(1) In this clause -

facility has the meaning given to it in the *Caravan Parks and Camping Grounds Act 1995*;

caravan park means an area of land on which caravans, or caravans and camps, are situated for habitation;

(2) This clause does not apply to a facility operated by the local government.

(3) Except in accordance with a permit, a person must not -

- (a) camp on, or lodge at, local government property;
- (b) occupy any structure at night for the purpose of sleeping on local government property;
- (c) park a vehicle on local government property where that vehicle is being used, by that person or any other person, for purposes of camping or sleeping on local government property; or
- (d) erect a tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a), (b), (c) or (d) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

3.3 Permit required for possession and consumption of liquor

- (1) A person must not, on local government property, consume any liquor or have in her or his possession or under her or his control any liquor, unless –
- (a) that is permitted under the *Liquor Control Act 1988*; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2 - Responsibilities of permit holder

3.4 Responsibilities of permit holder

A holder of a permit must, in respect of local government property to which the permit relates -

- (a) take reasonable steps to maintain law and order by all in attendance at any function for which the local government property has been hired;
- (b) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (c) prevent overcrowding;
- (d) leave the local government property in a clean and tidy condition after its use;
- (e) comply with a direction from the CEO or an authorised person to take the action specified in the direction for the purpose of maintaining public safety;
- (f) report any damage or defacement of the local government property to the local government; and
- (g) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

Part 4 - Behaviour on all local government property

Division 1 - Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

A person must not, in or on any local government property, behave in a manner which –

- (a) is likely to interfere with the enjoyment of a person who might use the property;
- (b) interferes with the enjoyment of a person using the property; or
- (c) places the public at risk or interferes with the safety of others.

4.2 Behaviour detrimental to property

- (1) A person must not, in or on local government property, behave in a way which is or might be detrimental to the property, unless authorised by the local government to do so.
- (2) In subclause (1) –
detrimental to the property includes –
 - (a) removing any thing from the local government property such as a rock, plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person; and
 - (b) destroying, defacing or damaging any thing on the local government property, such as a plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person or a building.

4.3 Taking or injuring any fauna

- (1) A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.
- (2) In this clause –
fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal –
 - (a) any class of animal or individual member;
 - (b) the eggs or larvae; or
 - (c) the carcass, skin, plumage or fur.

4.4 Removing or damaging any flora

- (1) A person must not remove or damage any flora which is on or above any local government property, unless that person is authorised to do so under a written law or with the written approval of the local government.
- (2) In this clause –
flora means all vascular plants other than plants recognised as weeds.

4.5 Intoxicated persons not to enter local government property

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.6 No prohibited drugs

A person must not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

4.7 No smoking

A person must not smoke within a 5 metre radius of any entrance, exit or aperture of premises on local government property.

4.8 Appropriate behaviour and adequate clothing

- (1) A person over the age of 6 years shall not on or in any local government property -
 - (a) appear in public unless properly dressed in clothing which covers the body to prevent indecent exposure;
 - (b) loiter outside or act in an unacceptable manner, in any portion of a toilet block or change room facility set aside for the opposite or same gender; and
 - (c) without the consent of the occupier, enter or attempt to enter any toilet or other compartment which is already occupied.
- (2) Where an authorised person considers that the clothing of any person on local government property is not proper and adequate to prevent indecent exposure, the authorised person may direct that person to put on adequate clothing and that person shall comply with that direction immediately.

4.9 Refusal of entry to local government property

- (1) An authorised person may refuse to allow entry, or suspend admission, to any local government property to any person whom he or she reasonably suspects has behaved in a manner contrary to the provisions of this Part.
- (2) This refusal or suspension can be for any period of up to 12 months as decided by that authorised person.

Division 2 - Signs

4.10 Signs

- (1) The local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) –
 - (a) is not to be inconsistent with any provision of this local law or any determination; and
 - (b) is to be for the purpose of giving notice of the effect of a provision of this local law.

Part 5 - Matters relating to particular local government property

Division 1 - Pool areas

5.1 When entry must be refused

An attendant or authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from, a pool area any person who he or she reasonably suspects is -

- (a) under the age of 10 years and who is unaccompanied by a responsible person over the age of 16 years;
- (b) under the age of 10 years and who is accompanied by a responsible person over the age of 16 years where the responsible person is incapable of, or not providing, adequate supervision of or care for that person;
- (c) suffering from any gastrointestinal disease, skin infection or other disease that is communicable in an aquatic environment;
- (d) in an unclean condition;
- (e) wearing unclean clothes; or
- (f) under the influence of liquor or a prohibited drug; or
- (g) operating a camera device in a pool area to record or transmit an image.

5.2 Consumption of food or drink may be prohibited

A person must not consume any food or drink in an area where consumption is prohibited by a sign.

Division 2 - Beaches

5.3 Powers of authorised persons or surf life saving club members

- (1) An authorised person employed by the local government may perform all or any of the following functions in relation to a beach:
 - (a) patrol any beach;
 - (b) carry out any activity on any beach;
 - (c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
 - (d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and
 - (e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.
- (2) Subject to subclause (3), the local government may authorise, under section 9.10 of the Act, the members of a surf life saving club to perform all or any of the functions listed in subclause (1).
- (3) Members authorised by the local government under subclause (2) must have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.
- (4) Under subclause (2), the local government may authorise members generally, or in relation to particular times, days or months.

5.4 Authority of local government employee to prevail

The authority of an authorised person employed by the local government under clause 5.3(1) is to prevail over the authority provided to members of a surf life saving club under clause 5.3(2).

5.5 Persons to comply with signs and directions

- (1) A person must -
 - (a) not act in contravention of a sign erected on a beach under clause 5.3(1)(c);
 - (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the surf life saving club, an authorised person or has obtained permission to enter from the surf life saving club;
 - (c) comply with any direction given under clause 5.3(1)(c) or 5.3(1)(e); and
 - (d) not interfere with, obscure, obstruct, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.
- (2) A person must not smoke in contravention of a sign erected on a beach which prohibits the act of smoking.

Division 3 - Fenced or closed property

5.6 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 4 - Toilet blocks and change rooms

5.7 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
 - (a) females, then a person of the male gender must not use that entry of the toilet block or change room; or
 - (b) males, then a person of the female gender must not use that entry of the toilet block or change room.
- (2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –
 - (a) under the age of 6 years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

5.8 Hire of lockers

- (1) A person may hire a locker in or near a change room for the purpose of safekeeping articles.
- (2) A person must not store in any locker a firearm or offensive weapon or any article or substance that has been unlawfully acquired or which is a substance or article within the meaning of 'dangerous goods' under the *Dangerous Goods Safety Act 2004*.

- (3) An attendant or authorised person may open and inspect the contents of a locker at any time, where the attendant or authorised person reasonably suspects that a breach of this local law has occurred.

5.9 Unclaimed property in locker

- (1) If an article in a locker is not claimed or collected within 48 hours after the date of hire, the article may be removed by an attendant or authorised person.
- (2) An attendant or authorised person must record in the Unclaimed Property Register, with respect to each article removed from a locker –
- (a) a description of the article removed;
 - (b) the time and date the article was removed; and
 - (c) the time and date recorded on the original receipt.
- (3) An attendant or authorised person must ensure that an article removed from the locker is stored at the place determined by the local government.
- (4) An attendant or authorised person may deliver to a person an article recorded in the Unclaimed Property Register on receiving –
- (a) satisfactory evidence of the person's right to obtain the article;
 - (b) an accurate description of the article being claimed; and
 - (c) payment of any outstanding fees or storage charges.
- (5) A person who receives delivery of an article from the Unclaimed Property Register must, by way of acknowledging receipt of the article, write his or her name and address and sign his or her name in the Unclaimed Property Register.

5.10 Use of showers

A person may use a shower in change rooms only on conditions that –

- (a) the facilities must be used by the person only for the purpose of cleansing, bathing and washing themselves; and
- (b) the facilities must not be used for the purpose of laundering or washing any clothing or other articles.

5.11 No use of camera devices in toilet blocks or change rooms

No person shall operate a camera device in any portion of a toilet block or change room to record or transmit an image.

Part 6 - Fees for entry on to local government property

6.1 No unauthorised entry to function

- (1) A person must not enter local government property on a day or during a time when the property is set aside for a function, or when an admission charge is authorised, except –
- (a) through the proper entrance for that purpose; and

(b) on payment of the applicable admission charge.

(2) The local government may exempt a person from compliance with subclause (1)(b).

Part 7 - Jetties and bridges

7.1 Interpretation

(1) In this Part –

jetty means any breakwater, groyne, jetty, pier, wharf or landing place which is local government property.

(2) This Part applies only to bridges and jetties which are local government property.

7.2 Application for consent and application fee

(1) Where a person is required to obtain the consent of the local government under this Part, the person must apply for that consent in the manner required by the local government.

(2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.

(3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.

(4) Where a local government considers an application for consent, the local government must provide its decision in writing to the applicant.

(5) Where a fee is referred to in this Part, the fee must be imposed by the local government under sections 6.16 to 6.19 of the Act.

7.3 When use of jetty is prohibited

A person must not land at, use or go on any part of a jetty which is –

(a) under construction or repair; or

(b) closed,

unless that person has first obtained the consent of the local government.

7.4 Method of mooring boat

A person in control of a boat must not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

7.5 When boat may remain moored

A person in control of a boat must not moor or make fast the boat to a jetty unless –

(a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;

(b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government; or

- (c) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government.

7.6 Authorised person may order removal of boat

Despite anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty must remove it immediately after being directed to do so by an authorised person.

7.7 Restrictions on launching

A person must not launch a boat from or over any jetty (other than a boat ramp) unless he or she has first obtained the consent of the local government.

7.8 Limitations on fishing

A person must not -

- (a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or
- (b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

Part 8 - Activities in public places

Division 1 - General

8.1 General prohibitions

A person must not -

- (a) damage, injure, prune, remove or kill by felling, poisoning or any other means, a tree on a thoroughfare or verge unless the person is -
 - (i) acting under authority of the local government; or
 - (ii) a local government employee or contractor engaged by the local government to undertake work in relation to a particular tree or trees on thoroughfares in the district or on local government property generally; or
 - (iii) acting under authority of a written law.
- (b) damage a lawn or a garden or damage, injure, prune or remove any plant or part of a plant from a lawn or a garden that is not a tree unless -
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) place, or allow to be placed or remain, on a thoroughfare or verge any thing that -
 - (i) obstructs the thoroughfare or verge; or
 - (ii) results in a hazard for any person using the thoroughfare or verge;

- (d) unless at the direction of the local government, damage, remove or interfere with any part of a thoroughfare, or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (e) play or participate in any game or sport so as to cause danger to any person or thing or obstruct the movement of vehicles or persons on a thoroughfare;
- (f) within a mall, arcade or verandah of a shopping centre, ride any bicycle, wheeled recreational device or similar device;
- (g) install a tree on the verge unless approved in writing by the local government; or
- (h) on a public place use anything or do anything so as to create a nuisance.

8.2 Activities allowed with a permit - general

- (1) A person must not, without a permit –
 - (a) dig or otherwise create a trench through or under a kerb or footpath;
 - (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised by the local government in connection with that collection;
 - (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
 - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
 - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
 - (f) damage a thoroughfare, kerb or footpath;
 - (g) light any fire or burn any thing on a thoroughfare;
 - (h) unless installing, or in order to maintain, a permissible verge treatment -
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install, on any part of a thoroughfare, any thing such as crushed limestone, gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
 - (i) fell any tree onto a thoroughfare;
 - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - (k) place or cause to be placed on a thoroughfare or verge a bulk rubbish ~~container~~ bin or container receptacle;
 - (l) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare; ~~or~~;
 - (m) prune or lop a tree on a verge or in a thoroughfare unless that person is -
 - (i) a local government employee or contractor engaged by the local government to undertake work in relation to a particular tree or trees on

thoroughfares in the district or on local government property generally;
or

(ii) acting under authority of a written law; or

(n) conduct a function, or undertake any promotional activity on a thoroughfare.

- (2) The local government may exempt a person from compliance with subclause (1) -
- (a) if that person complies with a policy issued by the local government issued under clause 12.6 in relation to a specified activity in or on a thoroughfare, verge or footpath; or
- (b) on the application of that person.

8.3 No possession and consumption of liquor on thoroughfare

- (1) A person must not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless –
- (a) that is permitted under the *Liquor Control Act 1988* or under another written law;
or
- (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2 - Vehicle crossings

8.4 Temporary crossing

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must obtain a permit for the installation or use of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where –
- (a) a crossing does not exist; or
- (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The “person responsible for the works” in subclause (1) is to be taken to be –
- (a) the applicant named on a building approval certificate, building permit or demolition permit issued under the *Building Act 2011*; or
- (b) the owner or occupier of the lot, if no building approval certificate, building permit or demolition permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that, until such time as the temporary crossing is removed, the permit holder must keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

8.5 Removal of redundant crossing

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government may give written notice to the owner or occupier of a lot requiring her or him to –
 - (a) remove any part of or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot must comply with that notice.

Division 3 - Verge treatments

8.6 Definition

In this Division -

acceptable material means any material approved by the local government ~~that will create a hard and stable surface.~~

8.7 Permissible verge treatments

- (1) An owner or occupier of land which abuts a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.
- (2) Permissible verge treatments include –
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that -
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
 - (ii) where there is no footpath, a person has safe and clear access of a minimum width of 1.5 metres along that part of the verge immediately adjacent to the kerb;
 - (iii) the garden does not include a wall, built structure or any thing of a like nature; and
 - (iv) the garden is not of a thorny, poisonous or hazardous nature;
 - (c) the installation of an acceptable material; or
 - (d) the installation of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

8.8 Only permissible verge treatments to be installed and maintained

- (1) A person must not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) The owner or occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 8.9.

8.9 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment must -

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) ensure the verge treatment does not cause a sight distance obstruction to any person using a footpath on the verge or a carriageway or crossing adjoining the verge or in proximity to it;
- (c) not place any obstruction on or around the verge treatment;
- (d) not disturb a kerb or a footpath on the verge;
- (e) ensure that the verge treatment does not damage or obstruct a drain, manhole, gully, inspection pit, channel, kerb, or tree; and
- (f) ensure that any sprinklers or pipes installed to irrigate a verge treatment are not used in a manner which causes or may cause a nuisance or obstruction to any person using the thoroughfare.

8.10 Notice to owner or occupier

The local government may give a notice in writing to the owner or the occupier of a lot abutting a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

8.11 Transitional provision

- (1) In this clause –

repealed provisions means one or more of the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government; and

repealed local laws means the local laws that are repealed by clause 1.5.

- (2) A verge treatment which –

- (a) was installed prior to the commencement day; and
- (b) on the commencement day is a type of verge treatment which was permitted under and complied with the repealed provisions,

is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the repealed provisions.

Division 4 - Property numbers

8.12 Definition

In this Division -

number means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

8.13 Assignment of numbers

The local government may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.

Division 5 - Fencing

8.14 Public place – clause 4(1) of Division 1, Schedule 3.1 of Act

Each of the following places is specified as a public place for the purpose of clause 4(1) of Division 1 of Schedule 3.1 of the Act –

- (a) a public place, as that term is defined in clause 1.6; and
- (b) local government property.

Division 6 - Signs erected by the local government

8.15 Signs

- (1) The local government or a person authorised by the local government, may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

8.16 Transitional

Where a sign erected on a public place has been erected under the repealed local laws, then on and from the commencement day, it is to be taken to be a sign erected under clause 8.15 if –

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

Division 7 - Driving on a closed thoroughfare

8.17 No driving on closed thoroughfare

- (1) In this clause –

closed thoroughfare means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

- (2) A person must not drive or take a vehicle on a closed thoroughfare unless –

- (a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or
- (b) the person has first obtained a permit.

Part 9 – Advertising signs on thoroughfares

9.1 — Definitions

In this Part—

advertising sign means a sign used for the purpose of an advertisement or to draw attention to a product, business, person or event, and includes an election sign;

community event means a charitable, cultural or educational display, event or activity conducted by a charitable organisation;

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;

portable direction sign means a portable free standing sign that—

- (a) does not exceed 500mm in height or 0.5m² in area; and
- (b) is used to direct persons to a residential property that is open for inspection by the public; or
- (c) is used to direct persons to a garage sale.

9.2 — General prohibitions

Subject to the exceptions in clauses 9.3 to 9.6 inclusive, a person must not—

- (a) erect or place an advertising sign on a thoroughfare or verge; or
- (b) post any bill or paint, place or affix any advertisement on a thoroughfare or verge,

unless permitted to do so under any written law.

9.3 — Portable direction signs

- (1) A person may erect or place, in a thoroughfare or verge, a portable direction sign—
 - (a) from 9.00am on the day the property referred to in the sign is open for inspection by the public until one hour after the time of close of inspections referred to in the sign; or
 - (b) during the hours that the garage sale is being conducted.
- (2) The portable direction sign must not be erected or placed—
 - (a) on a footpath; or
 - (b) in any location where, in the opinion of the local government, the sign is likely to obstruct a line of sight along a thoroughfare or create a hazard for any person using the thoroughfare.

9.4 — Permit for a charitable organisation

The local government may issue to a charitable organisation a permit to place, on a thoroughfare or verge, advertising signs to draw attention to a community event held by that organisation.

9.5 — Advertising permit or exemption

- (1) The local government may enter into an agreement with a person to post a bill, paint, place or affix any advertisement on a bus seat, bus shelter or other street furniture.
- (2) The local government may exempt the holder of a valid stallholder's permit, trader's permit or outdoor eating facility permit from all or part of the prohibitions in clause 9.2 in relation to an advertising sign or advertisement that directly relates to the goods or services which are the subject of the permit.
- (3) A permit is not required for a cultural or educational display, event or activity conducted by the local government.

9.6 — Election or poll

The local government may erect or authorise an electoral officer to erect, an advertising sign on a thoroughfare or verge to draw attention to the date of, or location of a polling place for, a local government election or poll.

9.7 — Impounding of advertising signs

An authorised person may remove or impound an advertising sign or portable direction sign that is in a thoroughfare or verge in contravention of this local law.

Part 9 – Advertising signs on thoroughfares

9.1 Definitions

In this Part –

advertising sign means a sign used for the purpose of an advertisement or to draw attention to a product, business, person or event, and includes an election sign;

community event means a charitable, cultural or educational display, event or activity conducted by a community organisation;

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;

home business has the meaning given to it under the local planning scheme;

home occupation has the meaning given to it under the local planning scheme;

portable direction sign means a portable free-standing sign that –

- (a) does not exceed 500mm in height or 0.5m² in area, and
- (b) is used to direct persons to a residential property for disposal and which is open for inspection by any person; or
- (c) is used to direct persons to a garage sale;

portable business sign means a portable free-standing sandwich board or “A” frame signs designed, intended or used for advertising of a business, and not permanently attached to the ground or to a structure, wall, fence or building;

property disposal sign means a sign indicating that the adjoining premises is for sale, for letting or to be auctioned.

9.2 General prohibitions

Subject to the provisions in this Part, a person must not –

- (a) erect or place an advertising sign on a thoroughfare or verge; or
 - (b) post any bill or paint, place or affix any advertisement on a thoroughfare or verge,
- unless permitted to do so under this local law or any written law.

9.3 Portable direction signs

- (1) A person may erect or place, in a thoroughfare or verge, a portable direction sign –
 - (a) on the day the property referred to in the sign is open for inspection by the public until a reasonable time following the close of inspections referred to in the sign;
or
 - (b) during the hours that the garage sale is being conducted.
- (2) The portable direction sign must not be erected or placed –
 - (a) on a footpath; or
 - (b) in any location where, in the opinion of an authorised person, the sign is likely to obstruct a line of sight along a thoroughfare or create a hazard for any person using the thoroughfare.

9.4 Property disposal signs

A person may erect or place a property disposal sign on a verge adjoining the property being disposed, subject to the property disposal sign -

- (a) not being illuminated or incorporating reflecting or fluorescent materials;
- (b) being freestanding and erected as close to the property boundary line of the property in which the property disposal sign relates;
- (c) not obstructing or impeding the reasonable use or access of a thoroughfare or verge by any person;
- (d) not obstructing or impeding a line of sight of a driver of a vehicle along a thoroughfare, verge or vehicle crossing;
- (e) not creating a hazard for any person using a thoroughfare or verge; or
- (f) not affecting or damaging any public utility infrastructure or City infrastructure located in the thoroughfare or verge.

9.5 Portable business signs

(1) In this clause -

the business means a business or premises –

(a) directly adjacent to the thoroughfare or verge on which a portable business sign is located, or proposed to be located for that business; or

(b) which gains access from the thoroughfare or verge on which a portable business sign is located, or proposed to be located for that business,

but does not include a home business or home occupation.

(2) Unless subclause (3) applies, a person must not erect a portable business sign in a thoroughfare or verge without a permit.

(3) A person may place a portable business sign for the business on a thoroughfare or verge which -

(a) neither exceeds 1 metre in height nor 1 square metre in area per face;

(b) is the only sign on a City controlled thoroughfare or verge advertising the business;

(c) only promotes the business or contains content that relates to the business;

(d) is of sound construction and maintained in a good condition;

(e) is kept clean and free from unsightly matter including any offensive words or representations;

(f) is removed at the close of business each day and not erected again until the commencement of business on a subsequent trading day;

(g) does not create a nuisance or interfere, obstruct or impede vehicular or pedestrian traffic;

(h) has a maximum of 2 facing sides;

(i) is erected so as not to be moveable by wind or natural forces;

(j) is positioned -

(i) immediately adjacent to the shop front of the business premises; and

(ii) no less than 500mm from the edge of a kerb; and

(iii) so as to maintain a minimum 2 metre clearway for pedestrians; and

(k) is not -

(i) illuminated, rotating or flashing;

(ii) displayed on a carriageway, median strip or roundabout;

(iii) attached to any City owned street furniture, utility infrastructure or natural feature including a tree;

(iv) attached to or obscuring any other fixed sign, road sign or other sign approved by the local government; or

(v) in any other location where, in the opinion of an authorised person, the

sign is likely to obstruct lines of sight along a street or cause danger to any person using the street.

- (4) The business in subclause (3) must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the portable business sign.

9.6 Permit for a community organisation

The local government may issue to a community organisation a permit to place, on a thoroughfare or verge, advertising signs to draw attention to a community event held by that organisation.

9.7 Advertising permit or exemption

- (1) The local government may enter into an agreement with a person to post a bill, paint, place or affix any advertisement on a bus seat, bus shelter or other street furniture.
- (2) The local government may exempt the holder of a valid stallholder's permit, trader's permit or outdoor eating facility permit from all or part of the prohibitions in clause 9.2 in relation to an advertising sign or advertisement that directly relates to the goods or services which are the subject of the permit.
- (3) A permit is not required for a cultural or educational display, event or activity conducted by the local government.

9.8 Election or poll

The local government may erect or authorise an electoral officer to erect, a sign on a thoroughfare or verge to draw attention to the date of, or location of a polling place for, a local government election or poll.

9.9 Impounding of advertising signs

An authorised person may remove or impound an advertising sign, property disposal sign, portable business sign or portable direction sign that is in a thoroughfare or verge in contravention of this local law.

Part 10 - Obstructing animals, vehicles or shopping trolleys

Division 1 - Animals and vehicles

10.1 Leaving animal or vehicle in public place

- (1) A person must not leave an animal or a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) Subject to any other local law, a person does not contravene subclause (1) if a vehicle is left for a period not exceeding 24 hours.

10.2 Prohibitions relating to animals

- (1) In this clause, **owner** in relation to an animal includes –

- (a) an owner of the animal;
- (b) a person who has the animal in his or her possession or under his or her control; and
- (c) the occupier of any premises where the animal is ordinarily kept or ordinarily permitted to live;

and excludes a person of immature age as defined by section 29 of *The Criminal Code*.

- (2) An owner of an animal must not –
 - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow the animal which has a contagious or infectious disease to be led, ridden or driven in a public place;
 - (c) train or race the animal on a thoroughfare; or
 - (d) subject to subclause (4), allow the animal to defecate on a thoroughfare.
- (3) An owner of a horse must not lead, ride or drive the horse on a thoroughfare, unless the person does so under a permit or under the authority of a written law.
- (4) An owner of an animal does not commit an offence if the defecation is immediately removed.

Division 2 - Shopping trolleys

10.3 Definitions

In this Division –

retailer means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

shopping trolley means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

10.4 Shopping trolley to be marked

A retailer must clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

10.5 Person not to leave trolley in public place

A person must not leave a shopping trolley in a public place or on local government property other than in an area set aside for the storage of shopping trolleys.

10.6 Retailer to remove abandoned trolley

- (1) If a shopping trolley is found in a public place or on local government property, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.

- (2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1).

10.7 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

Part 11 - Trading in public places and local government property

Division 1 - Traders

11.1 Definitions

In this Division -

trader means a person who carries on trading; and

trader's permit means a permit issued to a trader.

11.2 Trader's permit

A person must not carry on trading on a public place or local government property unless that person is –

- (a) the holder of a valid trader's permit; or
- (b) an assistant specified in a valid trader's permit.

11.3 Exemption from the requirements to obtain a permit

Notwithstanding any other provisions of this local law, a requirement to obtain a permit under this local law does not apply to -

- (a) an itinerant newspaper seller or distributor;
- (b) the collection of donations for charitable purposes authorised under the *Charitable Collections Act 1946*;
- (c) a special event or trading authorised by the local government under another written law;
- (d) a person trading in a street market permitted under this local law; or
- (e) any other person or class of persons exempted in writing by the local government.

11.4 Exemptions from requirement to pay a fee

- (1) In this clause –

commercial participant means any person who is involved in operating or in conducting any trading activity for personal gain or profit.

- (2) The local government may waive any fee required to be paid by an applicant for a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the trading is carried on –

- (a) a portion of a public place or local government property adjoining the normal place of business of the applicant; or
 - (b) by a charitable organisation –
 - (i) that does not sublet space to commercial participants;
 - (ii) does not involve commercial participants in the conduct of the stall or trading; and
 - (iii) operates under a permit where any assistants specified in the permit are members of that charitable organisation.
- (3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place or local government property, from the requirements of this Division.

11.5 Conduct of traders

- (1) A trader while trading, must –
- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or, if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting the stall or trading; and
 - (b) not display a permit unless it is a valid permit.
- (2) A trader must not -
- (a) sell or provide goods or services other than those specified in the permit;
 - (b) deposit or store any goods or things on any part of a public place so as to obstruct or hinder the movement of pedestrians or vehicles;
 - (c) act in an offensive manner or cause a nuisance;
 - (d) use, or cause to be used, any apparatus or device including any flap or shelf, so that the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit;
 - (e) use or display, or permit to be used or displayed, any advertisement, placard, poster, streamer, sign or signboard on or about the location specified on the permit other than -
 - (i) price tickets or labels; or
 - (ii) in the case of a stall providing information services, public information signs, but in either case not exceeding 0.25 square metres in area on the stall or any part of the area specified in the permit;
 - (f) cry out or shout about, or permit any other person to cry out or shout about, any goods or services in any public place or local government property;
 - (g) use, or permit to be used, any loud hailer, microphone, amplifier or other apparatus for making or transmitting sound in any thoroughfare or public place, unless approved by the local government;

- (h) use, or permit to be used, any record, tape, radio, bell, musical instrument or other instrument or device capable of being heard beyond the boundaries of the area specified in the permit, unless approved by the local government; or
- (i) use or permit to be used any flashing or intermittent lighting apparatus or device, unless approved by the local government.

Division 2 – Street markets

11.6 Definitions

In this Division -

street market means a collection of stalls, stands and displays on local government property or a public place for the purpose of selling goods, wares, merchandise, produce or services or carrying out any other transaction; and

street market permit means a permit issued to a person authorising the conduct of a street market.

11.7 Street market permit

A person must not conduct a street market on a public place or local government property without a valid street market permit.

Division 3 – Street entertainers

11.8 Definitions

In this Division –

perform includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

permit holder means the person to whom a street entertainer's permit has been issued for the purpose of clause 11.9;

permitted area means the area or areas, specified in a street entertainer's permit, in which the permit holder may perform;

permitted time means the time or times, specified in a street entertainer's permit, during which the permit holder may perform;

solicit in relation to money, means actively seeking or calling for a donation from another person, but does not include a non verbal invitation by a permit holder approved under clause 11.7, to place a donation in a receptacle within the permitted area; and

street entertainer's permit means a permit issued for the purpose of clause 11.9.

11.9 Street entertainer's permit required to perform

A person must not perform in a public place or local government property without a street entertainer's permit.

11.10 Variation of permitted area and permitted time

- (1) The local government may by notice in writing to a permit holder vary –

- (a) the permitted area;
 - (b) the permitted time; or
 - (c) both the permitted area and the permitted time, shown on a street entertainer's permit.
- (2) An authorised person may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a street entertainer's permit.

11.11 Duration of street entertainer's permit

A street entertainer's permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

11.12 Cancellation of permit

The local government may cancel a street entertainer's permit, if in its opinion, or in the opinion of an authorised person –

- (a) the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place; or
- (b) the performance otherwise constitutes a nuisance.

11.13 Obligations of permit holder

A permit holder shall not in a public place or local government property -

- (a) perform wearing dirty, torn or ragged clothing;
- (b) use or fire any weapon or object with sharp edges;
- (c) perform any act that endangers the safety of the public;
- (d) perform any act of cruelty to an animal;
- (e) have more than 4 people perform, unless otherwise authorised by the street entertainer's permit;
- (f) unless otherwise authorised by the street entertainer's permit, allow any person under the age of 14 years to perform –
 - (i) during school hours, on school days; and
 - (ii) between 7.00pm and 6.00am;
- (g) sell or permit the sale of any music tapes, recordings, compact discs or merchandise unless authorised by the local government;
- (h) act in an offensive or obscene manner;
- (i) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier -
 - (i) other than in the permitted area; and

- (ii) unless the musical instrument or device is specified in the street entertainer's permit; or
- (j) solicit money from members of the public.

Division 4 – Outdoor eating facilities

11.14 Definitions

In this Division -

facility means an outdoor eating facility or establishment adjoining or attached to a food business on any part of a public place or local government property, but does not include such a facility or establishment on private land; and

permit holder means the person to whom a permit has been issued for the purpose of clause 11.15.

11.15 Permit required to conduct facility

A person must not establish or conduct a facility without a permit.

11.16 Removal of an unlawfully conducted facility

Where a facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

11.17 Temporary removal of facility may be requested

- (1) The permit holder for a facility is to temporarily remove the facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service.
- (2) The permit holder may replace the facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

Part 12 - Permits

Division 1 - Applying for a permit

12.1 Application of Part

This Part does not apply to a person who uses or occupies local government property or public place under a written agreement with the local government to do so.

12.2 Application for permit

- (1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law must -
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form;

- (d) contain any other information required, for that particular type of permit, under this local law; and
 - (e) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
 - (4) The local government may require an applicant to give local public notice of the application for a permit.
 - (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

12.3 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

12.4 Relevant considerations in determining application for permit

- (1) In determining an application for a permit, the local government is to have regard to –
 - (a) any relevant policies of the local government;
 - (b) the National Competition Principles Agreement;
 - (c) the desirability of the proposed activity;
 - (d) the location of the proposed activity; and
 - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit on any one or more of the following grounds:

- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
- (b) that the applicant is not a desirable or suitable person to hold a permit; or
- (c) such other grounds as the local government may consider to be relevant in the circumstances of the case.

Division 2 - Conditions

12.5 Examples of conditions

- (1) Examples of the conditions that the local government may impose on a permit are conditions relating to -
 - (a) the payment of a fee;
 - (b) compliance with a standard or a policy adopted by the local government;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit, licence or approval which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property or public place, the payment of a deposit or bond against such damage;
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
 - (j) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place or local government property by the permit holder.
- (2) Examples of the type and content of the conditions on which a permit to hire local government property may be issued include –
 - (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of materials or external decorations;
 - (d) rules about the use of furniture, plants and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;

- (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;
- (i) whether or not the hire is for the exclusive use of the local government property;
- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

12.6 Imposing conditions under a policy

- (1) In this clause –

policy means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 12.3(1)(a).

- (2) Under clause 12.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 12.3(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is to be taken to be information within section 5.94(u)(i) of the Act.

12.7 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder must comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder must comply with those conditions as varied.

Division 3 - General

12.8 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 12.12.

12.9 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of –
 - (a) this Part; and
 - (b) any other provision of this local law relevant to the permit which is to be renewed, apply, with appropriate modifications to an application for the renewal of a permit.

12.10 Transfer of permit

- (1) An application for the transfer of a valid permit is to –
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by –
 - (a) an endorsement on the permit signed by the CEO or an authorised person; or
 - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

12.11 Production of permit

A permit holder must produce to an authorised person her or his permit immediately on being required to do so by that authorised person.

12.12 Cancellation or suspension of permit

- (1) Subject to clause 13.1, a permit may be cancelled by the local government if the permit holder has not complied with -
 - (a) a condition of the permit; or
 - (b) a provision of any written law which may relate to the activity regulated by the permit.
- (2) If a permit is cancelled under subclause (1), the permit holder -
 - (a) must return the permit to the local government as soon as practicable; and

- (b) is to be taken to have forfeited any fees paid in respect of the permit.
- (3) The local government may cancel or suspend a permit if the local government or a utility requires access to or near the place to which a permit applies, for the purposes of carrying out works in or near the vicinity of that place.
- (4) On the cancellation or suspension of a permit under subclause (3), the permit holder is, subject to subclause (5), to be taken to have forfeited any fees paid in respect of the permit.
- (5) Where a permit is cancelled or suspended under subclause (3) through no fault of the permit holder, the local government may refund to the permit holder all or part of the licence fee in respect of what would otherwise have been the balance of the term of the licence.

12.13 Nominee of permit holder

Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit apply to the nominee as if he or she was the permit holder.

Part 13 - Objections and appeals

13.1 Objection and appeal rights

When the local government makes a decision as to whether it will –

- (a) grant a person a permit or consent; or
- (b) renew, vary or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 32A and 33 of the Regulations apply to that decision.

Part 14 - Miscellaneous

14.1 Authorised person to be obeyed

A person on local government property or in a public place must obey any lawful direction of an authorised person and must not in any way obstruct or hinder an authorised person in the execution of his or her duties.

14.2 Persons may be directed to leave local government property or public place

An authorised person may direct a person to leave local government property or a public place where he or she reasonably suspects that the person has contravened a provision of this local law.

14.3 Disposal of lost property

An article left on any local government property or public place, and not claimed within a period of 2 months, may be disposed of by the local government in any lawful manner.

14.4 Liability for damage to local government property or public place

- (1) Where a person unlawfully damages local government property or public place, the local government may by notice in writing to that person require that person within the time specified in the notice to, at the option of the local government, pay the costs of –
 - (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

Part 15 - Enforcement

Division 1 - Notices given under this local law

15.1 Offence to fail to comply with notice

A person who fails to comply with a notice given to him or her under this local law commits an offence.

15.2 Local government may undertake requirements of notice

If a person fails to comply with a notice given to him or her under this local law the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 - Offences and penalties

15.3 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

15.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

15.5 Form of notices

- (1) For the purposes of this local law -
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

15.6 Impounding of goods

Provisions dealing with the power to impound goods that are involved in a contravention, including a contravention of this local law, are contained in the Act and Regulations.

15.7 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

Local Government Act 1995

City of Joondalup

Local Government and Public Property Local Law 2014

Schedule 1 - Prescribed offences

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.4	Failure to comply with determination	125
2	3.2(3)	Failure to obtain permit to camp outside a facility	125
3	3.3(1)	Failure to obtain a permit for liquor	125
4	3.4	Failure of permit holder to comply with responsibilities	125
5	4.1	Behaviour which interferes with others	125
6	4.2(1)	Behaviour detrimental to property	350
7	4.3(1)	Taking or injuring any fauna	350
8	4.4(1)	Removing or damaging any flora	350
9	4.5	Under influence of liquor or prohibited drug	125
10	4.6	Taking or consuming prohibited drug	125
11	4.7	Smoking within 5 metre radius of an entrance	50
12	4.8(1)	Clothing does not prevent indecent exposure	250
13	4.8(2)	Failure to put on adequate clothing on the direction of an authorised person	250
14	4.10(2)	Failure to comply with sign on local government property	125
15	5.1	Failure to leave when directed	125
16	5.2	Consuming food or drink in prohibited area	125
17	5.5(1)	Failure to comply with sign or direction on beach	125
18	5.5(2)	Failure to comply with sign on beach preventing smoking	50
19	5.6	Unauthorised entry to fenced or closed local government property	125
20	5.7(1)	Gender not specified using entry of toilet block or change room	125
21	5.8(2)	Storage of firearm, offensive weapon or unlawful article in a locker	125
22	5.11	Usage of camera device in a toilet or change room	125
23	6.1(1)	Unauthorised entry to function on local government property	125
24	7.2	Failure to obtain consent under part 7 of the local law	125

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
25	7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	125
26	7.4	Mooring of boats in unauthorised manner	125
27	7.5	Unauthorised mooring of a boat to jetty	125
28	7.6	Failure to remove moored boat on direction of authorised person	125
29	7.7	Launching of boat from jetty without consent	125
30	7.8	Fishing from jetty or bridge so as to obstruct a boat or another person	125
31	8.1(a)	Damage, poison, prune, remove or kill a tree on thoroughfare or verge	350
32	8.1(b)	Damaging lawn or garden	125
33	8.1(c)	Obstructing or causing a hazard on thoroughfare or verge	200
34	8.1(d)	Damaging or interfering with a thoroughfare or structure	350
35	8.1(e)	Playing games so as to impede vehicles or persons on thoroughfare	125
36	8.1(f)	Riding of bicycle or wheeled recreational device on mall or verandah of shopping centre	125
37	8.1(g)	Installing a tree on the verge without approval	125
38	8.2(1)(a)	Digging a trench through a kerb or footpath without a permit	200
39	8.2(1)(b)	Throwing or placing anything on a verge without a permit	200
40	8.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200
41	8.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
42	8.2(1)(e)	Placing, throwing or draining offensive fluid on thoroughfare without a permit	250
43	8.2(1)(f)	Damaging a thoroughfare, kerb or footpath	125
44	8.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
45	8.2(1)(h)	Installing pipes or stone on thoroughfare without a permit	200
46	8.2(1)(i)	Felling tree onto thoroughfare without a permit	200
47	8.2(1)(j)	Providing, erecting or installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
48	8.2(1)(k)	Placing a bulk rubbish container on a thoroughfare without a permit	200
48	8.2(1)(k)	<u>Placing a bulk rubbish bin or a container receptacle on a thoroughfare without a permit</u>	<u>200</u>
49	8.2(1)(l)	Interfering with anything on a thoroughfare without a permit	200
50	8.2(1)(m)	Prune or lop a tree without a permit	250
50A	8.2(1)(n)	<u>Conducting a function or promotional activity on a thoroughfare without a permit</u>	<u>200</u>
51	8.3(1)	Consumption or possession of liquor on thoroughfare	125
52	8.4(1)	Failure to obtain permit for temporary crossing	250
53	8.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
54	8.8(1)	Installation of verge treatment other than permissible verge treatment	250

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
55	8.9	Failure to maintain permissible verge treatment or placement of obstruction on verge	200
56	8.10	Failure to comply with notice to rectify default	200
57	8.15(2)	Failure to comply with sign on public place	125
58	8.17(2)	Driving or taking a vehicle on a closed thoroughfare	350
59	9.2	Placing advertising sign or affixing any advertisement on a thoroughfare or verge	125
60	9.3	The erection or placing of a portable direction sign contrary to the local law	125
<u>60</u>	<u>9.3(2)</u>	<u>The erection or placing of a portable direction sign contrary to the local law</u>	<u>125</u>
<u>60A</u>	<u>9.4</u>	<u>The erection or placing of a property disposal sign on a verge contrary to the local law</u>	<u>125</u>
<u>60B</u>	<u>9.5(2)</u>	<u>The erection or placement of a portable business sign without a permit</u>	<u>125</u>
<u>60C</u>	<u>9.5(3)</u>	<u>The erection or placing of a portable business sign contrary to the local law</u>	<u>125</u>
61	10.1(1)	Animal or vehicle obstructing a public place	125
62	10.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
63	10.2(2)(b)	Animal on public place with infectious disease	125
64	10.2(2)(c)	Training or racing animal on thoroughfare	125
65	10.2(2)(d)	Failure to remove animal excreta	125
66	10.2(3)	Horse led, ridden or driven on thoroughfare	125
67	10.5	Person leaving shopping trolley in public place other than trolley bay	125
68	10.6(2)	Failure to remove shopping trolley upon being advised of location	200
69	11.2	Trading without a permit	350
70	11.5(1)(a)	Failure of stallholder or trader to display or carry permit	125
71	11.5(1)(b)	Stallholder or trader not displaying valid permit	125
72	11.5(2)	Stallholder or trader engaged in prohibited conduct	125
73	11.7	Conducting a street market without a permit	125
74	11.9	Performing in a public place without a permit	125
75	11.10(2)	Failure of performer to move onto another area when directed	125
76	11.13	Failure to comply with conditions of permit	125
77	11.15	Establishment or conduct of outdoor eating facility without a permit	350
78	12.2(1)	Failure to obtain a permit	125
79	12.7(1)	Failure to comply with conditions of permit	125
80	12.7(2)	Failure to comply with varied conditions of permit	125
81	12.11	Failure to produce permit on request of authorised person	125
82	14.1	Failure to obey lawful direction of an authorised person	250

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
83	14.2	Failure to obey direction of authorised person to leave local government property	250
84	15.1	Failure to comply with notice	250

Local Government Act 1995

City of Joondalup

Local Government and Public Property Local Law 2014

Schedule 2 - Determinations

The following determinations are to be taken to have been made by the local government under clause 2.1.

Part 1 - Preliminary

1.1 Definition

In these determinations –

local law means the *City of Joondalup Local Government and Public Property Local Law 2014*.

1.2 Interpretation

Where a term is used but not defined in a determination and that term is defined in the local law then the term is to have the meaning given to it in the local law.

Part 2 - Application

2.1 Smoking

(1) A person shall not smoke in premises on local government property.

2.2 Animals on local government property

(1) A person may tether any animal to a tree, shrub, tree guard, wall or fence, or permit any animal to enter on or into any local government property where that person is authorised by a written law or by a permit.

(2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

2.3 Vehicles on local government property

(1) Unless authorised by a permit or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless –

(a) subject to sub-clause (3), the local government property is clearly designated as a road, access way or car park;

(b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in –

(i) providing a service or making a delivery in connection with the local government property; or

(ii) maintaining the local government property;

- (c) the person is driving an emergency vehicle in the course of his or her duties; or
 - (d) the vehicle is a motorised wheelchair, and the driver of that vehicle is a disabled person.
- (2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger, inconvenience or annoyance to any person.
- (3) Other than in accordance with paragraphs (b), (c) or (d) of subclause (1), a person shall not drive a vehicle on local government property or part of it that is being used for a function for which a permit has been obtained unless permitted to do so by the permit holder or an authorised person.

2.4 Motorised model aircraft, cars or ships

A person may use, launch or fly a motorised model aircraft, car, ship, glider or rocket that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property where that person is authorised by a permit or a determination specifying a particular local government property.

2.5 Children's playgrounds

- (1) The local government may set aside a public reserve or any portion of a public reserve as a children's playground.
- (2) The local government may limit the ages of persons who are permitted to use a children's playground and may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.
- (3) A person over the age specified in that sign, other than a person having the charge of a child or children in the playground, must not use a playground or interfere with the use by children of the playground.

2.6 Launching and retrieval of boats

A person must not take onto, launch from, or retrieve a boat on local government property except where a permit or a determination specifies a particular local government property unless -

- (a) the person is a local government employee, authorised person or -
 - (i) a contractor engaged by the local government and who is engaged in providing a service or making a delivery in connection with the local government property; or
 - (ii) maintaining the local government property;
- (b) the person is in charge of a boat engaged in rescue services, activities of a surf life saving club or dealing with an emergency; or
- (c) the local government property is a boat ramp on a portion of Reserve 47831, Lot 15446 (326L) Ocean Reef Road, Ocean Reef, known as Ocean Reef Marina as delineated by signs.

2.7 Activities prohibited on local government property

- (1) A person must not play or practice archery, pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise provided by a determination or permit.
- (2) A person must not play or practice golf on local government property.
- (3) A person must not, on any local government property, use or ride a bicycle, a wheeled recreational device, or sand board –
 - (a) inside or on the curtilage to, a building;
 - (b) on a sand dune;
 - (c) in a pool area; or
 - (d) in or on a lakebed or waterway.
- (4) A person must not use on any local government property, a spear gun, hand spear, gidgie or similar device.
- (5) A person must not, on any local government property, traverse a sand dune except by a path provided for that purpose, unless authorised by the local government.

2.8 Deposit of refuse, rubbish or liquid waste

- (1) A person must not, on local government property -
 - (a) shell, gut, scale or clean fish, shellfish or any other animal; or
 - (b) deposit or discard the waste or rubbish from any fish, shellfish or other animal.
- (2) A person must not, on local government property, deposit or discard refuse, rubbish or liquid waste, except -
 - (a) in a place or receptacle set aside by the local government for that purpose and subject to any conditions that may be specified on the receptacle or a sign in relation to the type of waste that may be deposited or other conditions.

Dated 17 December 2014.

The Common Seal of the City of Joondalup)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....

TROY PICKARD
MAYOR

.....

GARRY HUNT
CHIEF EXECUTIVE OFFICER

Local Government Act 1995

City of Joondalup

Meeting Procedures Local Law 2013

Local Government Act 1995

City of Joondalup

Meeting Procedures Local Law 2013

CONTENTS

Part 1 - Preliminary

- 1.1 Citation
- 1.2 Commencement
- 1.3 Purpose and effect
- 1.4 Application
- 1.5 Interpretation
- 1.6 Repeal

Part 2 - Calling and convening meetings

- 2.1 Ordinary and special Council meetings
- 2.2 Calling Council meetings
- 2.3 Convening Council meetings
- 2.4 Calling committee meetings
- 2.5 Convening committee meetings
- 2.6 Public notice of meetings

Part 3 - Presiding member and quorum

- 3.1 Who presides at Council meetings
- 3.2 When the Deputy Mayor can act
- 3.3 Who acts if no Mayor or Deputy Mayor
- 3.4 Election of presiding members of committees
- 3.5 Election of deputy presiding members of committees
- 3.6 Functions of deputy presiding members
- 3.7 Who acts if no presiding member or deputy presiding member
- 3.8 Quorum for meetings
- 3.9 Reduction of quorum for Council meetings
- 3.10 Reduction of quorum for committee meetings
- 3.11 Procedure where no quorum to begin a meeting
- 3.12 Procedure where quorum not present during a meeting

3.13 Names to be recorded

Part 4 - Business of a meeting

- 4.1 Business to be specified in agenda
- 4.2 Meeting to proceed to business
- 4.3 Order of business
- 4.4 Grant of leave of absence
- 4.5 Announcements by the presiding member
- 4.6 Motions of which previous notice has been given
- 4.7 Urgent business
- 4.8 Adoption by exception resolution
- 4.9 Representation on external bodies

Part 5 - Public participation

- 5.1 Meetings generally open to the public
- 5.2 Procedure to close meetings to the public
- 5.3 Question time for the public
- 5.4 Question time for the public at certain meetings
- 5.5 Minimum question time for the public
- 5.6 Procedures for question time for the public
- 5.7 Other procedures for question time for the public
- 5.8 Public statement time
- 5.9 Distinguished visitor and guest
- 5.10 Deputations to a committee
- 5.11 Petitions
- 5.12 Participation at committee meetings
- 5.13 Public inspection of agenda material
- 5.14 Confidentiality of information withheld
- 5.15 Media attendance
- 5.16 Recording of proceedings
- 5.17 Prevention of disturbance

Part 6 - Disclosure of interests

- 6.1 Disclosure of members' financial and proximity interests
- 6.2 Meeting to be informed of financial and proximity interests
- 6.3 Disclosing member not to participate
- 6.4 When disclosing members can participate
- 6.5 Substitution of deputy at committee meetings

- 6.6 Disclosure of impartiality interests
- 6.7 Disclosure by members who are observers at committee meetings
- 6.8 Committee members to disclose impartiality interests
- 6.9 On-going disclosure required

Part 7 - Conduct of members

- 7.1 Members to occupy own seats
- 7.2 Official titles to be used
- 7.3 Entering or leaving a meeting
- 7.4 Members who wish to speak
- 7.5 Priority of speaking
- 7.6 Presiding member may take part in debate
- 7.7 Relevance
- 7.8 Limitation on members speaking
- 7.9 Duration of speeches
- 7.10 Questions during debate
- 7.11 No speaking after conclusion of debate
- 7.12 No interruption
- 7.13 No reopening of discussion
- 7.14 Adverse reflection and offensive language
- 7.15 Withdrawal of offensive language or adverse reflection
- 7.16 Personal explanation

Part 8 - Preserving order

- 8.1 Presiding member to preserve order
- 8.2 Points of order
- 8.3 Procedures on a point of order
- 8.4 Ruling by the presiding member
- 8.5 Continued breach of order
- 8.6 Presiding member may adjourn meeting

Part 9 - Motions and amendments

- 9.1 Recommendations in reports
- 9.2 Presentation of committee reports
- 9.3 Permissible motions on recommendations
- 9.4 Motions to be stated and in writing
- 9.5 Motions to be seconded
- 9.6 Unopposed business

- 9.7 Only one primary motion at a time
- 9.8 Complex motions
- 9.9 Order of call in debate
- 9.10 Limit of debate
- 9.11 Member may require motion to be read
- 9.12 Amendments
- 9.13 Withdrawal of motion and amendments
- 9.14 Right of reply

Part 10 - Procedural motions

- 10.1 Permissible procedural motions
- 10.2 No debate
- 10.3 Who may move
- 10.4 Right of reply on motion
- 10.5 Motion be deferred – effect of motion
- 10.6 Motion be now put – effect of motion
- 10.7 The item be referred back to a committee (or the CEO) – effect of motion
- 10.8 Meeting now adjourn – effect of motion
- 10.9 The meeting be closed to members of the public – effect of motion
- 10.10 The meeting be now closed – effect of motion
- 10.11 Member to be no longer heard – effect of motion
- 10.12 Ruling of the presiding member be disagreed with – effect of motion
- 10.13 Debate be adjourned – effect of motion

Part 11 - Voting

- 11.1 Motion - when put
- 11.2 Crossing the floor of meeting room
- 11.3 Voting
- 11.4 Majorities required for decisions
- 11.5 Method of taking vote

Part 12 - Minutes

- 12.1 Keeping of minutes
- 12.2 Content of minutes
- 12.3 Public inspection of unconfirmed minutes
- 12.4 Confirmation of minutes

Part 13 - Implementing decisions and revocation motions

- 13.1 Meaning of terms
- 13.2 Requirements to revoke or change decisions
- 13.3 Revocation motion at the same meeting – procedure
- 13.4 Revocation motion after meeting – procedures
- 13.5 Limitations on powers to revoke or change decisions
- 13.6 Implementing a decision

Part 14 - Suspension and non-application of local law

- 14.1 Suspension of this local law
- 14.2 When this local law does not apply

Part 15 - Committees

- 15.1 Establishment and appointment of committees
- 15.2 Types of committees
- 15.3 Delegation of some powers and duties to certain committees
- 15.4 Limits on delegation of powers and duties to certain committees
- 15.5 Appointment of committee members
- 15.6 Tenure of committee membership
- 15.7 Appointment of deputies
- 15.8 Resignation of committee members
- 15.9 Register of delegations to committees
- 15.10 Local law to apply

Part 16 - Meeting of electors

- 16.1 Term used: electors
- 16.2 Electors' general meetings
- 16.3 Matters for discussion at general electors' meeting
- 16.4 Electors' special meetings
- 16.5 Requests for electors' special meetings
- 16.6 Convening electors' meetings
- 16.7 Who presides at electors' meetings
- 16.8 Procedure for electors' meetings
- 16.9 Participation of non-electors
- 16.10 Voting at electors' meetings
- 16.11 Minutes of electors' meetings
- 16.12 Decisions made at electors' meetings

Part 17 - Breach of this local law

- 17.1 Breach of this local law by Mayor or Councillors
- 17.2 Who can complain
- 17.3 Penalty for breach
- 17.4 Who can prosecute

SCHEDULE 1

Local Government Act 1995

City of Joondalup

Meeting Procedures Local Law 2013

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 20 August 2013 to make the *City of Joondalup Meeting Procedures Local Law 2013*.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Meeting Procedures Local Law 2013*.

1.2 Commencement

This local law commences on the fourteenth day after it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) The effect of this local law is intended to result in -
 - (a) better decision making by the Council and its committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) more efficient and effective use of time at meetings.

1.4 Application

All meetings are to be conducted in accordance with the Act, the Regulations, the ~~Rules of Model~~ Conduct Regulations and this local law.

1.5 Interpretation

In this local law, unless the context requires otherwise -

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

amendment, in relation to a motion, means an amendment motion which does not alter the basic intent of the primary motion to which the amendment applies;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the local government;

committee means a committee of the Council (established under clause 15.1 of this local law);

Council means the Council of the local government;

Councillor has the meaning given to it in the Act;

Deputy Mayor means the deputy mayor of the local government;

elector has the meaning given to it in the Act;

employee has the meaning given to it in the Act;

local government means the City of Joondalup;

Mayor means the mayor of the local government;

meeting means a meeting of the Council or of a committee, as the context requires;

member in respect of -

- (a) the Council, has the meaning given to it under the Act; and
- (b) a committee, means a person appointed under section 5.10 of the Act;

Model Conduct Regulations means the Local Government (Model Code of Conduct) Regulations 2021;

Minister means the Minister responsible for administering the Act;

presiding member means -

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act;

primary motion means an original motion, or an original motion as amended, but does not include an amendment or a procedural motion;

revocation motion means a motion to revoke or change a decision made at a Council or committee meeting under clause 13.2;

Regulations means the *Local Government (Administration) Regulations 1996*; and

~~**Rules of Conduct Regulations** means the *Local Government (Rules of Conduct) Regulations 2007*;~~

simple majority means more than 50% of the members present and voting; and.

special majority has the meaning given to it in the Act.

1.6 Repeal

The *City of Joondalup Standing Orders Local Law 2005* published in the *Government Gazette* on 20 December 2005, is repealed.

Part 2 - Calling and convening meetings

2.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

2.3 Convening Council meetings

The convening of a Council meeting is dealt with in the Act.

2.4 Calling committee meetings

A meeting of a committee is to be held -

- (a) if called for in a written request to the CEO by the presiding member of the committee, advising the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a written request to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in accordance with a decision of the Council or the committee.

2.5 Convening committee meetings

- (1) The CEO is to convene an ordinary meeting of a committee by giving each member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a committee by giving each member notice, before the meeting, of the date, time, place and purpose of the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses (1) and (2) to every member of the Council.

2.6 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Part 3 - Presiding member and quorum

3.1 Who presides at Council meetings

Who presides at a Council meeting is dealt with in the Act.

3.2 When the Deputy Mayor can act

When the Deputy Mayor can act is dealt with in the Act.

3.3 Who acts if no Mayor or Deputy Mayor

Who acts if there is no Mayor or Deputy Mayor is dealt with in the Act.

3.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in the Act.

3.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

3.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

3.7 Who acts if no presiding member or deputy presiding member

Who acts if no presiding member or deputy presiding member is dealt with in the Act.

3.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

3.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

3.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

3.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

3.12 Procedure where quorum not present during a meeting

(1) If at any time during a meeting a quorum is not present –

- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;

- (b) if a quorum is not present at the expiry of the suspension period under subclause (1)(a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
 - (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (1)(b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.
- (2) Where debate on any motion is interrupted at a meeting, which has been adjourned due to a lack of a quorum, that debate is to be resumed at the resumption of the meeting at the point where it was interrupted.
 - (3) The members who have spoken on the motion at the adjourned meeting, must not speak again on the motion on resumption of that meeting, except the mover who retains the right of reply.

3.13 Names to be recorded

At any meeting -

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned under clause 3.12,

the names of the members then present are to be recorded in the minutes.

Part 4 - Business of a meeting

4.1 Business to be specified in agenda

- (1) No business is to be transacted at any ordinary meeting of the Council or committee other than that specified in the agenda, except matters which the Act or clause 4.7 permits to be dealt with.
- (2) No business is to be transacted at a special meeting of the Council or a committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting of the Council or a committee other than that -
 - (a) specified in the agenda of the meeting which had been adjourned; and
 - (b) which remains unresolved,except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.
- (4) Despite subclauses (1) to (3), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.
- (5) The CEO may withdraw an item from the agenda of a meeting.

4.2 Meeting to proceed to business

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

4.3 Order of business

- (1) Unless otherwise decided by the Council, the order of business at an ordinary meeting of the Council is to be as follows:
 - (a) Declaration of opening /announcement of visitors;
 - (b) Declarations of interests;
 - (c) Public question time;
 - (d) Public statement time;
 - (e) Apologies/leave of absence;
 - (f) Confirmation of minutes;
 - (g) Announcements by the presiding member without discussion;
 - (h) Identification of matters for which the meeting may be closed to the public;
 - (i) Petitions;
 - (j) Reports;
 - (k) Urgent business;
 - (l) Motions of which previous notice has been given;
 - (m) Announcements of notices of motion for the next meeting; and
 - (n) Closure.

- (2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of the committee is to be as follows:
 - (a) Declaration of opening;
 - (b) Declarations of interests;
 - (c) Public question time (subject to section 5.24 of the Act);
 - (d) Public statement time (subject to clause 5.8(6));
 - (e) Apologies/leave of absence;
 - (f) Confirmation of minutes;
 - (g) Announcements by the presiding member without discussion;
 - (h) Identification of matters for which the meeting may be closed to the public;

- (i) ~~Petitions and deputations~~ Deputations;
 - (j) Reports;
 - (k) Urgent business;
 - (l) Motions of which previous notice has been given; and
 - ~~(m) Requests for reports for future consideration; and~~
 - (n) Closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or a committee is to be the order in which that business stands in the notice of, or agenda for, the meeting.

4.4 Grant of leave of absence

The grant of leave of absence is dealt with in the Act.

4.5 Announcements by the presiding member

At any meeting of the Council or committee the presiding member may announce or raise any matter of interest or relevance to the local government and there is not to be any discussion on the matter.

4.6 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business of the local government as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 7 clear days before the meeting at which the motion is to be raised.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO -
 - (a) with the concurrence of the presiding member, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
 - (b) with the concurrence of the submitting member, may make such amendments to the form, but not the substance, as will bring the notice of motion into due form; and
 - (c) may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A motion of which notice has been given is to lapse unless -

- (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) Where a motion of which notice has been given lapses under subclause (6), any future notice of a motion in the same terms or the same effect is not to be given for at least three months from the date of the lapse.
- (8) For the purposes of clarification, where a notice of motion is moved and seconded at a meeting of Council or committee, it is to be treated as a primary motion.
- (9) Where a motion of which notice has been given is defeated at the meeting by a vote, a motion of the same effect cannot be submitted under subclause (1) within three months from the date in which the first motion of which notice had been given and was considered.

4.7 Urgent business

- (1) The presiding member, at an ordinary meeting of the Council or committee, may move a motion involving business that is not included in the agenda for that meeting if the presiding member considers that either -
- (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government.
- (2) Before debate begins on a matter under this clause that is not the subject of a written report from the CEO to the meeting -
- (a) the presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.
- (3) Where urgent business is considered at a meeting under this clause, the minutes of the meeting are to include -
- (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

4.8 Adoption by exception resolution

- (1) In this clause ***adoption by exception resolution*** means -
- (a) in respect to the Council, a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or CEO's recommendation as the Council resolution; and

- (b) in respect to a committee, a resolution of a committee that has the effect of adopting, for a number of specifically identified reports, the CEO's recommendation as the committee resolution.
- (2) The Council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter -
 - (a) that requires adoption by an absolute majority ~~or a special majority~~ vote;
 - (b) in which a financial or proximity interest has been disclosed by the Mayor or a Councillor;
 - (c) that is a matter on which a member wishes to speak; or
 - (d) that is a matter on which a member wishes to move a motion that is different to the recommendation.

4.9 Representation on external bodies

- (1) In this clause **external body** includes -
 - (a) a Regional Council;
 - (b) an incorporated or unincorporated association;
 - (c) a trust;
 - (d) a tribunal;
 - (e) a government agency, instrumentality, board or committee; and
 - (f) any other external body,to which the local government is entitled, or has been invited, to provide a representative.
- (2) Correspondence inviting the Council to submit a nomination for appointment to an external body is to be referred by the CEO to the Council or an appropriate committee.

Part 5 - Public participation

5.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

5.2 Procedure to close meetings to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.

- (3) If a resolution under subclause (2) is carried -
- (a) the presiding member is to -
 - (i) direct all members of the public, other than a person specified in the resolution, to leave the meeting; and
 - (ii) upon consultation with the CEO, request specified employees to leave the meeting; and
 - (b) the meeting is to remain closed to members of the public until the Council or the committee resolves to open the meeting.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Subject to subclause (7) unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that -
- (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.
- (7) In the event that no member of the public returns to the meeting after it is reopened, the resolution, including the details of any voting, need not be read aloud but be recorded in the minutes of the meeting.

5.3 Question time for the public

Question time for the public at meetings is dealt with in the Act.

5.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

5.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

5.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

5.7 Other procedures for question time for the public

- (1) The presiding member is responsible for the conduct of public question time.
- (2) The procedure for the asking of and responding to questions raised by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to ask a question during public question time must first state their name and full address.

- (4) Questions asked by the public are to relate to the business of the local government and are not to be in the form of a statement or a personal opinion.
- (5) The presiding member is to endeavour to have every question responded to at the meeting at which it is asked but where this is not possible, the question is to be taken on notice and where practicable, a written response is to be provided to the person who asked the question and a copy of the response is to be included in the agenda of the next ordinary meeting of the council or committee as the case requires.
- (6) Notwithstanding clause 4.3(2) there is to be no public question time in meetings of committees other than a committee to which the Council has delegated a power or duty.

5.8 Public statement time

- (1) The presiding member is responsible for the conduct of public statement time.
- (2) The procedure for the making of statements by members of the public may be determined by resolution of the Council.
- (3) A member of the public wanting to make a public statement must first state their name and full address.
- (4) Public statements made by the public at an ordinary meeting are to relate to the business of the local government.
- (5) Public statements made by the public at a special meeting are to relate to the business in which the meeting has been called.
- (6) Notwithstanding clause 4.3(2) there is to be no public statement time in meetings of committees other than a committee to which the Council has delegated a power or duty.

5.9 Distinguished visitor and guest

If a distinguished visitor or guest is present at a meeting of the Council or a committee, the presiding member may -

- (a) invite the distinguished visitor or guest to sit beside the presiding member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor or guest at an appropriate time during the meeting; and
- (c) direct that the presence of the distinguished visitor or guest be recorded in the minutes.

5.10 Deputations to a committee

- (1) A person or a group not exceeding 5 people who wish to be received as a deputation by a committee must –
 - (a) apply in writing to the CEO; and

- (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the deputation.
- (2) The CEO is to refer to the presiding member a copy or summary of the application and the presiding member is to decide if the deputation is to be received by the committee.
- (3) Unless the committee resolves otherwise -
- (a) a deputation that complies with subclause (1) and approved by the presiding member under subclause (2) may address the committee for up to 15 minutes; and
 - (b) the presiding member may allow that period of 15 minutes to be shared between two or three members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the committee and for how long (within the total period of 15 minutes).
- (4) Any matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.
- (5) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.3(2).
- (6) Any item of business to be discussed at a committee meeting that is subject of a received deputation, may be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

5.11 Petitions

- (1) A petition must -
- (a) be prepared, as far as practicable, in the form prescribed in Schedule 1;
 - (b) be addressed to the Council and forwarded to a member or the CEO;
 - (c) be made by at least 25 electors of the district;
 - (d) state the request on each page;
 - (e) contain a summary of the reasons for the request;
 - (f) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (g) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (h) be respectful and temperate in its language; and
 - (i) comply with any form prescribed by the Act or any other written law, such as the *Local Government (Constitution) Regulations 1998* if, for example, it is -
 - (i) a proposal to change the method of filling the office of Mayor; or

- (ii) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.
- (2) On the presentation of a petition -
 - (a) the member presenting it or the CEO is confined to reading the petition; and
 - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred to the CEO for action.
- (3) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless -
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council or committee has considered the issues raised in the petition.

5.12 Participation at committee meetings

- (1) In this clause, **person** means the Mayor or a Councillor who is not a member of the relevant committee.
- (2) A person may attend, as an observer, any meeting of a committee and is to sit in an area set aside for observers separated from the committee members.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.
- (4) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the meeting room.

5.13 Public inspection of agenda material

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

5.14 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be -
 - (a) identified in the agenda of a Council or committee meeting under the item "Identification of matters for which the meeting may be closed to the public";
 - (b) marked "Confidential" in the agenda; and
 - (c) kept confidential by members and employees until the Council or committee resolves otherwise, or in the opinion of the CEO, the reason for confidentiality ceases to exist.
- (2) A member or an employee who has -
 - (a) confidential information under subclause (1); or

- (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

must not disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

- (3) Subclause (2) does not prevent a member or employee from disclosing information –
 - (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.15 Media attendance

Media persons are to be permitted to attend meetings of the Council or committees that are open to the public, in such part of the meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

5.16 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting, without the permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), the presiding member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

5.17 Prevention of disturbance

- (1) A reference in this clause to a “person” is to a person other than a member.
- ~~(2) A person must ensure that his or her mobile telephone or other audible electronic device is not switched on or used during any meeting of the Council or a committee.~~
- (2) A person must ensure that his or her mobile telephone or other electronic device does not cause an audible disturbance during any meeting of the Council, a committee or electors.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If -
- (a) after being warned, the person again acts contrary to this clause, or to this local law; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,
- the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Part 6 - Disclosure of interests

6.1 Disclosure of members' financial and proximity interests

The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

6.2 Meeting to be informed of financial and proximity interests

Procedures for informing the meeting of disclosures in clause 6.1 are dealt with in the Act.

6.3 Disclosing member not to participate

The participation at meetings of a member that has disclosed an interest in clause 6.1 is dealt with in the Act.

6.4 When disclosing members can participate

When disclosing members can participate is dealt with in the Act.

6.5 Substitution of deputy at committee meetings

Where a member discloses an interest on an item under clause 6.1 and withdraws from a meeting of a committee, the presiding member is to invite the disclosing member's deputy, if present, to participate as a member of the committee in place of the disclosing member during the consideration of that item only.

6.6 Disclosure of impartiality interests

The disclosure of impartiality interests at meetings is dealt with in the ~~Rules of~~ Model Conduct Regulations.

6.7 Disclosure by members who are observers at committee meetings

The obligation to disclose an interest in clauses 6.1 and 6.6 is to apply to a person under clause 5.12.

6.8 Committee members to disclose impartiality interests

- (1) In this clause, a reference to -
 - (a) **person** means a member of a committee appointed under the Act who is not either the Mayor or a Councillor; and
 - (b) **interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest -
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if -
 - (a) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
 - (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a person discloses an interest in a written notice given to the CEO before a meeting then -
 - (a) before the meeting the CEO is to cause the notice to be given to the presiding member of the meeting; and
 - (b) at the meeting the presiding member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If -
 - (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

6.9 On-going disclosure required

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

Part 7 - Conduct of members

7.1 Members to occupy own seats

At Council meetings, members must be seated in the order as determined by the CEO following each ordinary election.

7.2 Official titles to be used

A speaker, when speaking or referring to the Mayor or Deputy Mayor, or to a Councillor or employee, must use the title of that person's office.

7.3 Entering or leaving a meeting

During the course of a meeting, a member must not enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

7.4 Members who wish to speak

A member who wishes to speak -

- (a) is to indicate his or her intention to speak by the method determined by the presiding member; and
- (b) when invited by the presiding member to speak, must address the meeting through the presiding member.

7.5 Priority of speaking

- (1) If two or more members of the Council or a committee indicate, at the same time, their intention to speak, the presiding member is to decide which member is to be heard first.
- (2) A decision of the presiding member under this clause is not open to discussion or dissent.

7.6 Presiding member may take part in debate

Subject to compliance with procedures for the debate of motions contained in this local law, the presiding member may take part in a discussion of any matter before the meeting.

7.7 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may -
 - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue his or her speech.

- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

7.8 Limitation on members speaking

- (1) A member must not address the Council more than once on any motion or amendment except -
- (a) as the mover of a primary motion or amendment, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.9 Duration of speeches

A member may speak on a motion or an amendment, or reply, for a period of only five minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

7.10 Questions during debate

- (1) At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the presiding member, may ask one or more further questions.
- (2) Questions asked by a member, and responses given by a member or an employee -
- (a) are to be brief and concise; and
 - (b) are not to be accompanied by -
 - (i) expression of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the presiding member.
- (3) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

7.11 No speaking after conclusion of debate

A member must not speak on any motion or amendment -

- (a) after the mover has replied; or
- (b) after the motion has been put.

7.12 No interruption

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.16; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(g)).

7.13 No reopening of discussion

A member must not reopen a discussion on any decision of the Council or committee, except for the purposes on moving a revocation motion (see Part 13).

7.14 Adverse reflection and offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 13).
- (2) A member must not -
 - (a) reflect adversely on the character or actions of another member or employee;
 - (b) impute any motive to a member or employee; or
 - (c) use an expression that is offensive or objectionable in reference to any other member, employee or other person.

7.15 Withdrawal of offensive language or adverse reflection

A member who, in the opinion of the presiding member -

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive or objectionable,

must, when directed by the presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.

7.16 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

Part 8 - Preserving order

8.1 Presiding member to preserve order

- (1) The presiding member is to preserve order and, whenever he or she considers it necessary, may call any member to order.
- (2) When the presiding member, during the progress of a debate, is to raise or rule on a point of order, any member or person then speaking, or offering to speak, is to be silent so that the presiding member may be heard without interruption.

8.2 Points of order

- (1) Any of the following acts may be considered to constitute a point of order for the purposes of this local law:
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7);
 - (b) a speaker's use of offensive or objectionable expressions (see clause 7.14); or
 - (c) the violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached.
- (2) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.
- (3) Despite anything in this local law to the contrary, a point of order -
 - (a) takes precedence over any discussion; and
 - (b) until determined by the presiding member, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order with the presiding member including interrupting the speaker.
- (2) Any member who is speaking when a point of order is raised in subcause (1) is to immediately stop speaking while the presiding member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

8.4 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order -
 - (a) is not to be the subject of debate or comment; and

- (b) is to be final unless the majority of members then present and voting, on a procedural motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that -
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.5 Continued breach of order

If a member -

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member,

the presiding member may direct the member to refrain from taking any further part in the debate on that item, other than by voting, and the member must comply with that direction.

8.6 Presiding member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the motion or amendment before the adjournment are to be recorded in the minutes and those members are not to speak to the motion when the meeting is resumed.

Part 9 - Motions and amendments

9.1 Recommendations in reports

- (1) Where the Council or a committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Council or the committee (as the case may be).
- (2) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee or committee, the reason for the decision is to be recorded in the minutes of the meeting in accordance with the Regulations.
- (3) A committee may make a recommendation to the Council which -

- (a) is relevant to the purpose for which the committee is established by the Council; and
 - (b) the committee considers requires consideration by the Council.
- (4) Where a committee makes a recommendation for consideration by the Council, the CEO must prepare or cause to be prepared a report to the Council with respect to the recommendation.

9.2 Presentation of committee reports

The proposed adoption by the Council of recommendations of a committee is to be moved –

- (a) if the presiding member of the committee is a Council member and is in attendance – by the presiding member;
- (b) if the presiding member of the committee is not a Council member or is absent – by a member of the committee who is also a Council member; or
- (c) otherwise – by a Council member who is not a member of the committee.

9.3 Permissible motions on recommendations

A recommendation made by a committee or contained in a report from the CEO may be -

- (a) adopted by the Council without amendment;
- (b) replaced by an alternative motion and adopted by the Council;
- (c) amended, and adopted as amended, by the Council;
- (d) referred back to the committee for further consideration; or
- (e) referred back to the CEO.

9.4 Motions to be stated and in writing

- (1) A member who wishes to move a primary motion, or an amendment to a primary motion -
- (a) is to state the substance of the motion before speaking to it; and
 - (b) is to put the motion or amendment in writing if -
 - (i) in the opinion of the presiding member, the motion or amendment is significantly different to the relevant written recommendation of a committee or an employee; or
 - (ii) he or she is otherwise required to do so by the presiding member.
- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

9.5 Motions to be seconded

- (1) A primary motion or an amendment to a primary motion is not open to debate until it has been seconded.

- (2) A motion to revoke or change a decision made at a Council or a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 13.1).
- (3) A member seconding a motion has the right to speak on the motion later in the debate.
- (4) A motion is not to be amended by the mover without the consent of the seconder.
- (5) A nomination for any appointment under clause 4.9 is not required to be seconded.

9.6 Unopposed business

- (1) Immediately after a primary motion or amendment has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may put the motion to the vote without debate.
- (3) If a member opposes a motion, the motion is to be dealt with under this Part.

9.7 Only one primary motion at a time

The Council or committee -

- (a) is not to accept a primary motion while another primary motion is being debated;
and
- (b) is not to consider more than one primary motion at any time.

9.8 Complex motions

The presiding member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.9 Order of call in debate

The presiding member is to call speakers to a primary motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) other speakers for or against the motion; and
- (f) mover takes right of reply which closes debate.

9.10 Limit of debate

The presiding member may offer the right of reply and put a primary motion to the vote if he or she believes that sufficient discussion has taken place and where no other member has given an indication to speak to the motion.

9.11 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.12 Amendments

- ~~(1) A member may move an amendment to a primary motion at any time during debate on the motion, except -~~
- ~~(a) if the mover has been called by the presiding member to exercise the right of reply;~~
 - ~~(b) if the member has already spoken to the primary motion;~~
 - ~~(c) if another amendment is being debated, or has not been withdrawn, carried or lost; or~~
 - ~~(d) during debate on a procedural motion.~~

(1) A member may move an amendment to a primary motion at any time during debate on the motion, except -

- (a) if the member is the mover or seconder of the primary motion;
 - (b) if the member has already spoken to the primary motion;
 - (c) if the mover has been called by the presiding member to exercise the right of reply;
 - (d) if another amendment is being debated, or has not been withdrawn, carried or lost; or
 - (e) during debate on a procedural motion.
- (2) An amendment must be relevant to the primary motion to which it is moved and must not have the effect of negating the primary motion.
- (3) An amendment to a primary motion is to take only one of the following forms:
- (a) that certain words be omitted;
 - (b) that certain parts be omitted and others substituted or added; or
 - (c) that certain words be added.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the primary motion is put to the vote.
- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as the primary motion.
- (6) The mover of an amendment has the right of reply at the conclusion of the discussion on the amendment and the right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

9.13 Withdrawal of motion and amendments

- (1) The Council or a committee may, without debate, grant leave to withdraw a primary motion or amendment on the request of the mover of the motion or amendment if -
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member.
- (2) If either paragraph (a) or (b) of subclause (1) do not apply, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a primary motion, the primary motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.14 Right of reply

- (1) The mover of a primary motion has the right of reply.
- (2) The right of the reply may be exercised only -
 - (a) where no amendment is moved to the primary motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the primary motion – at the conclusion of the discussion on the primary motion and any amendments.
- (3) After the mover of the primary motion has commenced the reply -
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the primary motion, or the primary motion as amended, is immediately to be put to the vote.

Part 10 - Procedural motions

10.1 Permissible procedural motions

In addition to the right to move an amendment to a primary motion (under Part 9), a member may move any of the following procedural motions:

- (a) that the ~~motion~~ item be deferred;
- (b) that the motion be now put;
- (c) that the item be referred back to a committee (or the CEO);
- (d) that the meeting now adjourn;

- (e) that the meeting be closed to members of the public (see clause 5.2);
- (f) that the meeting be now closed;
- (g) that the member be no longer heard;
- (h) that the ruling of the presiding member be disagreed with; and
- (i) that the debate be adjourned.

10.2 No debate

- (1) The mover of a motion stated in paragraphs (a), (c), (d), (e), (f), (g) or (i) of clause 10.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in paragraph (b) or (h) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move

With the exception of subclause 10.1(h), a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

10.4 Right of reply on motion

The carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the motion or amendment.

~~**10.5 Motion be deferred – effect of motion**~~

- ~~(1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.~~
- ~~(2) A motion “that the motion be deferred” must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.~~

10.5 Item be deferred – effect of motion

- (1) If a motion “that the item be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the item is to be resubmitted for consideration at a time and date specified in the motion.**
- (2) A motion “that the item be deferred” must not be moved in respect of the election of a Mayor, Deputy Mayor or presiding member.**

10.6 Motion be now put – effect of motion

- (1) If a motion “that the motion be now put”, is carried during discussion on a primary motion without amendment, the presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.

- (2) If the motion “that the motion be now put” is carried during debate of the amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) If the motion “that the motion be now put”, is lost, debate is to continue.

10.7 The item be referred back to a committee (or the CEO) – effect of motion

- (1) If a motion “that the item be referred back to a committee (or the CEO)” is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate committee or the CEO for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

10.8 Meeting now adjourn – effect of motion

- (1) If a motion “that the meeting now adjourn”, is carried then the meeting is to be adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the presiding member declares, or to the next ordinary meeting.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
 - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted;
 - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (c) the provisions of clause 7.8 apply when the debate is resumed.
- (3) If a motion “that the meeting now adjourn” is lost, no similar motion is to be moved until -
 - (a) after the conclusion of the business under discussion at the time the motion was moved;
 - (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
 - (c) after the conclusion of any other business allowed precedence by the meeting.
- (4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

10.9 The meeting be closed to members of the public – effect of motion

If a motion “that the meeting be closed to members of the public” is carried then the presiding member is to close the meeting in accordance with clause 5.2.

10.10 The meeting be now closed – effect of motion

- (1) If a motion “that the meeting be now closed”, is carried, then -

- (a) the presiding member is to close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting.
- (2) If the motion “that the meeting be now closed” is carried at a meeting of the Council -
- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 7.8 apply when the outstanding business is resumed.

10.11 Member to be no longer heard – effect of motion

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion or amendment.

10.12 Ruling of the presiding member be disagreed with – effect of motion

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

10.13 Debate be adjourned – effect of motion

- (1) If a motion “that the debate be adjourned”, is carried –
- (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
 - (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (c) the provisions of clause 7.8 apply when the debate is resumed.
- (2) A motion “that the debate be adjourned” must not be moved in respect of the election of a presiding member, Mayor or Deputy Mayor.
- (3) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

Part 11 - Voting

11.1 Motion - when put

Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member -

- (a) is to put the motion to the meeting; and
- (b) if requested by a member, is again to state the terms of the motion.

11.2 Crossing the floor of meeting room

- (1) When the presiding member is putting any motion to the vote, a member must not leave or cross the meeting room.
- (2) A member must not, while any other member is speaking, pass between the speaker and the presiding member or pass behind the presiding member.

11.3 Voting

Voting is dealt with in the Act and the Regulations.

11.4 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

11.5 Method of taking vote

In taking the vote on any motion, the presiding member -

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (d) subject to this clause, is to declare the result.

Part 12 - Minutes

12.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

12.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by the Regulations, the minutes of a meeting are to include -
 - (a) where an application for approval is refused or the authorisation of a licence, permit or certificate is otherwise withheld or cancelled, the reasons for the decision; and
 - (b) the names of members voting in the affirmative and the names of the members voting in the negative.

12.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

12.4 Confirmation of minutes

- (1) Confirmation of minutes is dealt with in the Act.
- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

Part 13 - Implementing decisions and revocation motions

13.1 Meaning of terms

In this Part -

authorisation means a licence, permit, approval or other means of authorising a person to do anything;

implement, in relation to a decision, includes -

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take any other action to give effect to the decision; and

valid notice of revocation motion means a notice of a revocation motion that -

- (a) complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

13.2 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

13.3 Revocation motion at the same meeting – procedure

- (1) A member who wishes to move a revocation motion at the same meeting where the decision is made must -
 - (a) clearly identify the decision to be revoked or changed; and
 - (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.7.
- (3) Where the Presiding Member is advised of a revocation motion under subclause (2), he or she is to -
 - (a) advise the meeting of the notice;

- (b) state the substance of the revocation motion;
- (c) determine whether there is sufficient support under clause 13.2; and
- (d) if there is sufficient support, deal with the revocation motion.

13.4 Revocation motion after meeting – procedures

- (1) A member wishing to move a revocation motion at a future meeting of the Council or a committee must give to the CEO notice of the revocation motion, which is to -
 - (a) be in writing;
 - (b) specify the decision proposed to be revoked or changed;
 - (c) include a reason or reasons for the revocation motion;
 - (d) be supported by the number of members required under the Regulations;
 - (e) specify the date of the ordinary or special meeting of the Council or the committee where it is to be presented, as the case may be; and
 - (f) be given to the CEO in accordance with the notice of motion provisions in clause 4.6.
- (2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.6.

13.5 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a revocation motion -
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 13.6 to implement the decision;
 - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the local government to the applicant; or
 - (c) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a revocation motion of the kind described in subclause (1)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

13.6 Implementing a decision

- (1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first clear working day after the commencement of the meeting at which the decision was made.
- (2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.

- (3) A decision made at a meeting is not to be implemented by the CEO or any other person -
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (4) The CEO is to ensure that members of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation -
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 14 - Suspension and non-application of local law

14.1 Suspension of this local law

- (1) A member may, at any time, move that the operation of one or more of the clauses of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the discussion on any matter, unless the meeting resolves otherwise.

14.2 When this local law does not apply

- (1) In situations where -
 - (a) this local law has been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law,the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.1(h).

Part 15 - Committees

15.1 Establishment and appointment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -

- (a) the terms of reference or functions of the committee;
- (b) either -
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

15.2 Types of committees

The types of committees are dealt with in the Act.

15.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

15.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

15.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

15.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

15.7 Appointment of deputies

The appointment of a person to be a deputy of a member of committee is dealt with in the Act.

15.8 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

15.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

15.10 Local law to apply

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

Part 16 - Meeting of electors

16.1 Term used: electors

For the purposes of this Part of this local law the term **electors** has additional meaning as giving to it under the Act.

16.2 Electors' general meetings

Electors' general meetings are dealt with in the Act.

16.3 Matters for discussion at general electors' meeting

The matters to be discussed at a general electors' meeting are dealt with in the Regulations.

16.4 Electors' special meetings

Electors' special meetings are dealt with in the Act.

16.5 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

16.6 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

16.7 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

16.8 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

16.9 Participation of non-electors

A person who is not an elector must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

16.10 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

16.11 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

16.12 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

Part 17 - Breach of this local law

17.1 Breach of this local law by Mayor or Councillors

A breach of a provision of this local law by the Mayor or Councillors is dealt with in the ~~Rules of~~ Model Conduct Regulations and the Act.

17.2 Who can complain

Who can complain in respect of a breach of this local law is dealt with in the Act.

17.3 Penalty for breach

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000, and daily penalty of \$100

17.4 Who can prosecute

Who can prosecute is dealt with in the Act.

Local Government Act 1995

City of Joondalup

Meeting Procedures Local Law 2013

SCHEDULE 1

PETITION OF ELECTORS OF THE CITY OF JOONDALUP

To the Mayor and Councillors of the City of Joondalup,

We, the undersigned, all being electors of the City of Joondalup do respectfully request that Council:

(Set out concise statement of facts and the action sought)

Correspondence in respect of this petition should be addressed to:

(State the name and full address of the relevant person)

The names and addresses of the petitioners are as follows:

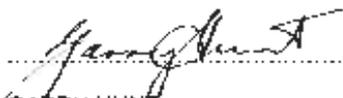
DATE	FULL NAME	ADDRESS	SIGNATURE
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Dated 24th of September 2013.

The Common Seal of the City of Joondalup
was affixed by authority of a resolution
of the Council in the presence of:




.....
TROY PICKARD
MAYOR


.....
GARRY HUNT
CHIEF EXECUTIVE OFFICER

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

PARKING LOCAL LAW 2013

Amended by Parking Amendment Local Law 2015

and

Parking Amendment Local Law 2018

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

PARKING LOCAL LAW 2013

CONTENTS

PART 1 – DEFINITIONS AND OPERATION

- 1.1 Citation
- 1.2 Commencement
- 1.3 Purpose and effect
- 1.4 Repeal
- 1.5 Interpretation
- 1.6 Application of particular definitions
- 1.7 Application and pre-existing signs
- 1.8 Classes of vehicles
- 1.9 Part of thoroughfare to which sign applies
- 1.10 Powers of the local government

PART 2 – PARKING STALLS, PARKING STATIONS AND PARKING AREAS

- 2.1 Determination of parking stalls, parking stations and parking areas
- 2.2 Vehicles to be within parking stall
- 2.3 Parking prohibitions and restrictions
- 2.4 Parking where fees are payable

PART 3 – PARKING GENERALLY

- 3.1 Restrictions on parking in particular areas
- 3.2 Parking vehicle on carriageway
- 3.3 When parallel and right-angled parking apply
- 3.4 When angle parking applies
- 3.5 General prohibitions on parking
- 3.6 Authorised person may order vehicle on thoroughfare to be moved
- 3.7 Authorised person may mark tyres
- 3.8 No movement of vehicles to avoid time limitation
- 3.9 No parking of vehicles exposed for sale and in other circumstances
- 3.10 Parking on private land
- 3.11 Parking on reserves
- 3.12 Suspension of parking limitations for urgent, essential or official duties

PART 4 – PARKING AND STOPPING GENERALLY

- 4.1 No stopping and no parking signs, and yellow edge lines

PART 5 – STOPPING IN ZONES FOR PARTICULAR VEHICLES

- 5.1 Stopping in a loading zone
- 5.2 Stopping in a taxi zone or a bus zone
- 5.3 Stopping in a mail zone
- 5.4 Other limitations in zones

PART 6 – OTHER PLACES WHERE STOPPING IS RESTRICTED

- 6.1 Stopping in a shared zone
- 6.2 Double parking
- 6.3 Stopping near an obstruction
- 6.4 Stopping on a bridge, causeway, ramp or in a tunnel
- 6.5 Stopping on crests and curves
- 6.6 Stopping near a fire hydrant
- 6.7 Stopping near a bus stop
- 6.8 Stopping on a path, median strip, traffic island, painted island or dividing strip
- 6.9 Stopping on a verge
- 6.10 Obstructing access to a path or driveway
- 6.11 Stopping near a public letter box
- 6.12 Stopping on a carriageway – heavy and long vehicles
- 6.13 Stopping on a carriageway with a bicycle parking sign
- 6.14 Stopping on a carriageway with a motor cycle parking sign

PART 7 – PARKING PERMITS

- 7.1 Permitted persons
- 7.2 ~~Residential~~ Annual parking permits
- 7.3 ~~Residential~~ Annual parking permits not applicable
- 7.4 Permitted exemptions
- 7.5 ~~Residential~~ Annual parking permits to be returned
- 7.6 Revoking ~~residential~~ annual parking permits
- 7.7 Fees for ~~residential~~ annual parking permits

PART 8 – MISCELLANEOUS

- 8.1 Removal of notices on vehicle
- 8.2 Unauthorised signs and defacing signs
- 8.3 Contravention of signs
- 8.4 General provisions about signs
- 8.5 Special purpose and emergency vehicles
- 8.6 Vehicles not to obstruct a public place

PART 9 – PENALTIES

- 9.1 Offences and penalties
- 9.2 Form of notices

SCHEDULE 1 – PARKING REGION

SCHEDULE 2 – PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

PARKING LOCAL LAW 2013

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 16 July 2013 to make the *City of Joondalup Parking Local Law 2013*.

PART 1 - DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the *City of Joondalup Parking Local Law 2013*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of parking within the district.
- (2) The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

1.4 Repeal

The *City of Joondalup Parking Local Law 1998*, published in the *Government Gazette* on 9 November 1998, is repealed.

1.5 Interpretation

In this local law unless the context otherwise requires -

Act means the *Local Government Act 1995*;

Authorised Person means a person authorised in writing by the local government under the Act or this local law to perform any of the functions of an Authorised Person under this local law;

authorised vehicle means a vehicle authorised by the local government under this local law or by any other written law to park on a thoroughfare or parking facility;

bicycle has the meaning given to it by the Code;

bicycle path has the meaning given to it by the Code;

bus has the meaning given to it by the Code;

bus embayment has the meaning given to it by the Code;

Amd GG 136 04.09.15

bus stop has the meaning given to it by the Code;

bus zone has the meaning given to it by the Code;

caravan has the meaning given to it by the *Caravans Parks and Camping Grounds Act 1995*;

carriageway has the meaning given to it by the Code;

centre in relation to a carriageway, means a line or a series of lines, marks or other indications -

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

children's crossing has the meaning given to it by the Code;

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle means -

- (a) a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

Amd
GG 136
04.09.15

district means the district of the local government;

dividing strip has the meaning given to it by the Code;

Amd
GG 117
03.08.18

driver means any person driving or in control of a vehicle;

edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

emergency vehicle has the meaning given to it by the Code;

footpath has the meaning given to it by the Code;

GVM (which stands for 'gross vehicle mass') has the meaning given to it by the Code;

loading zone means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'loading zone';

local government means the City of Joondalup;

local public notice has the meaning given to it in the Act;

mail zone has the meaning given to it by the Code;

median strip has the meaning given to it by the Code;

motorcycle has the meaning given to it by the Code;

motor vehicle means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

no parking area has the meaning given to it by the Code;

no parking sign means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given to it by the Code;

no stopping sign means a sign with the words 'no stopping' or 'no standing' in red letters on a white background or the letter 'S' within a red annulus and a red diagonal line across it on a white background;

occupier has the meaning given to it by the Act;

owner where used in relation to -

- (a) a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under the Road Traffic Act;
- (b) any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) land, has the meaning given to it by the Act;

painted island has the meaning given to it by the Code;

parents with prams sign means a sign indicating a parking stall set aside for the use of the driver of a vehicle who is accompanied by a young child who is being transported in a pram at the time;

park, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of -

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);

parking area has the meaning given to it by the Code;

parking facility includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and includes signs, notices and facilities used in connection with the parking of vehicles;

parking permit means a permit issued by the local government under this local law;

parking region means the area described in Schedule 1;

parking stall means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

Amd GG 117 03.08.18

Amd GG 136 04.09.15

parking station means any land, or structure provided for the purpose of accommodating vehicles;

pedestrian crossing has the meaning given to it by the Code;

permissive parking sign means a parking control sign as defined in the Code and described in Division 7, Part 12 of the Code;

pram means a wheeled conveyance which is designed, constructed and is being used for transporting a young child;

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land -

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

right of way means any lane, passage, thoroughfare or way, whether public or private, over which any person, in addition to the owner, may pass;

Road Traffic Act means the *Road Traffic Act 1974*;

Schedule means a Schedule to this local law;

seniors sign means a sign indicating a parking stall set aside for the use of the driver of a vehicle who is 60 years of age or over;

shared zone has the meaning given to it by the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

stop, in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any written law;

symbol includes any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

tare weight means the weight of a motor vehicle without the addition of the driver, passengers or load of any kind;

taxi means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

taxi zone has the meaning given to it by the Code;

thoroughfare means a road or other thoroughfare and includes a verge, structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from it being a thoroughfare only because it is not open at each end;

traffic island has the meaning given to it by the Code;

trailer means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle or a side car;

vehicle has the meaning given to it by the Code;

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath; and

young child means a child under the age of five years.

1.6 Application of particular definitions

- (1) For the purposes of the application of the definitions 'no parking area' and 'parking area', an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) Unless the context otherwise requires, where a term is used but not defined in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.7 Application and pre-existing signs

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) A sign that -
 - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - (b) relates to the parking of vehicles within the parking region,shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.
- (5) An inscription of a symbol on a sign referred to in subclause (4) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this Local law to operate and have effect as if it related to the parking of vehicles.
- (6) The provisions of Parts (2), (3), (4) and (5) of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.8 Classes of vehicles

For the purposes of this local law, vehicles are divided into classes as follows:

- (a) buses;
- (b) caravans;
- (c) commercial vehicles;
- (d) motorcycles and bicycles;
- (e) taxis;
- (f) trailers; and
- (g) all other vehicles.

1.9 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which -

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the local government

The local government may prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region, but must do so consistently with the provisions of this local law.

1.11 Alternative methods of payment for parking

- (1) Where a person is required to obtain a valid parking permit, ticket or other authorisation under this local law, the local government may authorise a person to pay for the permit, ticket or authorisation, in advance or in arrears by issuing (electronically or otherwise) a permit, invoice, ticket or pass (referred to in this clause as an Alternative Method of Payment).
- (2) A person who has been authorised by the local government to make an Alternative Method of Payment for parking under subclause (1) is exempt from paying fees, if any, providing that he or she complies with the terms of the Alternative Method of Payment.
- (3) An Alternative Method of Payment may not be used by any person other than the person who received authorisation by the local government or from an agent or representative authorised by the local government.

PART 2 - PARKING STALLS, PARKING STATIONS AND PARKING AREAS

2.1 Determination of parking stalls, parking stations and parking areas

- (1) The local government may constitute, determine and vary -
 - (a) parking stalls;
 - (b) parking stations;
 - (c) parking areas;
 - (d) general no parking zones;
 - (e) permitted time and conditions of parking in parking stalls, parking stations and parking areas which may vary within the locality;
 - (f) permitted classes of vehicles which may park in parking stalls, parking stations and parking areas;
 - (g) permitted classes of persons who may park in specified parking stalls, parking stations and parking areas; and
 - (h) the manner of parking in parking stalls, parking stations and parking areas.
- (2) Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.
- (3) Where the local government makes a determination under subclause (1)(d) it shall erect signs at entry points to the general no parking zone indicating the dates and times during which the area is a general no parking zone.

2.2 Vehicles to be within parking stall

- (1) Subject to subclauses (2), (3) and (4), a driver shall not park a vehicle in a parking stall in a thoroughfare otherwise than -
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within a stall; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3), where a parking stall in a thoroughfare, parking station or parking area is set out otherwise than parallel to the kerb, then a driver must park a vehicle wholly within a stall.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the driver parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A driver shall not park a vehicle partly within and partly outside a parking area.

Amd GG 136 04.09.15

2.3 Parking prohibitions and restrictions

- (1) A driver shall not -
 - (a) park a vehicle so as to obstruct an entrance to or an exit from a parking station, or an access way within a parking station;
 - (b) except with the permission of the local government or an Authorised Person, park a vehicle on any part of a parking station contrary to a sign referable to that part; or
 - (c) park or attempt to park a vehicle in a parking stall in which another vehicle is parked.
- (2) Notwithstanding the provisions of subclause (1)(b), a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that -
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) a disabled person to which that disability parking permit relates is either the driver of or a passenger in the vehicle.

2.4 Parking where fees are payable

- (1) A driver shall not park a vehicle, or permit a vehicle to remain parked, in a parking station or parking area, where a permissive parking sign indicates that a fee is payable for parking, unless -
 - (a) the vehicle is parked in compliance with any instructions on or with the sign, meter, ticket or ticket issuing machine;
 - (b) the necessary fee is paid for each parking stall that the vehicle occupies; and
 - (c) on purchasing a ticket for a period of parking, from the ticket machine equipped for issuing a ticket for that area, place the ticket inside the vehicle in a position where the ticket is clearly visible and all details are able to be read by an Authorised Person from outside and from the front of the vehicle at all times while that vehicle remains parked in that parking station or parking area.
- ~~(2) The local government may allow a driver to pay for parking in advance or in arrears by issuing a permit, card, invoice, ticket, pass or any other system of payment that may be determined by the local government from time to time and referred to in this clause as alternative methods of payment in which case -~~
 - ~~(a) a driver who has been permitted by the local government to make alternative methods of payment for parking is exempt from subclause (1)(c) to the extent that the alternative methods of payment may not require the purchase of a ticket from the ticket issuing machine equipped for issuing a ticket for that area and providing that they comply with the terms of the alternative methods of payment; and~~

- ~~(b) an alternative method of payment may not be used by any driver other than the driver who received authorisation from the local government or from an agent or representative authorised by the local government.~~

PART 3 - PARKING GENERALLY

3.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a driver shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station -
- (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is restricted or prohibited by a sign.
- (2) (a) This subclause applies to a driver if -
- (i) the driver's vehicle displays a current disability parking permit; and
 - (ii) a disabled person to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (b) The driver may park a vehicle in a thoroughfare, part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.
- (3) A driver shall not park a vehicle -
- (a) in a no parking area;
 - (b) in a parking area, except in accordance with the signs associated with the parking area and with this local law; or
 - (c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer.
- (4) A driver shall not park a vehicle or permit a vehicle to remain parked in a parking facility controlled by a sign stating 'Authorised Vehicles Only', without -
- (a) a valid parking permit displayed inside the vehicle that is clearly visible to and able to be read by an Authorised Person from outside and from the front of the vehicle at all times while that vehicle remains parked in that parking facility; or
 - (b) prior written permission of the local government, the CEO, or an Authorised Person to park within the area.

3.2 Parking vehicle on a carriageway

- (1) A driver parking a vehicle on a carriageway other than in a parking stall shall park it -
- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (e) so that it does not obstruct any vehicle on the carriageway,
- unless otherwise indicated on a parking regulation sign or markings on the roadway.
- (2) In this clause, 'continuous dividing line' means -
- (a) a single continuous dividing line only;
 - (b) a single continuous dividing line to the left or right of a broken dividing line; or
 - (c) 2 parallel continuous dividing lines.

3.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is -

- (a) adjacent to the boundary of a carriageway, a driver parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a driver parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

3.4 When angle parking applies

- (1) This clause does not apply to -
- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or

- (b) a driver parking a motor cycle without a trailer.
- (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a driver parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

3.5 General prohibitions on parking

Amd GG 136 04.09.15

- (1) (a) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
- (b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (2) Subject to any law relating to intersections with traffic control signals a driver shall not park a vehicle so that any portion of the vehicle is -
 - (a) between any other stationary vehicles and the centre of the carriageway;
 - (b) on or adjacent to a median strip;
 - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
 - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
 - (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
 - (f) on any footpath or pedestrian crossing;
 - (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
 - (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
 - (k) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway intersecting that carriageway on the side on which the vehicle is parked,unless a sign or markings on the carriageway indicate otherwise.
- (3) A driver shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of -

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children's crossing or pedestrian crossing.
- (4) A driver shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of -
- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children's crossing or pedestrian crossing.

3.6 Authorised person may order vehicle on thoroughfare to be moved

A driver shall not park a vehicle on any part of a thoroughfare, parking facility or parking area in contravention of this local law after an Authorised Person has directed the driver to move it.

3.7 Authorised person may mark tyres

- (1) An Authorised Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

3.8 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a driver shall not park or move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility, unless the vehicle has first been removed from the parking facility for at least one hour.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a driver shall not park or move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least one hour.

Amd GG 136 04.09.15

3.9 No parking of vehicles exposed for sale and in other circumstances

A driver shall not park a vehicle on any portion of a thoroughfare or parking facility -

- (a) for the purpose of exposing it for sale or hire;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare or parking facility.

3.10 Parking on private land

- (1) In this clause a reference to 'land' does not include land -
 - (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*;
 - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or
 - (d) which is the subject of an agreement referred to in clause 1.7(2).
- (2) A driver shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a driver shall not park a vehicle on the land otherwise than in accordance with the consent.

3.11 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

3.12 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorised Person may, subject to the Code, permit a driver to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order to carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 4 – PARKING AND STOPPING GENERALLY

4.1 No stopping and no parking signs, and yellow edge lines

- (1) A driver shall not stop a vehicle on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (2) A driver shall not stop a vehicle on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver -
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and

- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.
- (3) In subclause (2) 'unattended', in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.
- (4) A driver shall not stop a vehicle at the side of a carriageway marked with a continuous yellow edge line.

PART 5 – STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

A driver shall not stop a vehicle in a loading zone unless it is a commercial vehicle continuously engaged in the picking up or setting down of goods, which shall not remain in that loading zone for longer than a time indicated on the 'loading zone' sign.

5.2 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop a vehicle in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop a vehicle in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

5.3 Stopping in a mail zone

A driver shall not stop a vehicle in a mail zone unless authorised under a written law.

5.4 Other limitations in zones

A driver shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

PART 6 – OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver shall not stop a vehicle in a shared zone unless -

- (1) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;
- (2) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law; or
- (3) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

6.2 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to -
 - (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

6.3 Stopping near an obstruction

A driver shall not stop a vehicle on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.4 Stopping on a bridge, causeway, ramp or in a tunnel

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless -
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a sign does not prohibit stopping or parking; or
 - (b) the driver stops at a place on a length of carriageway, or in an area to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless -
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a sign does not prohibit stopping or parking; or
 - (b) the vehicle is a bus stopped at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

6.5 Stopping on crests and curves

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop a vehicle on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.6 Stopping near a fire hydrant

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless -
 - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or

- (b) the driver is driving a taxi and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

6.7 Stopping near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop or within 10 metres of the departure side of a bus stop, unless -
 - (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause -
 - (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

6.8 Stopping on a path, median strip, traffic island, painted island or dividing strip

The driver of a vehicle (other than a bicycle) shall not stop so that any portion of the vehicle is on a path, median strip, traffic island, painted island or dividing strip unless the driver stops in an area to which a parking control sign applies and the driver is permitted to stop at that place under this local law..

Amd GG 117 03.08.18

6.9 Stopping on a verge

- (1) A driver shall not stop -
 - (a) a vehicle (other than a bicycle);
 - (b) a commercial vehicle with a tare weight in excess of 2.5 tonnes, or bus, or trailer or caravan attached or unattached to a motor vehicle; or
 - (c) a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the driver if he or she is the owner or occupier of the premises adjacent to that verge or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a vehicle when it is being loaded or unloaded with reasonable expedition with goods or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked (but in any event not for any period exceeding 3 consecutive hours between the hours of 7am and 6pm WAST and not at any other time), provided no obstruction is caused to the passage of any other vehicle or person using a carriageway or path.

Amd GG 136 04.09.15

6.10 Obstructing access to a path or driveway

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path or in a position that obstructs access by other vehicles or pedestrians to that path, unless -
 - (a) the driver is dropping off or picking up passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless -
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

6.11 Stopping near a public letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.12 Stopping on a carriageway – heavy and long vehicles

- (1) A driver shall not park a vehicle or any combination of vehicles that, together with any projection on or load carried by the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes -
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

6.13 Stopping on a carriageway with a bicycle parking sign

A driver shall not stop a vehicle (other than a bicycle) on a length of carriageway to which a 'bicycle' sign applies, unless the driver is dropping off or picking up passengers.

6.14 Stopping on a carriageway with motor cycle parking sign

A driver shall not stop a vehicle on a length of carriageway, or in an area to which a 'motor cycle parking' sign applies, or an area marked 'M/C', unless the vehicle is a motorcycle.

PART 7 – PARKING PERMITS

Amd
GG 136
04.09.15

7.1 Permitted persons

The local government may issue a residential parking permit to a person who is—

- (a) the occupier of a residential dwelling adjoining a carriageway within the parking region; and
- (b) the owner of a vehicle registered under the Road Traffic Act at the address shown on the application for the permit.

7.2 Residential parking permits

A residential parking permit may be issued as—

- (a) an annual permit for a period of not more than twelve months, expiring on 31 December of the year of issue;
- (b) a temporary permit for a period of not more than six months; or
- (c) a visitor's permit.

7.3 Residential parking permits not applicable

A residential parking permit does not apply to areas—

- (a) covered by paid parking, except in an area designated by the local government; or
- (b) where retail premises and time limited parking apply.

7.4 Permitted exemptions

Where the stopping of a vehicle on any part of a carriageway within the parking region is prohibited for more than a specified time, or in a ticket parking zone without a valid parking ticket being displayed within the vehicle, the holder of a residential parking permit issued under clause 7.1 is exempt from such prohibition, but the exemption shall only apply—

- (a) to the part of the carriageway specified in the residential parking permit;
- (b) if the residential parking permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read from outside and from the front of the vehicle;
- (c) if the residential parking permit was validly issued and has not expired; and
- (d) if the residential parking permit holder occupies the premises in respect of which the residential parking permit is issued.

7.5 Residential parking permits to be returned

A residential parking permit holder who ceases to occupy the premises in relation to which the residential parking permit was issued shall remove any residential parking permit displayed in or affixed to the windscreen of any vehicle and return the residential parking permit to the local government.

7.6 ~~Revoking residential parking permits~~

~~The local government may revoke a residential parking permit if the permit holder breaches any of the conditions for its use or the prerequisites for the issue of the residential parking permit no longer apply.~~

7.7 ~~Fees for residential parking permits~~

~~Fees payable for the issue of a residential parking permit shall be determined in accordance with section 6.16 of the Act.~~

PART 7 - PARKING PERMITS

7.1 Permitted persons

The local government may issue an annual parking permit to a person who is -

- (a) the occupier of a premises adjoining a carriageway within the parking region; and
- (b) at the address shown on the application for the permit.

7.2 Annual parking permits

(1) Subject to subclause (2) an annual parking permit may be issued as –

- (a) an annual permit for a period of not more than twelve months, expiring on 31 December on the year of issue; or
- (b) a temporary permit for a period as agreed by the local government.

(2) The local government –

- (a) may issue an annual parking permit to a person in the form prescribed for that purpose; or
- (b) may authorise a person to use an electronic system approved by the local government for the issuing of an annual parking permit, providing that the person complies with the terms of use for the electronic system.

7.3 Annual parking permits not applicable

An annual parking permit does not apply to areas covered by paid parking, except in an area designated by the local government.

7.4 Permitted exemptions

Where the stopping of a vehicle on any part of a carriageway within the parking region is prohibited for more than a specified time, or in a ticket parking zone without a valid parking ticket being displayed within the vehicle, the holder of an annual parking permit issued under clause 7.1 is exempt from such prohibition, but the exemption shall only apply -

- (a) to the part of the carriageway specified in the annual parking permit;
- (b) if the annual parking permit is either -
 - (i) displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read from outside and from the front of the vehicle; or
 - (ii) issued through the electronic system approved by the local government under clause 7.2(2)(b);
- (c) if the annual parking permit was validly issued and has not expired; and
- (d) if the annual parking permit holder occupies the premises in respect of which the annual parking permit is issued.

7.5 Annual parking permits to be returned

An annual parking permit holder who ceases to occupy the premises in relation to which the annual parking permit was issued, shall remove any annual parking permit displayed in or affixed to the windscreen of any vehicle and return the annual parking permit to the local government.

7.6 Revoking annual parking permits

The local government may revoke an annual parking permit if the permit holder breaches any of the conditions for its use or the prerequisites for the issue of the annual parking permit no longer apply.

7.7 Fees for annual parking permits

Fees payable for the issue of an annual parking permit shall be determined in accordance with section 6.16 of the Act.

PART 8 - MISCELLANEOUS

8.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorised Person.

8.2 Unauthorised signs and defacing of signs

A person shall not without the authority of the local government -

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

8.3 Contravention of signs

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

8.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

8.5 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of -

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop or park the vehicle in any place, at any time; and
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop or park the vehicle at any place, at any time.

8.6 Vehicles not to obstruct a public place

- (1) A driver shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction where -
 - (a) the vehicle is parked for any period exceeding 24 hours;
 - (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign; or
 - (c) the vehicle is abandoned, unregistered or disused.

PART 9 - PENALTIES

9.1 Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything, which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

Amd GG 136 04.09.15

- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) A person who does not contest an allegation that he or she committed an offence against this local law may, within the time specified in the notice, pay the modified penalty payable for the particular offence.
- (5) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

9.2 Form of notices

For the purposes of this local law –

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

PARKING LOCAL LAW 2013

SCHEDULE 1

PARKING REGION

The parking region is the whole of the district, but excludes the following portions of the district -

1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
3. any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

PARKING LOCAL LAW 2013

Amd
GG 136
04.09.15

SCHEDULE 2

Amd
GG 117
03.08.18

PRESCRIBED OFFENCES

ITEM NO	CLAUSE NO	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2(1)(b)	Fail to park wholly within parking stall on thoroughfare	80
2	2.2(2)	Fail to park wholly within parking stall in parking station	80
3	2.2(4)	Fail to park wholly within parking area	80
4	2.3(1)(a)	Cause obstruction in parking station	80
5	2.3(1)(b)	Park contrary to sign in parking station	80
6	2.3(1)(c)	Park in a parking stall occupied by another vehicle	80
7	2.4 (1)	Park contrary to requirements where fees are payable and a ticket is required to be displayed	80
8	2.4 (2)	Park contrary to the terms of an alternative method of payment where a ticket is not required to be displayed	80
9	3.1(1)(a)	Park vehicle of a different class	80
10	3.1(1)(b)	Park by persons of a different class	80
11	3.1(1)(c)	Park during restricted or prohibited period	80
12	3.1(3)(a)	Park in a no parking area	80
13	3.1(3)(b)	Park contrary to signs or limitations	80
14	3.1(3)(c)	Park vehicle, other than motorcycle, in motorcycle only area	80
15	3.1(4)	Park without permission in an area designated for 'Authorised Vehicles Only'	80
16	3.2(1)(a)	Park in two way street not parallel to the left side of the carriageway and headed in direction of moving traffic.	80
17	3.2(1)(b)	Park in one way street not parallel to either side of the carriageway and headed in direction of moving traffic	80
18	3.2(1)(c)	Park when distance from farther boundary, continuous line or median strip is less than 3 metres	80
19	3.2(1)(d)	Park closer than 1 metre from another vehicle	80

20	3.2(1)(e)	Cause obstruction on carriageway	80
21	3.3(b)	Fail to park at approximate right angle	80
22	3.4(2)	Fail to park at an appropriate angle	80
23	3.5(2)(a)	Double park (Traffic control intersection)	100
24	3.5(2)(b)	Park on or adjacent to a median strip	80
25	3.5(2)(c)	Obstruct or deny access to private drive or right of way	100
26	3.5(2)(d)	Park alongside or opposite excavation, works, hoarding, scaffolding or obstruction so as to obstruct traffic	80
27	3.5(2)(e)	Park within 10 metres of traffic island	80
28	3.5(2)(f)	Park on footpath/pedestrian crossing	100
29	3.5(2)(g)	Park contrary to continuous line markings	80
30	3.5(2)(h)	Park on intersection	100
31	3.5(2)(i)	Park within 1 metre of fire hydrant or fire plug	80
32	3.5(2)(j)	Park within 3 metres of public letter box	80
33	3.5(2)(k)	Park within 10 metres of intersection	80
34	3.5(3)(a)	Park vehicle within 10 metres of departure side of bus stop	80
35	3.5(3)(b)	Park vehicle within 10 metres of departure side of children's crossing or pedestrian crossing	80
36	3.5(4)(a)	Park vehicle within 20 metres of approach side of bus stop	80
37	3.5(4)(b)	Park vehicle within 20 metres of approach side of children's crossing or pedestrian crossing	80
38	3.6	Park contrary to direction of an Authorised Person	100
39	3.7(2)	Remove mark made by an Authorised Person	80
40	3.8(1)	Park or move vehicle within parking facility to avoid time limitation	80
41	3.8(2)	Park or move vehicle on thoroughfare to avoid time limitation	80
42	3.9(a)	Park for purpose of sale or hire	80
43	3.9(b)	Park unlicensed vehicle	80
44	3.9(c)	Park unattached trailer or caravan	80
45	3.9(d)	Park for purpose of repairs	80

46	3.10(2)	Park on private land without consent of the owner/occupier	100
47	3.10(3)	Park on private land contrary to consent of the owner/occupier	100
48	3.11	Drive or park on reserve	100
49	4.1(1)	Stop contrary to a no stopping sign	100
50	4.1(2)	Park contrary to a no parking sign	80
51	4.1 (4)	Stop contrary to continuous yellow edge line	100
52	5.1	Stop contrary to loading zone requirements	80
53	5.2(1)	Stop contrary to taxi zone requirements	80
54	5.2(2)	Stop contrary to bus zone requirements	80
55	5.3	Stop contrary to mail zone requirements	100
56	5.4	Stop contrary to a sign	80
57	6.1	Stop contrary to shared zone requirements	80
58	6.2	Double park	100
59	6.3	Stop near an obstruction	60
60	6.4	Stop on a bridge, causeway, ramp or in a tunnel	80
61	6.5	Stop on crest or curve	80
62	6.6	Stop near fire hydrant	80
63	6.7	Stop near bus stop	80
64	6.8	Stop on path, median strip, traffic island, painted island or dividing strip	100
65	6.9(1)(c)	Stop on verge contrary to sign	80
66	6.9(2)	Stop on verge contrary to consent	80
67	6.9(3)	Stop on verge in excess of 3 hours	100
68	6.10	Obstruct access to a path or driveway	100
69	6.11	Stop near public letter box	80
70	6.12(1)(a)	Stop heavy or long vehicle on carriageway	80
71	6.12(1)(b)	Stop heavy or long vehicle in truck bay or goods vehicle area	80
72	6.13	Stop in bicycle area	80
73	6.14	Stop other than a motorcycle in motorcycle parking area	80

74	8.6(1)	Park vehicle so as to obstruct a public place	80
75	8.6(2)	Park vehicle in a public place in excess of 24 hours	80
76		All other offences not specified	80

Dated 23 July 2013

The Common Seal of the City of Joondalup)
was affixed by authority of the resolution)
of the Council in the presence of:)

TROY PICKARD
MAYOR

GARRY HUNT
CHIEF EXECUTIVE OFFICER