

agenda

Ordinary Meeting of Council Addendum

NOTICE IS HEREBY GIVEN THAT THE NEXT ORDINARY MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON **TUESDAY 22 AUGUST 2023**

COMMENCING AT **12.00noon**

JAMES PEARSON
Chief Executive Officer
18 August 2023

Acknowledgement of Traditional Custodians

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

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13 REPORTS OF POLICY COMMITTEE - 7 AUGUST 2023

13.1 REVIEW OF VARIOUS LOCAL PLANNING POLICIES (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	106157, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the draft revised *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and the *Light Industry Zone Local Planning Policy* following public advertising.

EXECUTIVE SUMMARY

The City has a suite of local planning policies that provide guidance on a range of planning matters, including specifying development standards and guiding the exercise of discretion.

The *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and the *Light Industry Zone Local Planning Policy* set out the development requirements for non-residential development on land that is zoned 'Commercial', 'Mixed Use' and 'Service Commercial', and 'Light Industry' respectively under the City's *Local Planning Scheme No. 3* (LPS3).

Both policies include development provisions relating to building setbacks, height, built form design, parking standards and access, landscaping, and service arrangements to facilitate development.

A review of the operation of the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and the *Light Industry Zone Local Planning Policy* was undertaken to ensure alignment with current legislation and processes. Amendments to the policies are proposed to align with the City's current policy template and correct legislative clauses, provide for consistency with the Residential Design Codes (R-Codes) in relation to height, include additional parking standards and to address other minor inconsistencies (Attachments 1 and 2 refer).

At its meeting held on 28 March 2023, Council resolved to proceed to advertise the draft revised *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and the *Light Industry Zone Local Planning Policy* for a period of 21 days, subject to modifications. Public consultation concluded on 25 May 2023, with four submissions received, being two objections and two neutral comment-only submissions. No modifications are proposed to either policy.

It is recommended that Council proceeds with the draft revised *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and *Light Industry Zone Local Planning Policy* as advertised.

BACKGROUND

Local planning policies are prepared in accordance with the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015*. While there is no requirement for local planning policies to be reviewed, it is good practice to ensure that the policy framework remains relevant to changes in the planning legislation.

The *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and *Light Industry Zone Local Planning Policy* were created to provide the development provisions which were previously included in the City's former *District Planning Scheme No. 2* (DPS2). Both policies came into effect in October 2018 at the time LPS3 was gazetted.

At its meeting held on 28 March 2023 (CJ045-03/23 refers), Council resolved to proceed to advertise the draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and *Light Industry Zone Local Planning Policy* subject to modifications (Attachments 1 and 2 refer) for a period of 21 days.

DETAILS

The *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* applies only to land within the 'Commercial', 'Mixed Use' and 'Service Commercial' zones and the *Light Industry Zone Local Planning Policy* within the 'Light Industry' zone. Where a development is covered by an activity centre plan, structure plan or precinct structure plan which more appropriately provides detailed guidance aimed at enhancing the character of an area, it will be subject to those provisions to the extent that they apply.

Several amendments are proposed to the policies, including the following:

- Minor format changes to align with the current policy template.
- Updating the statement section to include reference to other local planning policies.
- Aligning the maximum building heights and coastal area building heights with the R-Codes.
- Including an additional parking standard in relation to 'Reception Centre' and 'Restaurant/Café' and an additional parking standard for 'Consulting Rooms', 'Medical Centre' and 'Veterinary Centre'.
- Updating clause references.

Council at its meeting on 28 March 2023 (CJ045-03/23 refers) resolved to proceed with advertising the draft revised policies, subject to modifications. The draft *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* was modified to:

- Separate the building height requirements for R40 and R80 coded lots.
- Provided specific building heights for walls and roof heights.
- Amend the coastal area building height to align with the requirements for the Commercial and Mixed Use R40 category.

The draft *Light Industry Zone Local Planning Policy* was modified to:

- Retain building height as per the current, adopted version of the local planning policy.
- Amend the building height to provide a maximum building height of 7 metres within 6 metres of a common boundary where a lot abuts the 'Residential' zone.

It is noted that this review is only in regard to the current operation of the policies in order to ensure that there are no fundamental issues with the implementation of the policies. A comprehensive review will be undertaken as part of the review of the local planning scheme which is scheduled to commence in the 2023-24 financial year.

Building height

The following amendments to building height are proposed:

Commercial, Mixed Use and Service Commercial Zone Local Planning Policy:

- For 'Commercial R40' and 'Mixed Use R40', increasing the maximum building heights by 1.0 metre.
- For 'Commercial R80' and 'Mixed Use R80', providing an overall building height.

Light Industry Local Planning Policy:

- For lots abutting the Residential zone, increasing the maximum building height by 1.0 metre when within 6 metres of the common boundary.

The amendments proposed will see both policies align with the current height requirements of the R-Codes and will assist in providing consistency with the height provisions of other zones.

A submission was received during community consultation in relation to whether solar panels, where raised from the roof, should be included within the overall building height limits of the policies. The policies include a provision that such structures must be integrated within the overall design so as not to detract from the building itself. Solar panels typically sit parallel to the angle of the roof and where this is the case, are exempt from the need to obtain development approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*. Development applications received for solar panels which are not parallel to the angle of the roof would be assessed with consideration to the relevant height requirements to ensure that they are not visually obtrusive to adjoining and nearby properties. Specific clarification is not considered to be required to ensure that the use of such systems is not unduly discouraged.

Car parking standards

The following amendments to the required number of car parking bays are proposed:

Commercial, Mixed Use and Service Commercial Zone Local Planning Policy:

- For 'Reception Centre' and 'Restaurant/Café', amend the standard to read '1 per 4 people accommodated *or 1 per 5m² of dining room, whichever is greater*' (addition in italics).
- For 'Consulting Rooms', 'Medical Centre' and 'Veterinary Centre', amend the standard to read '5 bays per practitioner *or 5 bays per consulting room, whichever is greater*' (addition in italics).

Light Industry Local Planning Policy:

- For 'Veterinary Centre', amend the standard to read '5 bays per practitioner *or 5 bays per consulting room, whichever is greater*' (addition in italics).

A submission received during consultation queried why the policies did not include provisions around disabled parking and electric vehicle charging bays. It is noted that the requirements around disabled parking are captured under both the *Building Code of Australia* and *Australia/New Zealand Standard AS2890.6 – Off-street parking for people with Disabilities*.

The increasing importance of electric vehicle charging is recognised, however it is noted that the Department of Planning, Lands and Heritage is currently progressing planning reform projects which include standards for the provision of electric vehicle charging facilities as well as a review of car parking requirements in commercial and mixed-use precincts. A detailed review of car parking standards can be undertaken once these guidelines have been formalised and in conjunction with the review of LPS3.

Other submissions

A submission received queried the terminology within the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, specifically in relation to the wording around commercial buildings, the relationship of the policy with *State Planning Policy 4.2 – Activity Centres for Perth and Peel* (SPP4.2), and that the policy should not apply to stand-alone commercial buildings.

The object of the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* is to outline development standards for commercial buildings, whether they be stand-alone buildings or within an activity centre, noting that for some activity centres, a structure plan may apply, and in those instances, the development provisions of the local planning policies are be read in conjunction with the requirements of those structure plans where relevant.

It is also noted that SPP4.2 is a strategic planning document mainly concerned with the distribution, function and land uses of activity centres whereas the policies currently being reviewed provide the development standards for commercial buildings.

A summary of all submissions and the City's comment is included as Attachment 3.

Issues and options considered

Council has the option to either:

- Proceed with the draft revised *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and/or *Light Industry Zone Local Planning Policy*, without further modifications.
- Proceed with the draft revised *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and/or *Light Industry Zone Local Planning Policy*, with further modifications.
- or
- Not proceed with the draft revised *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and/or *Light Industry Zone Local Planning Policy* Minor *Residential Development Local Planning Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Planning Scheme No. 3.*
 Planning and Development (Local Planning Schemes) Regulations
 2015.
 Planning and Development Act 2005.

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-3 Engaged and informed - you are able to actively engage with the
City and have input into decision-making.

Policy *Commercial, Mixed Use and Service Commercial Zone Local*
 Planning Policy.
 Light Industry Zone Local Planning Policy.

Risk management considerations

If the review of the local planning policies is not progressed there will be no specific risk, however not progressing with a review will mean references to outdated legislative clauses will be retained and the policies will not align with other current planning documents.

Financial / budget implications

There would be no cost associated with the notice of final adoption of the policies being placed on the City's website.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The draft revised policies were advertised for a period of 21 days closing on 25 May 2023, by way of the following:

- A notice published in the local newspaper.
- An email to the Community Engagement Network.
- An email to registered resident and ratepayer groups.
- A notice on the City's social media platforms.
- A notice and documents placed on the City's website.

Four submissions were received, comprising two objections and two neutral or comment-only submissions.

A summary of submissions and the City's comment is included as Attachment 3.

COMMENT

While the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and *Light Industry Zone Local Planning Policy* have been working well since adoption it is considered minor changes could be made to improve their operation. The changes recommended are considered to reflect current requirements and improve consistency and clarity.

It is therefore recommended that Council supports the proposed amendments to the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and *Light Industry Zone Local Planning Policy* and proceeds with the policies.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council:

- 1 In accordance with clauses 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PROCEEDS with the revised *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and the *Light Industry Zone Local Planning Policy* as detailed in Attachments 1 and 2 to this Report;
- 2 NOTES that the revised *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* and the *Light Industry Zone Local Planning Policy* will come into effect when published on the City's website.

ATTACHMENTS

1. Commercial mixed use and service commercial LPP [13.1.1 - 10 pages]
2. Light Industry Zone LPP [13.1.2 - 8 pages]
3. Summary of submissions [13.1.3 - 2 pages]

13.2 REVIEW OF VOLUNTEER POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	18107, 101515
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets

PURPOSE

For Council to consider a review of the *Volunteer Policy*.

EXECUTIVE SUMMARY

The *Volunteer Policy* (the Policy) was first endorsed by Council at its meeting held on 27 February 2007 (CJ007-02/07 refers) and reviewed and adopted with minor amendments at the Council meeting held on 18 April 2017 (CJ052-04/17 refers).

The Policy states "Volunteers provide an invaluable contribution to the City of Joondalup community. The City remains committed to effectively managing and recognising the needs of volunteers by applying best practice standards in an innovative and flexible manner."

Through a review of this Policy, the City has found that it is still fit for purpose and there is no reason to change it.

It is therefore recommended that Council:

- 1 *NOTES the outcomes of the review of the Volunteer Policy;*
- 2 *AGREES to retain the Volunteer Policy in its current form as provided in Attachment 1 to this Report.*

BACKGROUND

At its meeting held on 27 February 2007 (CJ007-02/07 refers), Council adopted a *Recognition of Volunteers Policy* following requests from community groups for acknowledgement and funding support to assist with celebrations related to key milestones and achievements.

The *Recognition of Volunteers Policy* was reviewed by the City and presented to the Council for consideration at its meeting held on 18 April 2017 (CJ052-04/17 refers). At this meeting, Council adopted a revision of the policy now titled the *Volunteer Policy* (the Policy).

This revision provided greater clarity on the definition of "volunteer" and "volunteer group", also aligning the City's management of volunteers with the National Standards for Volunteer Involvement published by Volunteering Australia, the peak body for volunteering in Australia.

The Policy states *"Volunteers provide an invaluable contribution to the City of Joondalup community. The City remains committed to effectively managing and recognising the needs of volunteers by applying best practice standards in an innovative and flexible manner."*

The primary outcome of the Policy is to:

- guide the City's management of volunteers
 - guided by the *National Standards for Volunteer Involvement* endorsed by Volunteering Australia; and
 - "to utilise the foundations of best practice as set out by Volunteering Australia to increase the impact of volunteer involvement".
- and
- note that "In order to recognise the significant efforts of volunteers within the community, the City will:
 - conduct volunteer functions where possible, in alignment with best practice recognition events, as well as other local opportunities."

DETAILS

Benefit of Volunteering to the City of Joondalup

The City directly engages approximately 100 volunteers, volunteering approximately 12,000 hours a year to City programs and services, including: Community Transport, Joondalup Libraries, Books on Wheels, RYDE and the Joondalup Volunteer Resource Centre, among others. This equates to an equivalent employee cost of approximately \$450,000.

Beyond this direct benefit, the City also indirectly benefits from the contributions of over 500 "Volunteer Involving Organisations", including community groups, sporting clubs, "Friends of" groups and service providers that utilise community volunteerism to provide programs and services for our community.

The 2021 Census states that 16.1% of the Joondalup population (aged over 15 years of age) self-reported that they undertook some volunteer work in the 12 months prior to the Census. This was a reduction from the 2016 Census of 19.5%, or a loss of 3,481 volunteers.

Review of Volunteer Policy

The City has undertaken a review of the *Volunteer Policy* and has not found any reason to recommend any changes at this time.

The City continues to be guided by the National Standards for Volunteer Involvement to inform its approach to Volunteer management within the City.

The City undertakes a number of activities to recognise the role that volunteers play in supporting the City's service delivery, as well as their broader contribution to our community.

This includes:

- Four volunteer appreciation civic functions each year, rotated between (each group is recognised each alternate year):
 - Sporting Clubs
 - Service Clubs (Lions, Probus)
 - Ratepayer Groups
 - Seniors Groups
 - City of Joondalup Volunteers
 - Surf Clubs
 - Conservation Groups
 - City of Joondalup Library Volunteers
- Team specific volunteer appreciation events:
 - Morning Tea for Library volunteers on International Volunteer Day (5 December)
 - Appreciation dinner for Community Transport volunteers
- Certificates of Appreciation
- Length of Service recognition.

Noting that these activities continue to operate effectively, there is no reason for the Policy to be amended at this time.

The National Standards for Volunteer Involvement

The National Standards for Volunteer Involvement which are referenced within the Policy are a best-practice guide for volunteer participation, and as a means of conducting volunteer programs.

The National Standards list eight standards that are used to inform best-practice volunteer management:

- Leadership and Management.
- Commitment to Volunteer Involvement.
- Volunteer Roles.
- Recruitment and Selection.
- Support and Development.
- Workplace Safety and Wellbeing.
- Volunteer Recognition.
- Quality Management and Continuous Improvement.

The National Standards were first published in 2015 and are currently being reviewed by Volunteering Australia. Feedback from Volunteering Australia has been that refreshed National Standards are expected to be released in late 2023.

Once the new National Standards have been released the City will undertake a further review to assess if changes to the Policy are required.

Issues and options considered

Council may choose to:

- NOTE the outcomes of the review of the Volunteer Policy and AGREE to retain the Volunteer Policy in its current form as provided in Attachment 1 to this Report.
- NOTE the outcomes of the review of the Volunteer Policy and ADOPT the Volunteer Policy, subject to any changes requested.
or
- NOTE the outcomes of the review of the Volunteer Policy and REPEAL the Volunteer Policy as provided in Attachment 1 to this Report.

Legislation / Strategic Community Plan / Policy implications

Legislation *Work Health and Safety Act 2020.*

10-Year Strategic Community Plan

Key theme Community.

Outcome Active and social - you enjoy quality local activities and programs for sport, learning and recreation.

Policy *Volunteer Council Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Current financial year impact

The City spends approximately \$19,000 annually on the recognition / management of volunteers. This includes approximately:

- \$12,000 for civic reception events to recognise volunteers (four a year)
- \$5,000 on team specific volunteer management / recognition events
- \$2,000 for length of service recognition.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City has undertaken a review of the *Volunteer Policy* and the activities undertaken by the City in support, management and recognition of volunteers and found them to be undertaken effectively.

There may be opportunities in the future to better manage volunteers engaged to deliver City services and if required a further review of the Policy may be undertaken.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The original recommendation as presented by City officers to the Committee is as follows:

That Council:

- 1 *NOTES the outcomes of the review of the Volunteer Policy;*
- 2 *AGREES to retain the Volunteer Policy in its current form as provided in Attachment 1 to this Report.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *NOTES the outcomes of the review of the Volunteer Policy;*
- 2 *AGREES to retain the Volunteer Policy in its current form as provided in Attachment 1 to this Report;*
- 3 *REQUESTS a report be presented to a future Policy Committee meeting detailing improvements to the management and support of volunteers.*

RECOMMENDATION

That Council:

- 1 NOTES the outcomes of the review of the Volunteer Policy;**
- 2 AGREES to retain the Volunteer Policy in its current form as provided in Attachment 1 to this Report;**
- 3 REQUESTS a report be presented to a future Policy Committee meeting detailing improvements to the management and support of volunteers.**

ATTACHMENTS

1. Volunteer Council Policy [**13.2.1** - 2 pages]

13.3 REVOCATION OF CASH-IN-LIEU OF CAR PARKING LOCAL PLANNING POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	101515, 72020
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the revocation of the *Cash-in-Lieu of Car Parking Local Planning Policy*.

EXECUTIVE SUMMARY

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) allow local government to prepare, amend and revoke local planning policies relating to planning and development within the scheme area.

The *Cash-in-Lieu of Car Parking Local Planning Policy* (the Policy) supports the cash-in-lieu of car parking provisions in the City's *Local Planning Scheme No. 3* (LPS3) and was last updated in 2018. Since that time, amendments to the LPS Regulations have come into effect which override the existing cash-in-lieu of car parking arrangements in LPS3 and the associated policy. It is therefore proposed that the *Cash-in-Lieu of Car Parking Local Planning Policy* be revoked. The superseded cash-in-lieu of car parking provisions in LPS3 can be removed through a future update to LPS3.

From 1 July 2023, an adopted Payment in Lieu of Parking Plan, prepared in accordance with the LPS Regulations, is required to be in place in order to impose payment in-lieu of parking conditions on a development approval. The City will investigate the preparation of a Payment in Lieu of Parking Plan in accordance with the LPS Regulations.

Given that the LPS Regulations have effectively overridden the *Cash-in-Lieu of Car Parking Local Planning Policy*, it is recommended that Council revoke the policy.

BACKGROUND

The *Cash-in-Lieu of Car Parking Local Planning Policy* (Attachment 1 refers) was adopted by Council at its meeting held in June 1999 (CJ213-06/99 refers) and supports the cash-in-lieu of car parking arrangements in LPS3. The Policy was last updated in February 2018.

Amendments to the LPS Regulations came into effect on 1 July 2021, which introduced provisions related to car parking. As part of these changes, from 1 July 2023, local governments are required to adopt a Payment in Lieu of Parking Plan in order to accept cash-in-lieu of parking where a shortfall in on-site car parking is proposed.

DETAILS

Existing Cash-in-Lieu of Car Parking Arrangements

Clause 32 (1) of LPS3 allows the City to accept a cash payment in lieu of providing any or all required on-site car parking bays for non-residential development. Funds collected by the City must be used to provide parking spaces or transport infrastructure in the vicinity of the proposed development. This can include providing and/or maintaining public parking infrastructure, other transport infrastructure, or ancillary items (such as parking signage).

The *Cash-in-Lieu of Car Parking Local Planning Policy* supports the cash-in-lieu of car parking arrangements in LPS3, providing guidance on when a shortfall of car parking may be considered and how the fee for cash-in-lieu is calculated. The Policy applies to all non-residential development in the City, with the exception of the Joondalup Activity Centre (as defined in the Joondalup Activity Centre Plan).

The last payment made to the City in lieu of the provision of on-site car parking was in 2016, in relation to a development on Chesapeake Way, Currambine.

Payment in Lieu of Parking Plan

From 1 July 2023, the existing LPS3 provisions which set out requirements for cash-in-lieu of parking have been superseded by Part 9A of the LPS Regulations which prohibit imposition of conditions on a development approval unless an adopted Payment in Lieu of Parking Plan is in place.

The purpose of a Payment in Lieu of Parking Plan is to provide a statutory framework to guide cash-in-lieu payments for car parking. As per the LPS Regulations and the supporting guidelines prepared by the Department of Planning, Lands and Heritage (DPLH), a Payment in Lieu of Parking Plan:

- Can only apply to non-residential development.
- Does not require referral to, or approval from, the Western Australian Planning Commission (WAPC).
- Must be advertised for public comment prior to adoption.
- May apply to the entire local planning scheme area, one specific area (for example, one activity centre), or multiple individual areas (for example multiple activity centres).
- Must set out the purposes for which the payment in lieu will be applied, including public parking infrastructure, other transport infrastructure, or ancillary/incidental purposes.
- Must include a reasonable estimate of costs for the identified infrastructure.
- Should have a sound strategic and financial basis.

Updating the City's Local Planning Framework

The cash-in-lieu of car parking provisions contained within LPS3 and the supporting *Cash-in-Lieu of Car Parking Local Planning Policy*, automatically ceased to have effect from 1 July 2023, being replaced by the provisions in the LPS Regulations. The following changes to the City's local planning framework are therefore recommended:

- Amendment to LPS3 to remove the cash-in-lieu of parking provisions contained within Clause 32 (1), which can be included in the next omnibus amendment to LPS3.
- Revocation of the *Cash-in-Lieu of Car Parking Local Planning Policy*, which is the subject of this report.

From 1 July 2023, cash-in-lieu of parking arrangements need to align with Schedule 2, Part 9A of the LPS Regulations, and the City is required to have an adopted Payment in Lieu of Parking Plan in place in order to impose payment in lieu of parking conditions on a development approval.

The DPLH guidelines outline that, in addition to adopting a Payment in Lieu of Parking Plan, the City may prepare a local planning policy to guide how it will consider variations to on-site parking requirements, and how payment in lieu is to be considered and applied to individual developments.

The City will investigate the preparation of a Payment in Lieu of Parking Plan in accordance with the LPS Regulations. Through these investigations, it will be required to establish the link between a cash-in-lieu payment and the need for parking and/or other infrastructure which would be included in the Payment in Lieu of Parking Plan. Where this link cannot be demonstrated through the City's existing strategic and financial framework, a bespoke needs analysis for the identified infrastructure would need to be undertaken. It is noted that the City is currently preparing an Integrated Transport Strategy, which will review the management of parking within the City. The Integrated Transport Strategy is tentatively scheduled for completion in mid-2024 and will assist in the preparation of the Payment in Lieu of Parking Plan.

Issues and options considered

Council can either:

- support the revocation of the *Cash-in-Lieu of Car Parking Local Planning Policy* or
- not support the revocation of the *Cash-in-Lieu of Car Parking Local Planning Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3.
Planning and Development (Local Planning Schemes) Regulations
2015.*

10-Year Strategic Community Plan

Key theme 3. Place.

Outcome 3-1 Connected and convenient - you have access to a range of interconnected transport options.
3-4 Functional and accessible - you have access to quality community facilities that are functional and adaptable.

Policy *Cash-in-Lieu of Car Parking Local Planning Policy.*

Risk management considerations

Not progressing with the revocation of the *Cash-in-Lieu of Car Parking Local Planning Policy* would mean references to superseded cash-in-lieu of parking arrangements within the policy would be retained.

Financial / budget implications

The *Cash-in-Lieu of Car Parking Local Planning Policy* can be revoked by placing a notice on the City's website, which would be at no cost to the City.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

There is no requirement under the City's *Planning Consultation Local Planning Policy* or the LPS Regulations for the revocation of local planning policies to be advertised for public comment.

COMMENT

The cash-in-lieu of car parking provisions in LPS3 and the supporting *Cash-in-Lieu of Car Parking Local Planning Policy* automatically ceased to have effect from 1 July 2023. From this date, cash-in-lieu of parking arrangements need to align with the provisions in the LPS Regulations, and the City is required to have an adopted Payment in Lieu of Parking Plan in place in order to impose payment in lieu of parking conditions on a development approval.

It is recommended that Council revoke the superseded *Cash-in-Lieu of Car Parking Local Planning Policy*.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council:

- 1 In accordance with Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* REVOKES the *Cash-in-Lieu of Car Parking Local Planning Policy*;
- 2 NOTES that the revocation of the *Cash in Lieu of Car Parking Local Planning Policy* will come into effect when a notice of revocation is published on the City's website.

ATTACHMENTS

1. Cash in Lieu of Car Parking Local Planning Policy [13.3.1 - 3 pages]

13.4 REVIEW OF DEDICATED CAR PARKING FOR SENIORS AND PARENTS WITH PRAMS AND COUNCIL POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	101515, 04378
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the proposal to repeal the *Dedicated Car Parking for Seniors and Parents with Prams Policy*.

EXECUTIVE SUMMARY

The *Dedicated Car Parking for Seniors and Parents with Prams Policy* (the Policy) was first endorsed by Council at its meeting held on 14 December 2010 (CJ220-12/10 refers) and reviewed and adopted with minor amendments at the Council meeting held on 18 February 2018 (CJ027-02/18 refers).

The Policy seeks to support “the establishment of dedicated parking bays for seniors and parents with prams at City of Joondalup facilities and on non-residential privately-owned land”.

Through a review of this Policy, the City has found that it has not influenced the provision of additional dedicated car parking bays, and that there is limited statutory weight to enable any enforcement by the City.

It is also noted that the aspiration for additional bays is covered within the City’s *Age-Friendly Plan* and the requirement for ACROD bays remains enshrined within legislation, unaffected by this Policy.

It is therefore recommended that Council REPEALS the *Dedicated Car Parking for Seniors and Parents with Prams Policy*.

BACKGROUND

At its meeting held on 29 September 2009, the Policy Committee requested a report in relation to dual use car parking bays that can be utilised exclusively by both seniors and parents with prams.

The Council subsequently considered this report and adopted a *Dedicated Car Parking for Seniors and Parents with Prams Policy* at its meeting held on 14 December 2010 (CJ220-12/10 refers).

The *Dedicated Car Parking for Seniors and Parents with Prams Policy* was reviewed and adopted with minor amendments at the Council meeting held on 18 February 2018 (CJ027-02/18 refers).

DETAILS

Review of Dedicated Car Parking for Seniors and Parents with Prams Policy

There are two elements to the Policy;

- 1 the aspirational commitment of the City and private landowners to include the provision of dedicated bays for the exclusive use of seniors and parents with prams
- 2 the opportunity for enforcement of the use of these dedicated bays.

In regard to the provision of dedicated bays, other than at the Craigie Leisure Centre, the City is not aware of any instance where the provision of dedicated seniors or parent with pram bays have been deemed required and / or included within the parking provision at a City facility.

The Craigie Leisure Centre has 11 dedicated car parking bays for parents with prams and ten senior's bays.

While many of these have been available since before the Policy was first introduced in 2010, the recent works at Craigie Leisure Centre have increased the number of bays for parents from six to 11.

This increase in provision at the Craigie Leisure Centre was completed due to a request from the Leisure Centre management team in response to their customer needs, although it is noted that the outcome meets the policy's intent.

In regard to the enforcement of the dedicated bays, the City has not been required to respond to any complaints of inappropriate use of the dedicated bays available at City or private facilities.

There are also several constraints that would limit the ability for the City to enforce the appropriate use of the dedicated bays:

- Proof of eligibility
 - As there is no "permit" or other visual indication of eligibility for the use of the bay (unlike an ACROD permit for the use of an ACROD bay) officers would need to adequately identify the vehicle owner in person and that they are ineligible to use that bay. All of which would be not only time-consuming, but potentially subject to legal dispute.
- Authorisation to enforce
 - The City can only issue infringements for parking in areas where it is authorised to do so. While this could be achieved on all City managed land, on private land, the City would only do so where it has entered into an agreement with the landowner to provide parking enforcement services.

Age-Friendly Plan

The City's Age-Friendly Plan does not reference the *Dedicated Car Parking for Seniors and Parents with Prams Policy*; however, it does include within its actions:

"2.3 – Encourage suitable parking options for older adults."

This is done upon request, or where an opportunity is presented as a result of a facility redevelopment or upgrade.

This action stands alone from the Policy.

Current car parking requirements and obligations

The City has two local planning policies which set out parking requirements for non-residential land uses, being the *Commercial and Mixed Use Zone Local Planning Policy* and the *Service Industrial Zone Local Planning Policy*. These policies do not include requirements that a percentage of these bays be set aside for specific user groups such as seniors, people with disabilities and parents with prams.

Parking requirements for people with disabilities within non-residential developments are set out in the Building Code of Australia (BCA) and the Australian Standard for off-street car parking (AS/NZS 2890.6 – 2009) (the Australian Standard). Bays set aside for people with disabilities fall within the overall parking requirement set by the above local planning policies.

The City currently provides parking for persons with disabilities at all of its facilities in accordance with the requirements of the BCA and the relevant Australian Standard. The City also requires that all private developments comply with these requirements through the planning and building approval processes.

There is no legislative requirement to set aside parking for any other purpose, including for seniors or parents with prams. Such parking is provided at the operator's discretion to meet their customers' needs. The correct usage of the bays is reliant on all customers being considerate and using the restricted bays only if they meet the relevant criteria.

As the City has not identified a direct need for the aspirational elements of the increased provision of dedicated car parking bays, nor a strong ability to enforce the parking within these bays, it is recommended that the *Dedicated Car Parking for Seniors and Parents with Prams Policy* is repealed.

Issues and options considered

Council may choose to:

- repeal the *Dedicated Car Parking for Seniors and Parents with Prams Policy*
- request the City to amend the *Dedicated Car Parking for Seniors and Parents with Prams Policy*
or
- adopt the *Dedicated Car Parking for Seniors and Parents with Prams Policy* without change.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme 1. Community.

Outcome 1-2 Inclusive and connected - you enjoy local services and programs that cater for different ages, abilities and backgrounds.

Policy *Dedicated Car Parking for Seniors and Parents with Prams Council Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

While the City is recommending that the *Dedicated Car Parking for Seniors and Parents with Prams Policy* is repealed, the City does not foresee an issue should Council choose to retain it, noting that it is not expected to result in any significant change to current, or future service delivery or provision.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council REPEALS the *Dedicated Car Parking for Seniors and Parents with Prams Policy*, provided as Attachment 1 to this Report.

ATTACHMENTS

1. Dedicated Car Parking for Seniors and Parents with Prams Council Policy [**13.4.1** - 2 pages]

13.5 DRAFT OPERATIONAL POLICY 2.3: PLANNING FOR PUBLIC OPEN SPACE - CITY OF JOONDALUP SUBMISSION (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	106771, 101515
AUTHORITY / DISCRETION	Advocacy - Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

PURPOSE

For Council to consider and endorse the City of Joondalup submission on the Western Australian Planning Commission's draft *Operational Policy 2.3: Planning for Public Open Space*.

EXECUTIVE SUMMARY

The Western Australian Planning Commission (WAPC), through the Department of Planning, Lands and Heritage (DPLH), is seeking comment on the draft *Operational Policy 2.3: Planning for Public Open Space*.

The draft policy will replace *Development Control Policy 2.3 – Public Open Space in Residential Areas* and outlines that all forms of subdivision can be subject to either a land or cash-in-lieu contribution for public open space and sets out the methods for calculating the contribution. It is intended that contributions to public open space will continue to be assessed and required through the subdivision process.

The main change from the current requirements is clarification that smaller lot subdivisions in infill areas (such as the City's Housing Opportunity Areas) will be required to contribute to public open space. This contribution will typically be a monetary contribution (cash-in-lieu) that can be used by the local government to improve existing public open space or purchase land to be used for public open space, subject to certain criteria. For infill areas, the draft policy sets out a default contribution amount of 5% of the land value, with some further reductions possible where only one lot is created or for mixed use and apartment developments.

As infill areas are redeveloped and the population in these areas increases, improvements within existing public open space may be needed to respond to increasing demand. This is already identified in the City's Capital Works Program, and if the draft policy is implemented, cash-in-lieu contributions could assist in funding these improvements. However, requiring a contribution could also have a consequential impact on housing affordability or see lots being underdeveloped to avoid making a contribution.

It is considered that further amendments and consideration is needed to the draft policy to ensure that its implementation is practical and equitable. This includes amendments to the *Planning and Development Act 2005* to allow cash-in-lieu contributions to apply to two lot subdivisions, considering changes to how the contribution amount is calculated for smaller lot subdivisions, and reducing the administrative impact on local government.

It is therefore recommended that Council endorses Attachment 3 of this report as the City of Joondalup submission and forwards the submission to the DPLH.

BACKGROUND

The draft *Operational Policy 2.3: Planning for Public Open Space* was released for public comment on 9 June 2023 and will replace *Development Control Policy 2.3 – Public Open Space in Residential Areas*.

Under the current policy, at least 10% of a new residential area is required to be set aside as public open space. This is either through providing land for public open space or making a cash-in-lieu contribution towards the cost of purchasing land for public open space or to improve existing facilities. There are different requirements for smaller subdivisions creating five lots or less in established areas previously subdivided, and for mixed use sites. In practice, smaller subdivisions and mixed-use developments in established areas will normally not contribute towards public open space.

DETAILS

The draft *Operational Policy 2.3: Planning for Public Open Space* and Frequently Asked Questions released as part of the consultation are available at Attachments 1 and 2 respectively.

The current policy position of seeking at least 10% of residential areas to be set aside as public open space in greenfield (for example, Burns Beach and Iluka) or brownfield subdivisions (for example, old school sites converted to residential development) is unchanged.

Infill subdivision

The key change from the current requirements is clarification on public open space contributions for smaller lot subdivisions in established areas, known as infill areas. For the purposes of the draft policy, infill areas are the redevelopment of established urban areas at a higher density than currently exists (for example, the City's Housing Opportunity Areas).

Under the draft policy a default contribution rate of 5% of the gross subdivisible area will apply to infill subdivisions, reduced to 2.5% where only one additional lot is created (for example re-subdividing two lots into three lots). For a property with a market value of \$500,000, the cash-in-lieu contribution amount would be between \$12,500 if one additional lot is created, otherwise \$25,000 if more than one lot is created. Other calculation methods and reductions may be applied to mixed use or apartment developments.

Under the *Planning and Development Act 2005*, a cash-in-lieu payment cannot be required for two lot subdivisions (where one lot is split in two) and this is not proposed to change under the draft policy. Within the City, most new infill lots are created through two lot subdivisions and therefore would be exempt from requiring a public open space contribution. Between 1 July 2022 and 15 June 2023, subdivision approvals issued by the WAPC in the City's Housing Opportunity Areas included 44 new 'infill' lots created through two lot subdivisions (44 applications) and 17 new lots created through 3+ lot subdivisions (8 applications). This is not necessarily reflective of the number of new lots created as developers may not have acted on the approval and progressed to getting clearance of conditions and the new lots created. However, it indicates that most subdivision approvals issued in the Housing Opportunity Areas would have been exempt from a public open space contribution.

As infill areas are redeveloped and the population in these areas increases, improvements to public open space may be needed to respond to increasing demand, noting this is already identified in the City's Capital Works Program. Should the policy come into effect, any funds received through a cash-in-lieu contribution could help fund these improvements. However, requiring developers to pay a cash-in-lieu contribution could have a consequential impact on housing affordability, with the cost being added into the sale price of new lots. Also, as two lot subdivisions are still proposed to be exempt from paying cash-in-lieu contributions, this could also see lots being underdeveloped to avoid paying a contribution (for example, splitting one lot into two, rather than three) with the consequent impact to the ability to deliver on housing targets.

Use of funds received

For subdivisions of more than two lots, the amount of contribution is dependent on the scale of subdivision and will typically be in the form of a monetary contribution (cash-in-lieu). The monetary amount is to be based on the market value of the original lot from which the subdivision occurs, with the local government responsible for obtaining a valuation of the land from the Valuer General's Office or a licensed valuer, at the applicant's expense.

Where the contribution is being provided as a cash-in-lieu payment, those funds would be paid into a reserve account and used for purposes such as the purchase of land for public open space, or the improvement to, or development of, existing public open space. Funds would need to be spent within the suburb or adjoining suburb of where it has been collected and requests to use funds must be submitted to the WAPC for Ministerial consideration. Contributions would not normally be acceptable for indoor or enclosed recreation facilities where usage fees are charged, or for maintenance or infrastructure upgrades unrelated to community public open space needs.

Submission

The City of Joondalup draft submission is provided in Attachment 3 and has been prepared using the consultation form provided by the DPLH. It is considered that if implemented, a number of amendments and further consideration is needed to ensure that it is practical and equitable:

- Maintaining the exemption for two lot subdivisions is inequitable, as these also increase the demand for public open space in infill areas. It is noted that most new lots created in the City's infill areas result from two lot subdivisions.
- Maintaining the exemption for two lot subdivisions could result in subdivisions being undertaken in stages or lots being underdeveloped to avoid having to make a contribution, impacting on being able to meet infill targets.
- The amount of contribution would need to consider the impact on housing affordability.
- Requiring the local government to seek valuations on behalf of a subdivider is administratively cumbersome and the applicant should be responsible for obtaining the valuation. The increase in valuations being sought is also likely to delay the overall subdivision process.
- The alternative approach of having a set monetary amount for a cash-in-lieu contribution (rather than being based on the value of the land) may be more appropriate for smaller subdivisions, particularly when local governments do not have to purchase land for public open space. This would also provide certainty to developers on what the contribution will be.

- Allowing mixed use or apartment developments to reduce the contribution amount by providing publicly accessible open space within their site is not practical. It is likely that the open space will still have the impression of not being fully available to the public and would require on-going monitoring by the local government to ensure that it is maintained in the manner intended.
- The draft policy should set out that cash-in-lieu funds should be spent within a reasonable timeframe. Setting an indicative timeframe of five years within the draft policy sets an expectation that may not be feasible depending on the amount of funds collected for a suburb and the nature of improvements or amount of land being purchased.
- The use of funds should extend to areas outside public open space, such as adjacent streetscapes and improving accessibility to the public open space.
- The process of seeking Ministerial approval for expending funds needs to be simplified, with templates provided.

Issues and options considered

Council may choose to:

- endorse the draft submission and forward to the DPLH
- endorse the draft submission with modifications and forward to the DPLH
or
- not ensure the draft submission and provide no submission.

Legislation / Strategic Community Plan / Policy implications

Legislation *Planning and Development Act 2005.*
 Planning and Development (Local Planning Schemes) Regulations
 2015.

10-Year Strategic Community Plan

Key theme 3.Place.

5. Leadership

Outcome 3-3 Attractive and leafy - you have access to quality public open spaces and enjoy appealing streetscapes.
5-2 Proactive and represented- you are confident that the City is advocating on your behalf for initiatives that benefit the community.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implications

Should the draft policy come into effect as proposed, the City will receive cash-in-lieu contributions that can be used to fund improvements to public open space, subject to certain criteria. The use of funds would be considered as part of the budget process.

Regional significance

The draft operational policy would apply across the Western Australian planning system.

Sustainability implications

Cash-in-lieu funds will help improve the quality of public open spaces for the community.

Consultation

The public consultation on the draft *Operational Policy 2.3: Planning for Public Open Space* commenced on 9 June 2023 and closes on 25 August 2023.

COMMENT

As infill areas are redeveloped and the population in these areas increases, improvements to public open space may be needed to respond to increasing demand. Under the draft policy, cash-in-lieu contributions could assist in funding these public open space improvements, subject to meeting certain criteria. The City's submission outlines amendments and considerations to ensure that the implementation of the draft policy is practical and equitable. This includes amendments to the *Planning and Development Act 2005* to allow cash-in-lieu contributions to apply to two lot subdivisions, considering changes to how the contribution amount is calculated for smaller lot subdivisions, and reducing the administrative impact on local government.

It is therefore recommended that Council endorses Attachment 3 as the City of Joondalup's submission.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council ENDORSES the City of Joondalup submission on the draft *Operational Policy 2.3: Planning for Public Open Space* shown as Attachment 3 to this Report and FORWARDS the submission to the Department Planning, Lands and Heritage.

ATTACHMENTS

1. Draft Operational Policy 2.3 Planning for Public Open Space [13.5.1 - 12 pages]
2. Draft Operational Policy 2.3 Planning for Public Open Space FAQs [13.5.2 - 6 pages]
3. City of Joondalup draft submission [13.5.3 - 5 pages]

13.6 PROPOSED AMENDMENTS TO THE BURNS BEACH LOCAL DEVELOPMENT PLAN (WARD - NORTH)

WARD	North
RESPONSIBLE DIRECTOR	Mr Chris Leigh Director Planning and Community Development
FILE NUMBER	29557, 101515
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to consider proposed amendments to the *Burns Beach Local Development Plan*.

EXECUTIVE SUMMARY

The City has received an application for proposed amendments to the *Burns Beach Local Development Plan* (Burns Beach LDP), prepared by CDP Town Planning and Urban Design (planning consultants) on behalf of Peet Funds Management Pty Ltd (property owners). The Burns Beach LDP comprises the 'Northern Residential Precinct' as identified in the *Burns Beach Structure Plan*.

The Burns Beach LDP was originally approved by Council at its meeting held on 20 July 2021 (CJ094-07/21 refers), subject to modifications. The LDP contains provisions relating to open space and outdoor living areas, street surveillance, building height, street walls and fences, site works, vehicular access, building setbacks, privacy and solar access.

On 14 June 2023, subdivision approval was granted by the Western Australian Planning Commission (WAPC) which modified the configuration and density code for 20 lots within the northernmost portion of the Burns Beach LDP area. As a condition of this subdivision approval, the Burns Beach LDP is required to be amended to reflect these changes. The proposed amendments to the Burns Beach LDP align with this subdivision condition.

The proposed amendments to the Burns Beach LDP have not been advertised for public comment as the only amendments proposed are those required to align with the recent subdivision approval. It is also noted that the northern part of the precinct which is subject to the proposed LDP amendment is currently undeveloped.

It is therefore recommended that Council approves the proposed amendments to the Burns Beach Local Development Plan.

BACKGROUND

Suburb/Location	Lot 9033 (1511) Marmion Avenue, Burns Beach.
Applicant	CDP Town Planning and Urban Design.
Owner	Peet Funds Management Pty Ltd.
Zoning	Urban Development.
LPS	Urban.
MRS	Urban.
Site area	25.56 ha.
Structure plan	Burns Beach Structure Plan.

The Burns Beach LDP comprises the entire 'Northern Residential Precinct' of the *Burns Beach Structure Plan*. This area is located north of Burleigh Drive, south of the Parks and Recreation Reserve, west of Marmion Avenue and east of the Indian Ocean (Attachment 1 refers).

The Burns Beach LDP was originally approved by Council at its meeting held on 20 July 2021 (CJ094-07/21 refers) Attachment 2 refers. The Burns Beach LDP includes provisions which replace and augment the provisions of the Residential Design Codes (R-Codes) Volume 1 including provisions relating to open space and outdoor living areas, street surveillance, building height, street walls and fences, site works, vehicular access, building setbacks, privacy and solar access.

Subdivision approval has been granted by the WAPC for the whole Burns Beach LDP area. Construction of dwellings has commenced within the southern portion of the LDP area, however lots have not yet been created for the northern portion, being approximately 17 hectares in size.

On 14 June 2023, subdivision approval was granted by the WAPC for the reconfiguration of 20 lots within the northern portion of the Burns Beach LDP area. These lots were subject to a previous subdivision approval which consisted of lots with vehicle access via a rear laneway and a residential density code of R60. This lot layout and density coding is reflected in the approved Burns Beach LDP. The approved reconfiguration of the lots removes the rear lane with vehicle access now from the primary street. A condition of WAPC subdivision approval requires that the Burns Beach LDP be amended to reflect the new lot layout and a density code of R40.

DETAILS

The proposed amendments to the Burns Beach LDP (Attachment 3 refers) have been prepared and submitted by CDP Town Planning and Urban Design (planning consultants) on behalf of Peet Funds Management Pty Ltd (property owners). The key differences between the approved Burns Beach LDP and the proposed amended LDP are:

- Reconfiguration of 20 lots from rear-loaded (laneway) lots to conventional lots with vehicle access from the primary street (no additional lots are proposed Attachment 4 refers)
- Recoding the 20 lots from R60 to R40
- Removal of the R60 development provisions from the LDP.

It is noted that as the 20 lots subject to WAPC approval were the only R60 coded lots within the Burns Beach LDP, the R60 provisions are proposed to be removed from the LDP. These lots will now be subject to the R40 provisions of the LDP.

As the proposed amendments to the Burns Beach LDP align with the condition of subdivision approval issued by the WAPC, it is considered that that the proposed amendments are acceptable.

Issues and options considered

The options available to Council in considering the amendments to the Burns beach LDP are to:

- approve the proposed amendments to the Burns Beach LDP as submitted
- require the applicant who prepared the Burns Beach LDP to:
 - modify the plan in the manner specified by the local government
 - resubmit the modified plan to the local governmentor
- refuse to approve the proposed amendments to the Burns Beach LDP.

The proposed amendments do not require approval from the WAPC.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3.
Planning and Development (Local Planning Schemes) Regulations
2015.*

10-Year Strategic Community Plan

Key theme 3. Place.

Outcome 3-2 Well-planned and adaptable - you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

Policy Not applicable.

Planning and Development (Local Planning Schemes) Regulations 2015.

Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) outlines the process for determining and amending local development plans.

Once the local government has accepted a local development plan (or amendment) for assessment, the local government must advertise the LDP within 28 days for a minimum of 14 days. It is noted that the City's *Planning Consultation Local Planning Policy* requires an LDP to be advertised for 21 days.

The local government may determine not to advertise a proposed amendment to a local development plan for public comment, if, in the opinion of the local government, the amendment is of a minor nature.

When an area is covered by an approved local development plan, the local government must have due regard to, but is not bound by, the local development plan when deciding an application for development approval.

Planning Bulletin 114/2023

The WAPC's Planning Bulletin 114/2023 provides advice on the relationship of the R-Codes with pre-existing local planning frameworks, including local development plans, following the introduction of amendments to the R-Codes on 1 September 2023 to introduce provisions for medium density development.

The Planning Bulletin states that existing approved local development plans will remain valid until its expiry date, however the validity period should not be extended. In this instance, the Burns Beach LDP will remain valid until 5 August 2031, being 10 years from the original approval date.

Risk management considerations

Not progressing with the proposed amendments to the Burns Beach LDP would mean that the current LDP would continue to apply which does not align with the subdivision approval issued by the WAPC in June 2023.

The applicant has the right of appeal through the *State Administrative Tribunal Act 2004* should Council refuse the proposed amendments to the Burns Beach LDP or approve modifications that the applicant does not support. The same appeal rights also apply in the event that Council does not determine the Burns Beach LDP within 60 days from acceptance of the application, or a longer period agreed with the applicant.

Financial / budget implications

The applicant has paid a fee of \$2,441 (excluding GST) for the assessment of the proposed amendments to the Burns Beach LDP.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

In accordance with the requirements of the LPS Regulations and the City's *Planning Consultation Local Planning Policy*, the original Burns Beach LDP was advertised for public comments for a period of 21 days concluding on 12 May 2021, by way of:

- letters to residents within 200 metres of the 'Northern Residential Precinct'
- a letter to the Burns Beach Residents Association
- a notice placed on the City's website.

A total of 46 submissions were received, comprising 40 objections, three submissions of support and three submissions that provided comments on the proposal. These submissions were addressed when the LDP was considered at the Council meeting held on 20 July 2021 (CJ094-07/21 refers).

In accordance with the City's *Planning Consultation Local Planning Policy*, the City may determine not to advertise a proposed amendment to a local development plan for public comment, if, in the opinion of the City, the amendment is of a minor nature. This includes correction of typographical and formatting errors, updates to legislation references and similar but does not include an amendment to development provisions or standards.

The proposed amendments to the Burns Beach LDP are not proposed to be advertised for public comment on the basis that the changes are required to align with subdivision approval issued by the WAPC and are therefore considered minor in nature in accordance with the City's *Planning Consultation Local Planning Policy*. Furthermore, the proposed changes reflect the density coding and lot configuration throughout the majority of the Burns Beach LDP area and are therefore not considered to have an adverse impact on any future surrounding residential properties. It is also noted that the northern part of the precinct which is subject to the proposed LDP amendment is currently undeveloped.

COMMENT

The Burns Beach LDP is proposed to be amended to align with recent WAPC subdivision approval relating to the reconfiguration and change in density coding for 20 lots in the northernmost portion of the LDP area.

It is therefore recommended that Council approves the proposed amendments to the Burns Beach LDP.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council pursuant to clause 52 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the amended Burns Beach Local Development Plan as outlined in Attachment 3 to this Report.

ATTACHMENTS

1. Location Plan [**13.6.1** - 1 page]
2. Approved Burns Beach Local Development Plan [**13.6.2** - 3 pages]
3. Amended Burns Beach Local Development Plan [**13.6.3** - 3 pages]
4. Burns Beach Local Development Plan - Approved and Amendment Comparison Plan [**13.6.4** - 1 page]

13.7 PROPOSED PARKING LOCAL LAW 2023 - CONSENT TO ADVERTISE (WARD - ALL)

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

PURPOSE

For Council to make the proposed City of Joondalup Parking Local Law 2023 for the purpose of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 16 February 2021 (CJ006-02/21 and Attachment 1 refers), Council received a report on the statutory review of its local laws, and resolved, in part, that amendments were required to the *City of Joondalup Parking Local Law 2013*.

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

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

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

1.2 AMENDS clause 10.6(2) of the City of Joondalup Local Government and Public Property Local Law 2014, to read:

"10.6 Retailer to remove abandoned trolley

(2) A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1)."

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

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

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

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

It is therefore recommended that Council:

- 1 BY AN ABSOLUTE MAJORITY MAKES the proposed City of Joondalup Parking Local Law 2023, as detailed in Attachment 6 to this Report, for the purposes of public advertising;*
- 2 in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*
 - 2.1 the City of Joondalup proposes to make the City of Joondalup Parking Local Law 2023, and a summary of its purpose and effect is as follows:*

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

Effect: The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.
 - 2.2 copies of the proposed local law may be inspected at or obtained from the City’s Administration office, public Libraries or the City’s website;*
 - 2.3 submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*
- 3 in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;*
- 4 in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*
- 5 the results of the public consultation be presented to Council for consideration of any submissions received.*

BACKGROUND

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

Section 3.16 of the Act requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended and involves a public consultation period.

At its meeting held on 16 February 2021 (CJ006-02/21 and Attachment 1 refer), Council received a report on its most recent statutory review of its local laws, and in view of the information presented, resolved that amendments were required to the *City of Joondalup Parking Local Law 2013*.

DETAILS

The *City of Joondalup Parking Local Law 2013* provides for the regulation, control and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations, and was last amended in 2018.

The City is currently investigating fee payment and permit technology that could see over 4,000 parking permits replaced with an electronic system and in view of this some aspects of the Parking Local Law need amending to cater for such technology being used.

In addition to this, a number of other issues were identified which have made implementation of the Parking Local Law difficult for Authorised Officers. These included a lack of definitions, as well as ambiguous restrictions and prescribed offences which were constraining Officers into using more general offences, rather than those intended to be used, in order to avoid potentially appealable infringements.

A number of other local government local laws have been reviewed and benchmarked to inform the City's proposed Parking Local Law 2023, including those of the City of Vincent, the City of Perth and City of Fremantle. Following this, it was determined that rather than making significant amendments to the existing Local Law, it would be far more practical to create a new Local Law. This is in line with the comments received from the Department of Local Government when the Amendment Local Law was advertised for public comment. See schedule of submissions at Attachment 4, and an extract as follows:

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

In view of this, a proposed new City of Joondalup Parking Local Law 2023 has been drafted for Council's consideration and for public advertising, as presented at Attachment 6.

A summary of the major changes is provided below as follows:

- A substantial increase in the number of definitions presented.
- Prescribed offences made to be less ambiguous and to better explain the offence committed.
- The addition of a set of offences relating to charter vehicles and the inclusion of the definition of 'passenger transport vehicle', so as to capture rideshare vehicles, which were previously absent.
- The inclusion of the definition of 'electric rideable device' to separate them from electric vehicles and bicycles.
- The addition of a number of new offences, including the following:
 - Parking in a permit parking area without a valid parking permit (as opposed to the previously used offence - Parking without permission in an area designated for 'Authorised Vehicles Only').
 - Stopping or parking within the head of a roundabout.
 - Displaying a counterfeit, altered, obliterated or interfered with parking ticket.
 - Stopping or parking contrary to a 'clearway' sign.
 - Stopping or parking in a keep clear area of carriageway.

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- Stopping or parking in a bicycle lane or path.
 - Failure to enter and exit parking facility through authorised entry or exit.
 - Failure to leave parking station at the direction of an authorised person.
 - Driving a vehicle past a low clearance sign.
 - Impersonating an authorised person.
 - Obstructing an authorised person.
 - Unlawfully removing notice from vehicle (previously included but without an associated prescribed offence).
 - Unauthorised display, marking, setting up, exhibiting of a sign.
 - Removing, defacing or misusing a sign or the property of the City.
 - Affixing anything to a sign or fee-paying machine.
 - Parking a vehicle without number plates in a public place.
 - Parking an unregistered vehicle in a public place.
 - Stopping or parking unlawfully in a designated event area.
 - The inclusion of roundabouts in intersection related offences.
 - The addition of the specific mention of verges and parking stations as locations where heavy and long vehicles cannot be parked for more than one hour, unless engaged in the picking up or setting down of goods. Previously only carriageways were mentioned.
 - The inclusion of references to 'parking apps' so as to allow for them to be used to manage tickets, permits and enforcement.
 - The establishment of a 3-tier system for modified penalties, as opposed to the previously used 2-tier system.
 - The inclusion of the specific mention of the City's authority to remove or impound vehicles.
 - The inclusion of the authority for the City to lock a parking station at the expiration of its operating hours.

A marked-up version of the *City of Joondalup Parking Local Law 2013* is provided at Attachment 5 which cross-references the changes as presented in the proposed new Parking Local Law 2023.

Local law-making procedure

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

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

- 1 A public submission period of at least six weeks must be allowed, during which a copy of the proposed local law must also be submitted to the Minister for Local Government.
- 2 At the close of advertising, Council must consider any submissions received and then resolve to make the local law either as proposed, or in a form that is not significantly different from what was proposed. If, as a result of public submissions, Council wishes to make substantial changes to the local law, then a further public submission period will be required.
- 3 Once the final version of the local law has been approved, it must be published in the Government Gazette, and a further copy provided to the Minister for Local Government.

- 4 After gazettal, local public notice must be given stating the title of the local law, its purpose and effect (including the date it comes into operation) and advising where copies of the local law may be inspected at or obtained.
- 5 A copy of the local law, together with an accompanying explanatory memorandum, must then be submitted to the WA Parliamentary Joint Standing Committee on Delegated Legislation for scrutiny.

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

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In view of this, the purpose of the proposed City of Joondalup Parking Local Law 2023 is to provide for the regulation, control and management of parking within the district.

The effect of the proposed City of Joondalup Parking Local Law 2023 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.

Issues and options considered

Council can either:

- make the City of Joondalup Parking Local Law 2023 as presented for the purposes of public advertising
- make the City of Joondalup Parking Local Law 2023 as proposed with amendments or
- not recommend the making of the City of Joondalup Parking Local Law 2023 and retain the existing local law.

The creation of the City of Joondalup Parking Local Law 2023 puts into effect the decision of Council at its meetings held on 16 August 2022.

Legislation / Strategic Community Plan / Policy implications

Legislation	City of Joondalup Parking Local Law 2013. <i>Local Government Act 1995</i> . Proposed City of Joondalup Parking Local Law 2023.
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10-Year Strategic Community Plan

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

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

Financial / budget implications

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

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Should Council wish to make the City of Joondalup Parking Local Law 2023, public consultation will be required in accordance with section 3.12 of the *Local Government Act 1995*.

Consultation will occur as follows:

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

COMMENT

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

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council:

- 1 **BY AN ABSOLUTE MAJORITY MAKES** the proposed City of Joondalup Parking Local Law 2023, as detailed in Attachment 6 to this Report, for the purposes of public advertising;
- 2 in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:
 - 2.1 the City of Joondalup proposes to make the City of Joondalup Parking Local Law 2023, and a summary of its purpose and effect is as follows:

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

Effect: The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.
 - 2.2 copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;
 - 2.3 submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 3 in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
- 4 in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 5 the results of the public consultation be presented to Council for consideration of any submissions received.

ATTACHMENTS

1. Council Minutes - 16 February 2021 [13.7.1 - 10 pages]
2. Council Minutes - 15 February 2022 [13.7.2 - 20 pages]
3. Council Minutes - 16 August 2022 [13.7.3 - 8 pages]
4. Schedule of Submissions [13.7.4 - 4 pages]
5. Parking Local Law 2013 marked up with changes (1) [13.7.5 - 58 pages]
6. Proposed Parking Local Law 2023 [13.7.6 - 38 pages]

13.8 PAYMENTS TO EMPLOYEE IN ADDITION TO A CONTRACT OR AWARD COUNCIL POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr James Pearson Chief Executive Officer
FILE NUMBER	00384, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to adopt the revised *Payments to Employee in Addition to a Contract or Award Council Policy*.

EXECUTIVE SUMMARY

The *Payments to Employee in Addition to a Contract or Award Council Policy* (the Policy) is required to ensure that the City complies with the *Local Government Act 1995* and has a means by which payments that may be made to employees over and above contractual entitlements are regulated.

The Policy was created in 2005 following a major policy manual review, was reviewed in 2018, and is due for review to ensure it operates effectively.

It is therefore recommended that Council ADOPTS the revised Payments to Employee in Addition to a Contract or Award Council Policy, as detailed in Attachment 2 to this Report.

BACKGROUND

Section 5.50 of the *Local Government Act 1995*, to which the Policy pertains, requires the City to prepare such a policy, and relates specifically to circumstances where the employment of an employee or employees is terminating for reasons of redundancy, severance or on industrial relations grounds (such as dismissal). This excludes those employees designated as Senior Employees (Chief Executive Officer and Directors).

The City's current Enterprise Agreements cover the majority of employees and reflect these standards as a minimum and provide additional detail with regard to specific processes, benefits and entitlement calculations to support the implementation of the legislation.

The Policy outlines the circumstances in which additional payments over and above those provided for within the current Enterprise Agreements and applicable legislation might be considered, supported and calculated.

Since the establishment of the City in 1999, there have been 13 circumstances of redundancy, and all paid within the Enterprise Agreement entitlement.

The Policy also provides for the potential for the City to make a payment where such payment may avoid costly litigation in circumstances of employment related court matters such as unfair dismissal or general protections claims state legislation. Although this discretionary payment option has not been exercised, a payment could be entertained on commercial grounds where the financial implications of the payment are far more favourable than litigation costs.

For matters of redundancy or severance, any payment is limited to a maximum of \$5,000 by regulation 19A of the *Local Government (Administration) Regulations 1996*.

DETAILS

The revised policy requires minor amendments in language, style, formatting and:

- removal of repetitive wording
- new definition for 'severance payment'
- removal of definition for 'voluntary severance'
- removal of eligibility criteria as payment calculations are set out in agreements and/or contract and underpinned by awards and legislation.

Issues and options considered

Council can either:

- adopt the revised *Payments to Employee in Addition to a Contract or Award Council Policy* as presented
- adopt the revised *Payments to Employee in Addition to a Contract or Award Council Policy* with further amendments
- or
- not adopt the revised *Payments to Employee in Addition to a Contract or Award Council Policy*.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

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

Policy *Payments to Employees in Addition to a Contract or Award Council Policy.*

Risk management considerations

Given that any potential application of the policy is at the discretion of the Chief Executive Officer, it does not present any particular risk to the City. Having the ability for the City to respond to legal actions or claims, establish severance arrangements, or if ever required enhance a redundancy package/s to prevent litigation and/or challenge by third parties reduces the risk of lengthy and expensive litigation.

Financial / budget implications

To date the provisions of this policy have not been activated in any legal action the City has faced, or redundancy the City has completed, and as such there are no financial or budget precedents.

Any financial implications of the policy are activated on a “case by case” basis and would be subject to the circumstances pertaining to each case. In considering a cost implication the Chief Executive Officer would consider the most appropriate outcome according to the circumstances of the case being considered.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Such a policy may be applied in the following circumstances:

- Where a commercial decision is made to make a payment to an employee to avoid potentially long, costly and public court action where it is in the interests of the City that the employee leaves employment.
- In circumstances where an employee or employees are made redundant, and a small additional payment in recognition of those circumstances facilitates separation, avoiding disputation and drawn-out redundancy disputes.
- In circumstances where the City may make an operational decision to use severance as a means of managing the “downsizing” of the workforce.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The original recommendation as presented by City officers to the Committee is as follows:

That Council ADOPTS the revised Payments to Employee in Addition to a Contract or Award Council Policy as detailed in Attachment 2 to this Report.

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 ADOPTS the revised **Payments to Employee in Addition to a Contract or Award Council Policy** as detailed in Attachment 2 to this Report, subject to the addition of clause 5.4 as provided below:*

5.4 Any proposed payment exceeding \$5,000 is subject to Council approval;
- 2 That the Chief Executive Officer be requested to report to the Audit and Risk Committee at a subsequent meeting following the Policy being applied.*

RECOMMENDATION

That Council:

- 1 ADOPTS the revised **Payments to Employee in Addition to a Contract or Award Council Policy** as detailed in Attachment 2 to this Report, subject to the addition of clause 5.4 as provided below:**

5.4 Any proposed payment exceeding \$5,000 is subject to Council approval;
- 2 That the Chief Executive Officer be requested to report to the Audit and Risk Committee at a subsequent meeting following the Policy being applied.**

ATTACHMENTS

1. Current Policy (Tracked Changes) [**13.8.1** - 3 pages]
2. Revised Policy (Clean Version) [**13.8.2** - 3 pages]

13.9 FREEMAN OF THE CITY OF JOONDALUP POLICY REVIEW (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	89597, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider a minor review of the *Freeman of the City of Joondalup Council Policy* as part of the Policy Manual review process.

EXECUTIVE SUMMARY

The *Freeman of the City of Joondalup Council Policy* (the Policy) was adopted by Council at its meeting held on 21 November 2006 to honour individuals who, through their personal endeavours and commitment, have made an outstanding contribution to the community (CJ210-11/06 refers). The Policy was last reviewed on 11 December 2018 (CJ230-12/18 refers).

Identified as part of the City's ongoing Policy Manual Review process, the *Freeman of the City of Joondalup Council Policy* was benchmarked against other Western Australian local governments to determine whether the policy remains relevant and appropriate. The review process has indicated that the Policy remains relevant and suitable for awarding the title of 'Honorary Freeman'.

The only change that might be considered by the Council is to amend the Policy to provide clarity and consistency of terminology. The intent of the City has been to bestow the title of "Honorary Freeman of the City of Joondalup", rather than "Freeman of the City of Joondalup". The terminology of the Policy and previous Council reports is therefore inconsistent with the title of the award.

It is therefore recommended that Council ADOPTS the revised Honorary Freeman of the City of Joondalup Council Policy provided as Attachment 2 to this report, to provide clarity regarding the title bestowed is that of "Honorary Freeman of the City of Joondalup".

BACKGROUND

At its meeting held on 21 November 2006 (CJ210-11/06 refers), Council adopted the *Freeman of the City of Joondalup Council Policy* to enable the City to honour individuals who, through their personal endeavours and commitment, have made an outstanding contribution to the community, Australia and humanity.

At a Special Council Meeting held on 10 December 2007 (JSC03-12/07 refers), Council resolved to bestow the honorary award of Freeman of the City of Joondalup on:

- Margaret Jane Cockman OAM CSTJ
- William (Bill) Harold Marwick OAM
- Nicolas (Nick) Trandos OAM JP.

At a Special Council Meeting held on 11 July 2019 (JSC01-07/19 refers), the Council resolved to bestow the title of Honorary Freeman of the City of Joondalup on:

- Brian Anthony Cooper OAM

The Council has not bestowed any further honorary awards since that time.

At its meeting held on 11 December 2018 (CJ230-12/18 refers), Council reviewed the *Freeman of the City of Joondalup Council Policy* with minor structural amendments as part of the regular Policy Manual Review. The policy has remained unchanged since this last review.

DETAILS

The City's policies are regularly reviewed to ensure their continued relevance and applicability. The *Freeman of the City of Joondalup Council Policy* was identified as part of the 2023 Policy Manual Review Schedule.

Local Government Comparison

An analysis of other local government policies relating to "Honorary Freeman" was undertaken to inform the review of the *Freeman of the City Council Policy*. Of the metropolitan local governments benchmarked (and defined as Cities), 19 have a policy relating to "Honorary Freeman". It should be noted that some local governments that do not have an existing policy have still awarded individuals the title of "Honorary Freeman".

Name of local government	Existing policy	Title of Freeman awarded
City of Armadale	Yes	Yes
City of Nedlands	No	Yes
City of Bayswater	Yes	Yes
City of Belmont	Yes	Yes
City of Cambridge	Yes	Yes
City of Canning	Yes	Yes
City of Cockburn	Yes	Yes
City of Fremantle	No	Yes
City of Gosnells	Yes	Yes
City of Kalamunda	Yes	Yes
City of Kwinana	Yes	Yes
City of Mandurah	Yes	Yes
City of Melville	Yes	Yes
City of Nedlands	Yes	Yes
City of Perth	Yes	Yes
City of Rockingham	Yes	Yes
City of South Perth	Yes	Yes
City of Subiaco	Yes	Yes

Name of local government	Existing policy	Title of Freeman awarded
City of Stirling	Yes	Yes
City of Swan	Yes	Yes
City of Vincent	No	No
City of Wanneroo	Yes	Yes

Analysis shows that these policies are largely consistent with the *Freeman of the City of Joondalup Council Policy*, with all including key information regarding criteria for nominations, processes for decision-making and entitlements for award recipients. This research has informed the review of the City's *Freeman of the City of Joondalup Council Policy* and indicates that the Policy remains relevant and presents an appropriate position on awarding the title of "Honorary Freeman".

The only change that might be considered by the Council is to amend the Policy to provide clarity that the title bestowed is "Honorary Freeman of the City of Joondalup", rather than "Freeman of the City of Joondalup". It is considered that the intent of the City has been to bestow the title of "Honorary Freeman of the City of Joondalup", however, there is inconsistent terminology within the Policy and previous Council reports.

A comparison with other local government policies is that there is clarity provided with regard specifying the title bestowed being "Honorary Freeman".

Issues and options considered

Council has the option to either:

- Retain the *Freeman of the City of Joondalup Council Policy* as shown in Attachment 1 to this Report.
- Amend the *Freeman of the City of Joondalup Council Policy* as shown in Attachment 2 to this Report, to provide clarity regarding the title bestowed is that of "Honorary Freeman of the City of Joondalup".
- Suggest modifications to the *Freeman of the City of Joondalup Council Policy*.

The recommended option is to amend the *Freeman of the City of Joondalup Council Policy* as shown in Attachment 2 to this Report, to provide clarity regarding the title bestowed being that of "Honorary Freeman of the City of Joondalup".

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-2 Proactive and represented - you are confident that the City is advocating on your behalf for initiatives that benefit the community.

Policy *Freeman of the City of Joondalup Council Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The *Freeman of the City of Joondalup Council Policy* continues to provide clear direction on the City's position to recognise individuals who make an outstanding contribution to the local and broader community, and as such it is considered that the Policy be retained in its current form, subject to amendment providing clarity that the honour bestowed is 'Honorary Freeman of the City of Joondalup'.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council ADOPTS the revised *Honorary Freeman of the City of Joondalup Council Policy* provided as Attachment 2 to this Report.

ATTACHMENTS

1. Freeman of the City of Joondalup Council Policy (existing) [13.9.1 - 2 pages]
2. Honorary Freeman of the City of Joondalup Council Policy (revised) [13.9.2 - 2 pages]

13.10 REVIEW OF PEST PLANT LOCAL LAW 2012 (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	102082, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the recommendations made in this report regarding the inclusion of Golden Crownbeard (*Verbesina encelioides*) as a pest plant in the City's *Pest Plant Local Law 2012* and to make the proposed City of Joondalup Pest Plant Amendment Local Law 2023 for the purpose of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ232-11/12 refers), Council adopted the *City of Joondalup Pest Plant Local Law 2012*. There is currently only one plant species prescribed as a pest in the *Pest Plant Local Law 2012*, *Tribulus terrestris*, commonly known as Caltrop.

Within the City, there are 285 identified weeds, including 15 declared pest plants and five Weeds of National Significance. These weed species are often widespread, and without effective management they can alter natural areas and public open spaces reducing biodiversity and amenity.

At its meeting held on 28 March 2023 (CJ040-03/23 refers), Council adopted the *Weed Management Plan 2023 - 2033* (the Plan) to continue the provision of an integrated approach to the management of weeds within the City. The Plan describes the potential impacts from weeds, weed control methods, the City's current weed management approach and proposes management strategies to be implemented to minimise the potential impacts of weeds on the environment and the community. Council considered the outcomes of community consultation for the draft *Weed Management Plan 2023-2033* and resolved in part, that Council:

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

Golden Crownbeard is a short-lived flowering weed species that looks like a sunflower, and ranges in size from 0.3 to 1.5 metres in height. Golden Crownbeard can survive in a variety of habitats, is a drought tolerant plant, displaces native vegetation and can be toxic to animals when consumed. Within the City of Joondalup and surrounding local government areas, Golden Crownbeard has scattered limited occurrences primarily in disturbed areas such as verges, access ways, vacant blocks of land and construction sites. Golden Crownbeard is mainly spread by soil movement and has not been identified in the City's conservation areas. The management of Golden Crownbeard in its current population areas under the *Pest Plant Local Law 2012* will require additional resources to liaise and monitor affected properties.

The City has liaised with the neighboring local governments of City of Wanneroo and City of Stirling in regard to the management of Golden Crownbeard as a pest plant within their boundaries.

It is therefore recommended that Council:

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

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

Effect: The effect of this local law is to better clarify the provisions and requirements within the City of Joondalup Pest Plant Local Law 2012.
 - 6.2 *copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;*
 - 6.3 *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*

- 7 *in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government and Minister for Agriculture;*
- 8 *in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*
- 9 *the results of the public consultation be presented to Council for consideration of any submissions received.*

BACKGROUND

At its meeting held on 20 November 2012 (CJ232-11/12 refers), Council adopted the *City of Joondalup Pest Plant Local Law 2012*, as detailed in Attachment 1 of this Report.

The purpose of the *City of Joondalup Pest Plant Local Law 2012* is to:

Prescribe pest plants within the City of Joondalup district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.

The effect of the *City of Joondalup Pest Plant Local Law 2012* is to:

Require the owner or occupier of private land within the City of Joondalup district to destroy, eradicate or otherwise control pest plants on and in relation to that land in a manner and within a time specified in a notice given by the local government and served on the owner or occupier of the land.

At its meeting held on 28 March 2023 (CJ040-03/23 refers), Council considered the outcomes of community consultation for the draft *Weed Management Plan 2023-2033* and resolved in part, that:

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

The City has liaised with the neighboring local governments of City of Wanneroo and City of Stirling in regard to the management of Golden Crownbeard within their boundaries.

DETAILS

Golden Crownbeard is a weed native to America that was first recorded in Western Australia, within the suburb of Craigie, in 1984. Golden Crownbeard is not classified as a Weed of National Significance or a declared pest in Western Australia. The City manages Golden Crownbeard through hand weeding of smaller species or the use of herbicides for larger infestations.

Golden Crownbeard is a short-lived flowering weed species that looks like a sunflower, and ranges in size from 0.3 to 1.5 metres in height. Golden Crownbeard can survive in a variety of habitats, is a drought tolerant plant, displaces native vegetation and can be toxic to animals when consumed. Within the City of Joondalup and surrounding local government areas, Golden Crownbeard has not been identified in conservation areas, and has a limited distribution on verges, vacant blocks and construction sites.

Golden Crownbeard is spread through soil movement and disturbance to the soil, such as road maintenance, construction and landscaping. The City's *Pathogen Management Plan 2018 – 2028* refers to the City's implementation of *Purchasing Guidelines for the Supply of Landscaping Materials* which includes guidance on the use of soils that comply with Australian Standards to prevent the spread of weed seeds, plant propagules or pathogens.

The City's Weed Management Plan provides direction for an integrated approach to weed management including the delivery of a comprehensive community weed education program. Effective weed control within private land is an important element to weed management, alongside expanding the current local law.

The City's Environment Plan includes a key objective to enhance community participation in environmental education initiatives and encourage community appreciation and ownership of the natural environment. As part of the Plan, the City delivers a series of environmental activities throughout the year to encourage conservation and greater interaction with the natural environment through its ongoing Environmental Education Program.

The City shares weed management information and research as part of the Western Australian Local Government Association's (WALGA's) Local Government Integrated Weed Management Working Group with other local governments in WA. The Working Group is currently implementing an integrated weed management communications campaign including community education and awareness raising regarding weed management and the various methods used to control weeds.

Caltrop is currently the only pest plant listed under the City's *Pest Plant Local Law 2012*. The City maintains a Caltrop register to document confirmed locations of Caltrop on land managed by the City and public property with all locations being inspected annually. The addition of Golden Crownbeard as a pest plant under the *Pest Plant Local Law 2012* would require a moderate increase in resources to liaise with property owners and monitor and record Golden Crownbeard locations within the City. The City will also continue to implement the integrated weed management approach, Pathogen Management Plan and the community weed education program.

Management of Golden Crownbeard in City of Wanneroo

The City of Wanneroo does not have a Pest Plant Local Law and Golden Crownbeard is managed within the City of Wanneroo in accordance with the City's weed management program which includes mechanical, steam, scheduled pesticides (including glyphosate) and non-scheduled pesticides. All pesticides are applied in accordance with the product label and the City's Pesticide Management Policy. The City has not identified Golden Crownbeard in conservation areas and usually find it on verges, vacant blocks or construction sites. No weed mapping is currently conducted for Golden Crownbeard.

Management of Golden Crownbeard in City of Stirling

The City of Stirling has a Pest Plant Local Law which only has Caltrop listed on it. They also implement a Weed and Pest Management Policy. Golden Crownbeard is found in the City of Stirling primarily on vacant blocks and drainage sites. The City of Stirling currently monitor Golden Crownbeard locations.

Local law-making procedure

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

In the event that Council makes the proposed Pest Plant Amendment Local Law 2023, the following sequence of events will commence:

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

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

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In view of this, the purpose of the proposed City of Joondalup Pest Plant Amendment Local Law 2023 is to amend the *City of Joondalup Pest Plant Local Law 2012*.

The effect of the proposed City of Joondalup Pest Plant Amendment Local Law 2023 is to better clarify the provisions and requirements within the *City of Joondalup Pest Plant Local Law 2012*.

Issues and options considered

Council may choose to:

- 1 Amend the *City of Joondalup Pest Plant Local Law 2012* to include Golden Crownbeard as a prescribed pest plant. In doing so, the Council will need to make the City of Joondalup Pest Plant Amendment Local Law 2023, as presented in Attachment 2 to this Report, for the purposes of public advertising.
or
- 2 Retain the *Pest Plant Local Law 2012* without amendments.

Option 1 is recommended as Golden Crownbeard is located in limited scattered occurrences on verges, public access ways, vacant blocks and construction sites across the City. Moderate additional resources would be required for management if it were to be prescribed as a pest plant. The City will continue to implement an integrated weed management approach, Pathogen Management Plan and community education initiatives to encourage weed management on private property.

Legislation / Strategic Community Plan / Policy implications

Legislation *Agriculture and Related Resources Protection Act 1976.*
 Biosecurity and Agriculture Management Act 2007.
 Proposed City of Joondalup Pest Plant Amendment Local Law 2023.

10-Year Strategic Community Plan

Key theme 2. Environment.

Outcome 2-1 Managed and protected - you value and enjoy the biodiversity in local bushland, wetland and coastal areas.
 2-4 Resilient and prepared - you understand and are prepared for the impacts of climate change and natural disasters.

Policy *Sustainability Policy.*

Risk management considerations

The inclusion of Golden Crownbeard as a pest plant in the City's *Pest Plant Local Law 2012* could increase community focus on the City's management of Golden Crownbeard on land under its jurisdiction. The City may receive criticism if it attempts to enforce control of Golden Crownbeard on private land has not effectively controlled the weed on City managed land.

Should Council resolve to make the proposed Pest Plant Amendment Local Law 2023, it must follow the local law-making process as detailed in the Act, or risk the local law being disallowed by the JSCDL.

Financial / budget implications

The addition of Golden Crownbeard as a prescribed pest plant under the *City of Joondalup Pest Plant Local Law 2012* will have moderate financial implications, however the extent of the resources required is not currently known. Due to the nature of the weed species having scattered occurrences on verges, public access ways, vacant blocks and construction sites, additional resources will be required to record, monitor and control sightings within the City.

The delivery of community education campaigns to raise awareness of the need to control Golden Crownbeard and other environmental weeds on private property would be at a moderate cost and could be funded through existing operational budgets.

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

All amounts quoted in this report are exclusive of GST.

Regional significance

The WALGA Local Government Herbicide Use and Integrated Weed Management Working Group includes representatives from 27 Local Governments in WA and enables the sharing of information and research to assist local governments to make informed decisions on integrated weed management approaches. A key objective of the Working Group is to build community support for weed control programs.

Sustainability implications

The City implements an integrated weed management approach to protect biodiversity and maintain the amenity and aesthetics of the City's public open spaces. Weed control and management is undertaken to protect biodiversity, reduce bushfire risk, reduce damage to infrastructure and meet community expectations for the amenity and aesthetics of local areas.

Consultation

Should Council wish to make the City of Joondalup Pest Plant Amendment Local Law 2023, public consultation will be required in accordance with section 3.12 of the *Local Government Act 1995*.

Consultation will occur as follows:

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

COMMENT

Weeds are one of the major threats to Australia's natural environment and biodiversity and can change the natural diversity and balance of ecological communities. The City is committed to the ongoing management and conservation of the City's natural and urban environment. Integrated weed management, inclusive of utilising a suite of weed control techniques and timely interventions, is essential to the ongoing protection and enhancement of the City's natural environment and public open spaces.

In alignment with the adopted approach in the City's *Weed Management Plan 2023 - 2033* the City prioritises management of weeds that are identified as priority species, as per the list of State declared weed species and Federally listed Weeds of National Significance.

Given the limited scattered occurrences of Golden Crownbeard within the City and the moderate resources that would be required if it were to be prescribed as a pest plant, the City considers it would be appropriate to include Golden Crownbeard as a prescribed pest plant within the City's *Pest Plant Local Law 2012*. Should Council support this recommendation the local law review process will commence.

The City will continue to raise awareness regarding the importance of weed control on private property through the Environmental Education Program and the WALGA Local Government Integrated Weed Management Working Group.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council:

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

-
- 6.1** the City of Joondalup proposes to make the City of Joondalup Pest Plant Amendment Local Law 2023, and a summary of its purpose and effect is as follows:
- Purpose:** The purpose of this local law is to amend the *City of Joondalup Pest Plant Local Law 2012*.
- Effect:** The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Pest Plant Local Law 2012*.
- 6.2** copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;
- 6.3** submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 7** in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government and Minister for Agriculture;
- 8** in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 9** the results of the public consultation be presented to Council for consideration of any submissions received.

ATTACHMENTS

1. City of Joondalup Pest Plant Local Law 2012 [**13.10.1** - 4 pages]
2. City of Joondalup Pest Plant Amendment Local Law 2023 [**13.10.2** - 4 pages]

13.11 REVIEW OF THE RECOVERY OF COSTS AWARDED POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Director Corporate Services
FILE NUMBER	101277, 101515
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider the review of the *Recovery of Costs Awarded Policy*.

EXECUTIVE SUMMARY

Council first approved a *Recovery of Costs Awarded Policy* in February 2007 with the most recent review undertaken in 2012.

The current review has considered the policy provisions and proposed some minor amendments to enhance clarity and readability, as reflected in Attachment 1 to this Report. No substantial changes are proposed.

It is therefore recommended that Council APPROVES the review of the Recovery of Costs Awarded Policy.

BACKGROUND

The *Recovery of Costs Awarded Policy* was first adopted by Council at its meeting held on 27 February 2007 (CJ008-02/07 refers) and is scheduled for its next review in the current year. The most recent update before the current review comprised minor changes to the policy at were adopted by Council at its meeting on 15 May 2012 (CJ093-05/12 refers).

DETAILS

The *Recovery of Costs Awarded Policy* has been reviewed and amendments proposed as indicated in the attached draft document (Attachment 1 to this Report). The amendments proposed are relatively minor in impact, they are as follows:

- 1 In Part 2, the proposed amendment clarifies that the policy applies in respect of proceedings taken by another person, rather than just another "body".
- 2 Part 2 also includes a minor amendment to clarify which policy is being referred to.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme 5. Leadership.

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

Policy *Recovery of Costs Awarded to the City Council Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The proposed amendments are minor and serve to improve clarity.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council APPROVES the proposed amendments to the Recovery of Costs Awarded Policy, as provided in Attachment 1 to this Report.

ATTACHMENTS

1. Recovery of Costs Awarded to the City Council Policy Review - August 2023 [**13.11.1** - 1 page]

13.12 REVIEW OF THE RATES HARDSHIP POLICY (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Director Corporate Services
FILE NUMBER	13524, 101515
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to consider a review of the City's *Rates Hardship Policy* and consider additional measures for rates relief.

EXECUTIVE SUMMARY

At its meeting held on 23 May 2023 (CJ085-05/23 refers), Council resolved in part to:

“REVIEW the Rates Hardship Policy as a matter of priority, to ensure it is relevant to the current economic circumstances and provides for the appropriate support for residents experiencing hardship;

REQUESTS the Chief Executive Officer to prepare a report after exploring other options to provide further rates relief.”

The *Rates Hardship Policy* has been reviewed and the revised draft policy is attached for consideration (Attachment 1 refers).

Further, broader rates relief measures are proposed for Council's consideration.

BACKGROUND

The *Rates Hardship Policy* outlines the City's position on assistance offered to [individual] ratepayers experiencing financial hardship.

The current economic climate, following the last three years impacted by COVID-19 pandemic protection measures, is one of uncertainty and turbulence. Interest rates have risen consistently over the last year with inflation continuing to remain at high levels, and input costs for producers and consumers alike having risen markedly. In addition, significant stress has been experienced in the housing sector, with demand outstripping supply and causing rental and mortgage pressures among households that have not been experienced for several years.

At the onset of the COVID-19 pandemic, the measures taken by authorities to constrain the spread and impact of the virus had significant economic effects. It was anticipated then that there would be corresponding impacts on the community that would translate into financial hardship and difficulties reflected in the City's rates collection levels.

The expected negative impacts did not materialize for the City; there was virtually no change to year-on-year rates collection rates in 2020-21, 2021-22 or 2022-23 compared to the collection rates in prior years. Some changes in payment patterns were observed, with an increase in the number of ratepayers choosing to move to payment by instalments, thus taking advantage of the 0% interest rate on the instalments options. This has included at least one large commercial ratepayer in 2022-23, which chose to avail of the four instalments payment option. The City has not yet experienced any liquidity issues because of this change in behaviour.

The City returned to 2019-20 level of rates revenue only in 2022-23. In 2023-24, the City has approved a 2.75% growth in rates revenue – well below consumer inflation levels - despite major increases in residential property gross rental values averaging approximately 20% across the City. In addition, the City has maintained the flat rate business property discount for commercial and industrial properties, 0% interest on rates instalments payments and held penalty interest rates at 3%, despite recent interest rate rises and several other local government entities and the Department of Fire and Emergency Services returning to significantly higher penalty interest rates on outstanding amounts, up to the maximum permitted under legislation, in some cases.

DETAILS

The economic climate in which the City has prepared the 2023-24 Annual Budget is characterised by inflationary pressures, rising interest rates and an elevated sense of uncertainty – not dissimilar to the circumstances in which the City prepared its 2020-21 Annual Budget except that the causes were different and apprehension of the future was much higher.

At the time, the City had taken several measures to attempt to minimise the expected impact on the community as follows:

- Debt recovery action on outstanding rates was put on hold from February 2020 and did not resume for at least 12 months.
- Penalty interest was waived from March 2020 till 30 June 2020 on all outstanding balances.
- Penalty interest rate applied to unpaid rates and charges was lowered to 3% in 2020-21.
- Interest rate applied to payment by rates instalments was lowered to 0% in 2020-21.
- Rates revenue was reduced by \$5m compared to the year before by ensuring that 95% of properties were levied general rates less than in the previous year.
- Introduced flat discounts for commercial, industrial and vacant properties in 2020-21 that reduced the effective rates levied on some smaller commercial properties by as much as 30%.

Despite the resumption of regular economic and social activity following the easing of covid restrictions and the lifting of Western Australia's (WA) state of emergency, the City has continued to keep several of those pandemic measures in place as ongoing support to the community.

The 2023-24 Annual Budget, apart from incorporating one of the lowest rates revenue increases in the Perth metropolitan area (2.75%), also provides for the following:

- 0% interest rate applied to 2- or 4- rates instalment payments.
- 3% penalty interest rate applied to unpaid rates and charges levied by the City.
- Flat rate business property discount of \$150 for commercial improved properties and \$75 for industrial improved properties. At the lower end of the GRV scale, a \$150 discount can be as much as 15% off the rates levy for smaller commercial properties.

The current higher interest rate and inflation environment has raised widespread concerns about the capacity of households to service household debt levels that are among the highest in the world. The cost of servicing the average variable-rate mortgage has approximately doubled over the past year, and the impact of the higher rates is particularly acute for fixed-rate mortgages that are now reverting to variable rates that are, in many cases, markedly higher.

The City introduced a *Rates Hardship Policy* in 2021, at the height of the COVID pandemic. The *Rates Hardship Policy* is structured on the following key principles:

- That the City is not best placed to make a professional, independent determination of financial hardship. The City therefore refers ratepayers in these circumstances to an independent financial counsellor who makes an objective assessment of a person's financial position and conveys this assessment to the City.
- That additional bureaucratic processes, such as application forms, etc. are not helpful for those in such financial circumstances. The City therefore offers the opportunity for ratepayers to contact the City and interact with a City officer who can provide initial assistance with rates payment options and then refer on to a financial counsellor, should these not be feasible.
- That some level of payment, no matter how small, is appropriate where rates and charges are in arrears. A payment arrangement that suits someone's financial position, and allows for arrears to be steadily reduced over an extended period, is preferable to no payments being made at all.
- That the less formal the process, the more considerate of the ratepayer and the more flexible the City can be to accommodate their particular circumstances.

In conjunction with the existing provisions the City has already made in respect of rates (among the lowest rating levels, zero-interest instalments, low penalty interest, business property discounts, and the like), the City's Rates Hardship Policy is considered to be appropriate and suitable for the ongoing challenges expected to impact the community in the coming year(s).

Some minor changes are proposed to improve the wording of the policy and enhance clarity, which are presented in Attachment 1 to this Report.

A review of similar hardship policies across other similar local governments in the Perth metropolitan reveal the following key features:

Local Government Area 1	<ul style="list-style-type: none">• No formal application process;• City makes determination of financial hardship or not;• Specific delegation to CEO to provide concessions in the context of hardship arising from COVID-19 subject to maximums prescribed,
Local Government Area 2	<ul style="list-style-type: none">• May require formal application;• Requires ratepayer to provide specified information, whether through formal application or not;• City makes determination of financial hardship or not;• Provision for deferral of payments for a period not exceeding 12 months for "severe" financial hardship (not defined)• Restricted to residential ratepayers and principal place of residence
Local Government Area 3	<ul style="list-style-type: none">• Formal application process (online form), including support of application by Centrelink, employer or other supporting documentation;• Application to be accompanied by hardship letter from financial counsellor• City (CEO) determines whether application is successful or not• Limited to residential property owner/co-owner liable for payment of rates/charges and principal place of residence• Limited to individual owners (i.e. Not corporation or trustee)• Not available to bankrupt ratepayers
Local Government Area 4	<ul style="list-style-type: none">• Formal application process (online form);• City makes determination of financial hardship or not;• Relief confined to postponement of payment for a maximum of 12 months including waiver of penalty interest;• Limited to residential ratepayer for principal place of residence;• Specific criteria apply, e.g.<ul style="list-style-type: none">○ Pensioner/senior eligible for concession but unable to defer rates/charges under current legislation;○ Non pensioner/senior unemployed for at least 3 months;○ Evidence of hardship certified by approved financial counsellor or accountant/auditor/bank manager;○ Other evidence of hardship, e.g. doctor's letter
Local Government Area 5	<ul style="list-style-type: none">• Formal application process;• City determines whether financial hardship or not;• Limited to principal place of residence or principal place of business;• May require information to substantiate application

Issues and options considered

Council may choose to:

- Not approve the proposed changes to the Policy.

While the current Policy is considered to be robust and fit for purpose, the proposed changes serve to improve clarity of Policy wording and are considered appropriate.

This option is not recommended.

- Approve the Policy with additional or other changes.

The current Policy is considered to make adequate provision for the City to consider financial hardship situations without making the process unnecessarily prescriptive or bureaucratic. The changes proposed serve to improve clarity of the Policy while retaining its key features and ensuring that the policy meets its overriding objective.

This option is not recommended.

- Approve the proposed changes to the Policy.

The proposed changes enhance the clarity of the Policy and maintain the policy's features of flexibility to accommodate individual situations, limited bureaucracy, and referral to independent financial counselling services to make determinations of financial hardship and rates payment capacity.

This option is recommended.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme 5. Leadership.

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

Policy *Payment of Rates and Charges Council Policy.*

Risk management considerations

Not applicable.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The City's *Rates Hardship Policy* is designed to allow the City to assist ratepayers who find themselves in financial situations where they have difficulty in meeting their rates payment obligations, without imposing unnecessary additional formality or procedural burdens on them. The proposed changes serve to enhance clarity of wording while retaining the Policy's existing provisions. The updated Policy is considered to be fit for purpose for the City's ratepaying community.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The committee recommendation is the same as recommended by City officers.

RECOMMENDATION

That Council APPROVES the updated *Rates Hardship Policy* incorporating the changes set out in Attachment 1 to this Report.

ATTACHMENTS

1. Rates Hardship Policy Review - August 2023 [**13.12.1** - 3 pages]

13.13 VENUE HIRE FEES AND CHARGES POLICY – FINANCIAL HARDSHIP (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Director Corporate Services
FILE NUMBER	101271, 101515
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to consider the financial hardship fee waiver process and a phased removal of the reimbursement of HBF Arena hire fees for Arena Community Sport and Recreation Association member clubs under the *Venue Hire Fees and Charges Policy*.

EXECUTIVE SUMMARY

At its meeting held on 23 May 2023 (CJ139-08/22 refers), Council reaffirmed its decision of 16 August 2022 regarding the Venue Hire Fees and Charges Policy subject to the level of subsidy detailed for Category C within the policy being amended from 50% to 75% for the first 18 months.

At the meeting, Council also requested a report be presented to the next Policy Committee meeting that details community groups which are eligible for financial hardship exemptions.

The *Venue Hire Fees and Charges Policy* (VHFCP) applies a fee to all hirers of City venues under the principle that every hirer should be exposed to the operational costs of the venues. It also acknowledges that not every hirer will have the financial capacity to pay and allows incorporated hirers within Category B or C to apply for a fee waiver where they can demonstrate they are experiencing financial hardship.

An application for a fee waiver for financial hardship reasons to be substantiated using financial records and meet the definition within the policy, being “a temporary situation affecting a hirer where that hirer is willing, but unable to meet their payment obligations due to an unforeseen circumstance”.

Requests for financial hardship will be managed on a case-by-case basis. Fee waivers will only apply for the booking period. They will, not be open ended.

The fee waiver process is not intended to reduce facility hire costs on an ongoing basis. However, some existing hirers currently receive a 100% subsidy under the FHSP and do not have the ability to generate an income, and are therefore unable to pay hire fees under the VHFCP on an ongoing basis. In these circumstances, an application for financial hardship would still be dealt with on a case-by-case basis, rather than applying a blanket waiver / subsidy across an entire category of hirer. This allows the City to work with each group individually to help meet their needs for each booking.

Introducing special conditions within the policy for certain groups based on their individual circumstances, group size, activity type or age of members, would create a number of challenges, including defining where these conditions would start and end and which groups should be eligible. These are the same challenges the City faces in administering the existing FHSP, and is inconsistent with the agreed principles used to develop the new VHFCP.

While the City has identified hirers likely to apply for a fee waiver, until such time as the applications are received as part of the City's bookings process in October 2023, the City is unable to determine an accurate picture of which clubs are experiencing genuine financial hardship. To alter the policy before that accurate picture is available may create an expectation from clubs that ongoing fee waivers will be supported.

As all incorporated Category C hirers will have the ability to apply for a fee waiver, it is recommended that the policy not be amended at this time. Instead, once the City has received and assessed the fee waiver applications, a clearer picture of the number and type of groups requesting fee waivers will be understood, enabling Council to make a more informed decision on the future direction of the policy.

The VHFCP as presented to the August 2022 Council meeting proposed to remove the 50% reimbursement to Arena Community Sports and Recreation Association (ACSRA) clubs in accordance with the City's position in relation to other sporting and community clubs that occupy non-City managed venues.

In light of the May 2023 Council decision to increase the subsidy for Category C hirers to 75% until 30 June 2025 (from 50% agreed in August 2022), it would be appropriate to afford a similar phased approach to ACSRA members by reducing the subsidy to 25% until 30 June 2025.

BACKGROUND

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted the *Facility Hire Subsidy Policy* (FHSP) (Attachment 2). At that time, there was an identified need to review and implement a revised policy that dealt with the degree of subsidisation afforded to community groups that were accessing City venues.

The FHSP was introduced because the City was dealing with a large percentage of hirers over-booking City venues and those bookings subsequently not aligning with actual usage. This created a false demand for venues therefore generating a greater demand for new or significantly redeveloped venues.

The policy also extends to a small number of clubs that hire non-City of Joondalup venues, namely junior clubs that are members of the Arena Community Sports and Recreation Association (ACSRA) – Joondalup Netball Association and affiliate clubs, Joondalup Little Athletics Association, Joondalup Brothers Rugby Union Football Club; and use HBF Arena venues. To facilitate this subsidy the City provides these clubs a financial reimbursement of 50% of ground hire fees paid to VenuesWest.

In 2018, the City began a review of the FHSP and on 18 February 2019 undertook an externally facilitated workshop with Elected Members, seeking their input. The discussion centred around the policy objectives, Council's role in the decision-making process and the potential criteria that should be applied.

Through the workshop, the Elected Members agreed upon the following set of principles that would guide the development of a new policy:

- 1 The need to maximise 'real' utilisation of City venues (that is mitigating blanket bookings).
- 2 The requirement for any new policy to be easier to interpret and apply with applications for fee waivers to be determined by the City.
- 3 The social value of groups to be 'proven' and not 'perceived' within a policy context.
- 4 The importance of considering a hirer's financial capacity to pay.
- 5 Ensuring all hirers have some exposure to operational costs.

At its meeting held on 23 May 2023 (CJ067-05/23 - Motion No. 16 refers), Council resolved as follows:

"That Council:

- 16.1 *REAFFIRMS its decision of 16 August 2022 (CJ139-08/22 refers) regarding the Venue Hire Fees and Charges Policy subject to the level of subsidy detailed for category C within the policy being amended from 50% to 75% to read:*

iii Category C – 75% of the average hourly operating costs;

- 16.2 *AGREES that the 75% subsidy as detailed in Part 16.1 above be applicable from 1 January 2024 to 30 June 2025 inclusive; then to be amended to 50% from 1 July 2025;*

- 16.3 *REQUESTS a report be presented to the next Policy Committee meeting that details community groups which are eligible for financial hardship exemptions."*

The policy is due to come into effect on 1 January 2024.

DETAILS

Group Categories

The VHFCP introduces a three-category system to provide clear categorisation of hirers. The three categories are listed as follows:

- "Category A user" means an organisation, group or individual hiring a venue as part of a business, for business purposes and / or for financial benefit.
- "Category B user" means a charity, an incorporated association or a community group, government department / agency or educational provider with an annual gross revenue of less than \$10 million and more than \$3 million, occupying the premises for non-commercial purposes.
- "Category C user" means a charity, an incorporated association or a community group with annual revenue of less than \$3 million, or an individual hiring a venue for non-commercial purposes.

Changes to Schedule of Fees and Charges

The City used a cost contribution model to develop the hourly operating costs for all its hireable venues, with each of the three categories being charged a percentage of the base line cost contribution fee.

The following rates have been adopted as part of the policy:

- Category A - 500% of cost contribution fee.
- Category B - 100% of cost contribution fee.
- Category C - 25% of cost contribution fee.

Financial hardship

The FHSP currently allows groups to apply for an additional subsidy under special circumstances. These requests are determined by either the CEO or Council.

Requests for additional subsidies are to be assessed on a case-by-case basis and are provided where the group is experiencing financial difficulties or can provide reasonable justification for receiving an additional subsidy. Those groups that do not automatically receive a subsidy under the FHSP may request a fee waiver with supporting justification.

The VHFCP applies a fee to all hirers of City venues, however allows incorporated hirers within Category B or C to apply for a fee waiver where they can demonstrate they are experiencing financial hardship. Any application for fee waiver for financial hardship will be required to be substantiated using financial records and must meet the definition within the policy, being “a temporary situation affecting a hirer where that hirer is willing, but unable to meet their payment obligations due to an unforeseen circumstance”.

Requests for financial hardship will be based on a case-by-case basis, however hirers wishing to seek a waiver of hire fees will be required to submit a financial hardship application form with their seasonal / annual booking. The form will request information to enable City officers to determine the organisation’s financial position.

To assist the City in determining the request for financial hardship, hirers will need to:

- provide a description of the circumstance of the hardship
- provide a financial profit and loss statement from the previous two financial years
- undertake a review of current bookings and rationalisation
- provide a copy of the organisation’s strategic plan (where available)
- advise of any major projects / commitments forecast for next five years
- provides membership figures for previous two seasons / years
- provide current membership fee structure
- provide any other supporting information / evidence as applicable.

Any fee waiver granted will be for the valid booking or booking period only, not open ended. All waiver recipients will also be required to enter an agreement with the City of Joondalup which specifies certain requirements of the approval, including how the group will address its financial situation. The value of fee waivers will be determined on a case-by-case basis in consultation with the hirer, and may include a full or partial waiver of hire fees for some or all of the booking period. Where a fee waiver is not supported in part or full, it will only be reconsidered if new information is presented that warrants reconsideration.

The fee waiver process is not intended to reduce facility hire costs to make them more accessible for certain groups on an ongoing basis.

It is important that application for financial hardship is dealt with on a case-by-case basis, rather than applying a blanket waiver / subsidy across an entire category of hirer. This allows the City to work with each group individually to assist them during this time.

Ongoing financial hardship – unable to generate income

The majority of Category C hirers have the ability to generate an income via membership fees, sponsorship, fundraising and other avenues. Should these hirers be unable to pay their hire fees, they can apply for a fee waiver as per the process described above.

The City understands that there are some existing hirers currently receiving a 100% subsidy under the FHSP that do not have the ability to generate an income, and are therefore unable to pay hire fees under the VHFCP on an ongoing basis. The City is aware of a few such cases, and has identified these hirers through the community engagement process.

Hirer	Expected impact under policy	Hours per week
Lions Club of Duncraig	\$673.17	3.5
Lions Club of Kingsley	\$50.55	0.5
Lions Club of Whitfords	\$794.43	5
JP Service - Warwick	\$967.50	15
Average	\$621.41	6

While the City has endeavoured to identify all hirers without the ability to generate an income, there may be new hirers that arise once the policy has been implemented. These cases will be identified through the fee waiver application process and assessed accordingly.

Lions Clubs

Lions Clubs are volunteer-based service organisations that provide a range of programs and support to their local communities. Members pay a small annual fee to participate in the delivery of these services, which is generally kept low to encourage participation.

Lions Australia is the overarching body for all Lions Clubs and sets out a number of rules and policies that each individual group must adhere to. One of these rules is that all funds raised from the public must be returned to public use. Funds for administrative activities such as venue hire are instead supported through membership fees and other individual contributions.

Justice of the Peace

A Justice of the Peace (JP) service operates from 11.00am to 2.00pm on weekdays from the Warwick Community Care Centre. The service compliments the JP service that operates from the City's libraries and is well utilised by the public.

JPs are appointed by the Governor who authorises them to carry out a range of official administrative duties in the community. These administrative duties include issuing search warrants, witnessing affidavits, statutory declarations and certifying documents. JPs are unable to accept any reward, gift or payment for services rendered as part of their duties.

Hirers experiencing financial hardship with an ability to generate income

The majority of groups that will pay more under the VHFCP are those that were afforded a 100% subsidy under the FHSP. This does not mean those groups are experiencing financial hardship. While the City acknowledges that the size, volunteer capacity and purpose of these organisations differ greatly, all have the ability to generate an income.

While a number of hirers indicated they may apply for a fee waiver under the policy, the true number of hirers that actually submit an application will not be known until the 2024 booking applications open and fee waiver applications are accepted. This will commence in October 2023. The City has been proactively working with a number of hirers to revise their bookings and explore other avenues for revenue generation that may result in a reduced number of applications for fee waivers.

Arena Community Sports and Recreation Association (ACSRA)

ACSRA was formed in 2004 and comprises of the Joondalup Netball Association (JNA), Joondalup Little Athletics Association (JLAA) and the Joondalup Brothers Rugby Union Football Club (JBRUC). These clubs operate from the HBF Arena which is managed by VenuesWest.

These clubs were located at HBF Arena as at the time they could not be accommodated at a City venue. Following a request from the JLAA, in 2009 Council agreed to reimburse 50% of junior hire fees of ACSRA members for use of the playing fields / courts at HBF Arena, subject to the clubs having 50% of its members residing in the City.

Since 2010, the City has reimbursed approximately \$342,800 across the three clubs as follows:

- JNA - \$270,270.
- JLAA - \$60,041.
- JBRUC - \$12,493.

The VHFCP as presented to the August 2022 Council meeting proposed to remove the 50% reimbursement to ACSRA clubs in accordance with the City's position in relation to other sporting and community clubs that occupy non-City managed venues.

In light of the May 2023 Council decision to increase the subsidy for Category C hirers to 75% until 30 June 2025 (from 50% agreed in August 2022), it would be appropriate to afford a similar phased approach to ACSRA members by reducing the subsidy to 25% until 30 June 2025.

Issues and options considered

In considering the financial hardship process, Council can either choose to:

- Continue with the VHFCP in its current form and review the extent of the fee waiver applications after 12 months. This gives the City the opportunity to determine the true extent of groups experiencing genuine financial hardship and whether the administrative load of the financial hardship process is excessive on both hirers and the City. This option is recommended.
- Introduce a fourth category (Category D) for groups with no ability to generate income. Hirers in this category would be provided with a set number of hours per booking period that will be 100% subsidised. The number of hours subsidised would be based on the average number of hours for all hirers in this category combined in the previous year. Should the hirer exceed the subsidised hours, they would be required to pay the Category C rates.

Using an average figure to determine the number of subsidised hours will likely result in some hirers not having adequate hours to meet their operational needs. Additionally, defining parameters for which groups would be eligible for this category presents challenges.

The current hirer categories in the policy are clear and easy to define, with distinct criteria established in line with existing legislation and financial reporting requirements. Applying different subsidised hours to each individual hirer, or introducing category criteria based on group size, activity type or age of members is not in line with the agreed principles of the policy of being easy to interpret and apply, and of the social value of groups being proven and not perceived.

Considering these issues, and the small number of hirers that would be eligible to fit into this category, this option is not recommended.

- Introduce a pre-authorised list of hirers eligible for a financial contribution from the City. At the start of each calendar year, City officers would provide Council with a list of hirers that it identifies as eligible for a donation, based on their financial and / or operational circumstances, Council would pre-approve this list to be able to receive a financial contribution from the City up to a set amount, to be used toward payment of City venue hire fees only.

This option would reduce the need for hirers to reapply for a fee waiver each year and would not require any changes to the policy. However, it does create issues in identifying which hirers should be included on the list, and perhaps more critically, which should be excluded. Similar to introducing a fourth hirer category, there is no clear definition for which groups should be considered for a donation.

Additionally, this option does not enable groups that commence hiring a City venue mid-way through the year to be considered until the following year, and sets an expectation that the City will provide ongoing financial contributions without groups investigating ways to improve their financial position.

The City does not currently offer such a contribution to groups that hire non-City venues. This may be perceived as unfair by groups that use non-City venues where the City cannot provide them with a fit-for-purpose venue.

This option is not recommended.

With relation to the ACSRA clubs, Council can choose to:

- Continue with the implementation of the VHFCP as reaffirmed by Council at its meeting held on 23 May 2023 (CJ067-05/23 - Motion No. 16 refers). This option does not provide ACSRA member clubs with a reimbursement of hire fees at HBF Arena from 1 January 2024. This option is not recommended.
- Provide ACSRA clubs with a 25% reimbursement (reduced from 50%) for the first 18 months of the policy.

This is consistent with the phased approach to the implementation of hire fees provided to community sporting clubs using City venues, where the City will provide a 75% subsidy of hire fees for the first 18 months following the policy implementation, decreasing to 50% from 30 June 2025. This will provide the same window of time for ACSRA clubs to financially prepare for the change in policy. This option is recommended.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government (Financial Management) Regulations 1996.*

10-Year Strategic Community Plan

Key theme 3. Place.

Outcome 3-4 Functional and accessible - you have access to quality community facilities that are functional and adaptable.

Policy *Facility Hire Subsidy Council Policy.Strategic Financial Plan – Guiding Principles.*

Risk management considerations

The risk of an additional hirer category into the VHFCP for groups with no ability to generate an income, is that some existing hirers that would not currently fall into this category would purposely change their operational model in order to receive subsidised hire fees.

Financial / budget implications

Should Council consider introducing a phased reduction of the ACSRA junior reimbursement until 30 June 2025, it is estimated that the City will incur an additional expenditure of \$22,788. This is based on the average total reimbursements in the last five years at a 25% reimbursement.

The amount and value of fee waiver applications the City will receive is unknown, however will have an impact on the City's venue hire income.

All amounts quoted in this report are exclusive of GST.

Regional significance

City venues are able to be hired by any group or business within or outside the City.

Sustainability implications

The City has hundreds of community groups that provide wide and varied community services to the benefit of its residents. Allowing access to City venues through an affordable fee structure allows these groups to deliver these services which greatly assist the social fabric of the community.

Consultation

The City will work with those groups that may be experiencing financial hardship as per the fee waiver application process.

COMMENT

To facilitate the introduction of the Venue Hire Fees and Charges Policy, the City has undertaken an extensive community engagement process. During this process, the City has identified a number of groups that may be unable to pay the hire fees under the VHFCP. These are predominantly groups that currently receive a 100% subsidy on hire fees under the existing policy and would be considered Category C hirers under the VHFCP.

The City acknowledges that the nature of these identified groups is diverse, with large variations in group size, activity type, volunteer capacity and financial capacity of members. The City must also acknowledge however that almost all of these groups do not have any formalised restrictions that prevents them from generating an income.

The current hirer categories in the policy are clear and easy to define, with distinct criteria established in line with existing legislation and financial reporting requirements. Introducing category criteria to provide an ongoing subsidy based on group size, activity type or age of members creates inequity in the policy and goes against the agreed principles used to develop it.

The fee waiver process within the policy acknowledges the principle that every hirer should be exposed to the operational costs of the venues, but also that not every hirer will have the financial capacity to pay. This process is designed to determine circumstances of true financial hardship, what the hirers may be able to contribute and for the City able to apply an appropriate fee waiver based on this.

While the City has identified a number of hirers likely to apply for a fee waiver, until such time as the applications are received, we are not in a position to provide a definitive list. To alter the policy at this time may have unintended consequences, including setting an expectation from clubs that ongoing fee waivers will be supported.

The City has adopted a phased approach to the new fee structure for clubs utilising City venues, by applying a 75% subsidy to hire fees for the first 18 months before reducing to the originally proposed 50% subsidy.

The same phased approach has not been provided to ACSRA member clubs in relation to the removal of their junior reimbursements.

These clubs have indicated that the removal of the reimbursement will impact their operations and ability to retain members, considering they currently pay significantly higher venue hire fees compared to neighbouring clubs using venues in the City of Joondalup and City of Wanneroo.

In order to provide an equitable approach to the policy implementation, it is therefore recommended to provide ACSRA clubs with a 25% reimbursement of junior ground / court hire fees (reduced from 50%) for the first 18 months following implementation of the policy. This will provide the same window of time for ACSRA clubs to financially prepare for the change in policy.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The original recommendation as presented by City officers to the Committee is as follows:

That Council:

- 1 *NOTES the proposed fee waiver process for Category B and C hirers under the Venue Hire Fees and Charges Policy;*
- 2 *REQUESTS a report be presented to the August 2024 Policy Committee meeting reviewing the fee waiver process under the Venue Hire Fees and Charges Policy;*
- 3 *AGREES to reimburse 25% of the junior ground hire fees incurred by ACSRA member clubs (Joondalup Little Athletics Association, Joondalup Netball Association and Joondalup Brothers Rugby Union Football Club) at HBF Arena from 1 January 2024 to 30 June 2025.*

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *NOTES the proposed fee waiver process for Category B and C hirers under the Venue Hire Fees and Charges Policy;*
- 2 *REQUESTS a report be presented to a future Policy Committee meeting in 2023 reviewing the fee waiver process under the Venue Hire Fees and Charges Policy;*
- 3 *AGREES to reimburse 75% of the ground hire fees, incurred by ACSRA member clubs (Joondalup Little Athletics Association, Joondalup Netball Association and Joondalup Brothers Rugby Union Football Club) at HBF Arena from 1 January 2024 to 30 June 2025;*
- 4 *REQUESTS a report be presented to the Policy Committee to define not for profit service provider groups into category B.*

RECOMMENDATION

That Council:

- 1 **NOTES the proposed fee waiver process for Category B and C hirers under the Venue Hire Fees and Charges Policy;**
- 2 **REQUESTS a report be presented to a future Policy Committee meeting in 2023 reviewing the fee waiver process under the Venue Hire Fees and Charges Policy;**
- 3 **AGREES to reimburse 75% of the ground hire fees, incurred by ACSRA member clubs (Joondalup Little Athletics Association, Joondalup Netball Association and Joondalup Brothers Rugby Union Football Club) at HBF Arena from 1 January 2024 to 30 June 2025;**
- 4 **REQUESTS a report be presented to the Policy Committee to define not for profit service provider groups into category B.**

ATTACHMENTS

1. Venue Hire Fees and Charges Policy - May 2023 [**13.13.1** - 3 pages]
2. Modelled changes to Schedule of Fees and Charges - May 2023 [**13.13.2** - 1 page]

13.14 COMMUNITY FUNDING PROGRAM (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Director Corporate Services
FILE NUMBER	50591, 101515
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For the Policy Committee to consider the level of delegation to the Chief Executive Officer in determining grant applications as part of the Community Funding Program.

EXECUTIVE SUMMARY

As part of a review of existing funding programs in 2020-21, the Council adopted a revised Community Funding Program (CFP) in August 2021. The revised policy is intended to support the delivery of community-initiated activities for the benefit of the City of Joondalup community.

The CFP is undertaken over two funding rounds each financial year, August and February, with a current budget amount of \$192,500. Grants applied for \$10,000 and below are determined by the Chief Executive Officer, while grant applications greater than that amount are referred to Council for determination.

At its meeting on 23 May 2023 (CJ072-05/23 refers), Council considered a grant application that exceeded \$10,000 and resolved in part to:

“REFERS the Community Funding Program Policy back to the Policy Committee to review the delegated authority for approval of grants such that the approval limits also factor in the cumulative level of funding directed to any organisation within a 12-month period.”

Since 2009, the City has received in excess of 500 applications across its various funding programs, and on six occasions groups have sought funding for more than one initiative where the cumulative amount exceeded \$10,000.

Based on the limited times this has occurred, it is therefore recommended that no change be made to the delegation that allows the Chief Executive Officer to determine each grant with a value of \$10,000 and below.

BACKGROUND

The Community Funding Program (CFP) has been in operation since around 2005.

The City reviewed its funding programs in 2020-21, which subsequently amalgamated the funds of several former funding programs into one which provided greater accessibility to funds to a wider spectrum of groups. At its meeting on 17 August 2021 (CJ127-08/21 refers), Council resolved to adopt the revised CFP. A copy of the *Policy* is attached (Attachment 1 refers).

CFP aims to provide financial support to incorporate community groups to conduct projects, programs, events or activities that benefit the City of Joondalup community. All applications for the CFP must meet the following criteria:

- The project, program, event or activity that funding is being sought for must benefit or service the City of Joondalup community.
- The project, program, event or activity must align with one or more of the Community Funding Program Priorities:
 - strengthen community participation
 - encourage connected communities
 - promote healthy and active lifestyles
 - build resilient and sustainable communities.
- The project, program, event or activity has not received financial support through another funding program from the City within the same financial year.
- The applicant must be incorporated under the Associations Incorporations Act 2015 (or other Australian State Government Incorporations Act).

At its meeting held on 23 May 2023 (CJ072-05/23 refers), Council agreed in part to:

“REFERS the Community Funding Program Policy back to the Policy Committee to review the delegated authority for approval of grants such that the approval limits also factor in the cumulative level of funding directed to any organisation within a 12 month period.”

DETAILS

The City invites applications for grant funding through the CFP twice a financial year, August and February. Each application \$10,000 and below (small grants) is considered by the Chief Executive Officer, with requests greater than \$10,000 (large grants) referred to the Council for determination.

As part of the February 2023 CFP, the City received 27 applications for small grants and two applications for large grants. The large grants were considered by Council at its 23 May 2023 ordinary meeting (CJ072-05/23 refers).

Of the small grants, one group applied for four separate grants with a total value of \$36,499. As the applications were for four individual grants and each grant was below \$10,000, they were determined by the Chief Executive Officer as provided by the policy (the program allows for this).

As a result of the multiple applications from the one group exceeding the delegated limit, the Council has requested this be reviewed.

City records have revealed that since 2009 there has been in excess of 500 applications with six occasions (including February 2023) where the same group has applied for multiple grants exceeding \$10,000. Of the six, only one of the requests was approved.

It should be noted that prior to 2021, the CFP was separated into four separate funding programs with lesser amounts to allocate. Some of the multiple requests were declined not related to the cumulative value of the applications but that other applications were of a higher priority with the limited funds.

Issues and options considered

Council may choose to:

- retain the status quo
or
- amend the delegated authority for the Chief Executive Officer when considering the cumulative level of funding directed to any organisation within a 12-month period. If this is the desired option of Council, an amount of \$20,000 is suggested.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

10-Year Strategic Community Plan

Key theme 1. Community.

Outcome 1-2 Inclusive and connected - you enjoy local services and programs that cater for different ages, abilities and backgrounds.

Policy *Community Funding Program Council Policy.*

Risk management considerations

The policy allows for groups to apply for multiple grants if they are not for the same or similar project / event and have not received funding through another funding program offered by the City (sponsorship). Each application, regardless of the group applying, is determined on merit against the set criteria.

As the delegation for grants \$10,000 and below are considered individually by the Chief Executive Officer, the risk of multiple grants being awarded for the same or similar project / event is mitigated.

Financial / budget implications

A total of \$192,500 is available annually as part of the CFP. The amount allocated in 2022-23 was set at \$306,542 which included an amount carried forward from 2021-22 due to COVID restrictions. Following the 23 May 2023 Council decision, an amount of \$16,761 remained within the program.

An amount of \$192,500 was included in the 2023-24 budget.

Regional significance

Not applicable.

Sustainability implications

The CFP encourages and facilitates opportunities for the development of a healthy, connected, sustainable and involved community.

Consultation

The CFP is offered across two funding rounds each financial year: August and February. On each occasion, the City advertises the program through its monthly newsletter and other promotional platforms. All groups are given an equal opportunity to apply for grant funding and the City offers the same level of support to all groups in their grant application process. One of the reasons for the review of the former CFP, was to provide greater accessibility to funds to a wider spectrum of groups.

COMMENT

All Elected Members are informed of the small grant application outcomes as decided by the Chief Executive Officer.

Based on the following:

- The historical evidence that it has only occurred once in nearly 15 years.
- Each application made, regardless of the group applying, is determined independently against set criteria.

It is recommended that the delegation of \$10,000 and below issued to the Chief Executive Officer remains, regardless of the cumulative level of funding directed to any group within a 12-month period.

It should be noted that the advertising for the August 2023 Community Funding Program Grants has already occurred. At this stage, the consideration of applications received in the August 2023 round will be made as the Policy currently stands with Council being advised of the successful applicants as occurred earlier this year.

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RECOMMENDATION

The committee recommendation to Council for this Report (as detailed below) was resolved by the Policy Committee at its meeting held on 7 August 2023.

The original recommendation as presented by City officers to the Committee is as follows:

That the Policy Committee NOTES the information contained within the report relating to funding levels as part of the Community Funding Program.

The Committee's subsequent recommendation to Council is as follows (changes identified):

That Council:

- 1 *NOTES the information contained within the report relating to funding levels as part of the Community Funding Program;*
- 2 *ADOPTS a revised Community Funding Policy, to include amendments to Part 2.3 of the Policy as follows:*

2.3 Funding Approvals

The CEO may approve applications for funding up to and including \$10,000 (excluding GST), within any 12 month period, while applications for funding greater than \$10,000 (excluding GST) will require the approval of Council.

- 3 *REQUESTS a report be presented to a future Policy Committee meeting to consider amendments to the Community Funding Guidelines to consider fairness and need, and in particular to limit access to sporting and surf life saving clubs combined to no more than 50%.*

RECOMMENDATION

That Council:

- 1 **NOTES the information contained within the report relating to funding levels as part of the Community Funding Program;**
- 2 **ADOPTS a revised Community Funding Policy, to include amendments to Part 2.3 of the Policy as follows:**

2.3 Funding Approvals

The CEO may approve applications for funding up to and including \$10,000 (excluding GST), within any 12 month period, while applications for funding greater than \$10,000 (excluding GST) will require the approval of Council.

- 3 **REQUESTS a report be presented to a future Policy Committee meeting to consider amendments to the Community Funding Guidelines to consider fairness and need, and in particular to limit access to sporting and surf life saving clubs combined to no more than 50%.**

ATTACHMENTS

1. Community Funding Program Policy - adopted August 2021 [13.14.1 - 2 pages]

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 NOTICE OF MOTION NO. 1 – CR RUSSELL POLIWKA – BUY LOCAL POLICY

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russell Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 22 August 2023:

That Council REQUESTS the Chief Executive Officer to prepare a report to Council, that considers the development of a Buy-Local Policy.

REASON FOR MOTION

There is no formal policy currently in place.

It is prudent to have such a policy to encourage officers associated with the procurement of goods and services on behalf of the City to look at local opportunities rather than exporting to other areas.

The policy will help job creation and assist with business retention and growth.

OFFICER'S COMMENT

A report can be prepared.

16.2 NOTICE OF MOTION NO. 2 – CR RUSSELL POLIWKA – PURCHASING POLICY

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russell Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 22 August 2023:

That Council REQUESTS the Chief Executive Officer to prepare a report to Council, reviewing the *Purchasing Policy* and its implementation.

REASON FOR MOTION

Under \$5,000 procurement should be allocated where possible to local business to assist with the growth of the City, we are currently procuring goods outside of the City, the policy being applied in a proactive way in conjunction with the buy local will ensure procurement offers have a clear Council direction of how the policy be applied.

OFFICER'S COMMENT

A report can be prepared.

16.3 NOTICE OF MOTION NO. 3 – CR RUSSELL POLIWKA – BOAS SQUARE ACTIVATION

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russell Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 22 August 2023:

That Council REQUESTS the Chief Executive Officer to:

- 1 Give top priority to the Boas Square Activation Project;**
- 2 Prepare a report to Council, providing an update on the Boas Square Activation Project.**

REASON FOR MOTION

- The proposed area is currently one of the largest underdeveloped opportunities in the CBD.
- The area is currently being used for staff parking. I understand this has evolved without any formal Council approval.
- Providing staff parking is untenable and more so since fringe benefit tax is being applied.
- In the interim until the development has commenced the area currently being used by staff should be opened to the public and generate revenue.
- In the development of the site, parking should be sunken below ground level throughout the area to enable maximising the use and creating a town square similar to many throughout the world which will incorporate live activity within the town centre.
- The CBD is regressing and the City needs to create a stimulus, we have the need, the resources and rate payers looking for assistance that such a development would offer.
- The square would have retail at ground level, performing arts at level 1 and possibly 2, with a mix of commercial and apartments there above (minimum height 20-storeys).
- The performing arts centre should attract federal and state funding.
- Carried out in a commercial way, the overall stimulus project and ongoing land sales will not only generate a beak even but also a further income stream for rate payers.
- This area has been under discussion for more than 25 years, it is time to action the rhetoric.

OFFICER'S COMMENT

Elected members have recently considered "Transforming the Heart of the Joondalup City Centre" as a key Advocacy priority, including the development of Boas Place and the incorporation into this project of a new Joondalup Performing Arts Cultural and Convention Facility (JPACF).

Elected members have also recently discussed the benefits of an integrated approach to City Centre activation.

A decision now to give top priority to the Boas Square Activation Project could constrain the opportunities for an integrated approach to City Centre activation and development options for the JPACF.

The City Centre activation is based on an approach which integrates several development projects, including two major projects that are referred in the Reasons for Motion: the JPACF; and the Joondalup City Centre – Boas Place project.

The JPACF project was deferred by Council in May 2020 when Council resolved to *defer progressing the Joondalup Performing Arts and Cultural Facility project until the 2023-24 financial year and that a further report be presented to the Major Projects and Finance Committee prior to recommencing work on the project*". (CJ066-05/20 refers)

A report was presented to the Major Projects and Finance Committee 14 August 2023 with a recommendation to recommence a project to investigate options for JPACF, and for a report on options to progress the project to go to a future meeting of the Committee.

No further work can be done by officers on the JPACF until the Committee recommendation is considered by Council.

If Council approves the Committee's recommendation on the JPACF, a first step would be to develop a business case that examines the optimal location. One location that would be considered for the JPACF is Boas Place, which is the subject of the current Notice of Motion. The development of Boas Place as part of an integrated approach could then be considered.

The Notice of Motion is not supported prior to Council consideration on the recommendation of the MPFC on the JPACF project.

16.4 NOTICE OF MOTION NO. 4 – CR RUSSELL POLIWKA – EXPENDITURE REPORTING

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russell Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 22 August 2023:

That Council REQUESTS the Chief Executive Officer to:

- 1 Review the current reports made available to Councillors regarding expenditure;**
- 2 Provide a more functional report to inform Councillors of expenditure patterns under providers in an aggregate manner throughout the year.**

REASON FOR MOTION

- The current report does not show how much a provider is receiving over a period, in particular the area of concern is expenditure under \$5,000 which should be directed towards local businesses.
- The additional report will provide better information for Councillors.
- Highlighting trends and possible uncompetitive quotes being accepted.
- Recent publicity shows that fraud is most prevalent in areas where competitive quotes are not sought.

OFFICER'S COMMENT

A report can be prepared.

16.5 NOTICE OF MOTION NO. 5 – CR RUSSELL POLIWKA – RESERVE FUND EXPENDITURE

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russell Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 22 August 2023:

That Council REQUESTS the Chief Executive Officer to prepare a report to Council, to consider the development of a Policy with regard to how reserve funds, that are not tied, are spent.

REASON FOR MOTION

- Rather than special interest groups, with a minor or no rate base, being given special treatment.
- Not for profits need to be more closely monitored and financials provided for the City to clearly understand how much is being transferred into salaries and such.
- Not for profits have a role, however there seems to be a trend to spend rate payers money on select groups to the detriment of the broader rate payer community.
- It is unsustainable to continue with our current practice.
- There was a clear understanding and intent that when we deal with not for profits and special interest groups, the City would provide 1/3 of the funding with 1/3 from the state Government and 1/3 from the benefitting group.
- We need to ensure that we allocate our reserved funds in an equitable and fair manner.
- Discretionary spending needs to be applied in a manner where the impact is felt by the majority of rate payers.

OFFICER'S COMMENT

A report can be prepared.

16.6 NOTICE OF MOTION NO. 6 – CR RUSSELL POLIWKA – GLYPHOSATE

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russell Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 22 August 2023:

That Council REQUESTS the Chief Executive Officer to prepare a report to Council, on the *Weed Management Plan 2023-2032*, as endorsed by Council at its meeting held on 28 March 2023 (CJ040-03/23 refers), to consider eliminating the use of glyphosate in areas where humans and domestic animals are utilising that space.

REASON FOR MOTION

- We keep telling ourselves we are a global City yet we are ignoring the overwhelming evidence from sophisticated large first tier countries throughout the world including Europe and America which have banned the product.
- There is constant rate payer information whereby they have advised the Council of them experiencing adverse reactions to the product, as well as domesticated animals.
- Relying on the Government advisory body by administrators is understandable as it removes accountability. However we claim to be a bold City and should therefore take into account the growing trend of countries that ban the product.
- This issue is not going to go away let's be transparent and join the enlightened countries that have eliminated its use.
- The recent report on the controlling body for glyphosate has highlighted some questionable practices where there is perceived cozy arrangements between the governing body and the manufacturers.

OFFICER'S COMMENT

Council adopted the *City's Weed Management Plan 2023 – 2033* at the March 2023 meeting (CJ040-03/23 refers). In developing the Plan consideration was given to previous Council decisions, outcomes of the Strategic Community Reference Group meeting held in May 2021 and community concerns regarding herbicide use, including two open petitions. The Plan is based on the latest science, research and relevant advice from the State Government and industry agencies. A peer review process has also been undertaken with experts providing feedback on the draft Plan.

A key objective of the Plan is to *reduce the reliance on herbicide use by increasing non-chemical weed control methods, where appropriate*. The integrated approach to weed management that is included in the Plan provides a balance between the use of chemical and non-chemical weed management to ensure biodiversity and amenity within the City is maintained and fire risk is reduced.

The Plan considers the financial and resource implications related to the delivery of weed management services and provides for a sustainable approach into the future.

Department of Health advice indicates that glyphosate is not a confirmed human carcinogen and is safe when used in accordance with the label instructions. The City complies with regulations and implements a number of initiatives to maximise safety and minimise risk to staff and the community.

A Strategic Review Report regarding the Australian Pesticides and Veterinary Medicines Authority (APVMA) was released by the Minister for Agriculture, Fisheries and Forestry on 14 July 2023. The report was a strategic review of the APVMA's allocation of regulatory priorities, its capability to carry out the full scope of its regulatory functions and its operations. The report was commissioned by the Board of the APVMA (Board) at the request of the Minister.

The report highlighted issues with the administration and governance of the APVMA. It concluded that the material reviewed "does not indicate any instances where agvet chemical products have been registered inappropriately".

The City will continue to be guided by Federal and State regulators regarding the safety and appropriateness of the use of pesticides including glyphosate.

The Notice of Motion is not supported given that Council has only recently adopted the *Weed Management Plan 2023 – 2033* and not enough time has passed for the City to review and report on progress.

16.7 NOTICE OF MOTION NO. 7 – CR RUSSELL POLIWKA – OUTSTANDING DECISIONS FROM COUNCIL

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russell Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 22 August 2023:

That Council REQUESTS the Chief Executive Officer to prepare a monthly report to Council, on all outstanding matters that direction has been given on, including an update on any legal action that may have a contingent liability and are unresolved.

REASON FOR MOTION

- The essential elements for Council's to make good decisions is accurate and full information to be presented for their consideration.
- There are still a significant number of Council decisions which have not been implemented or are ongoing.
- These need to be recorded as a timely reminder for Councillors to perform their function.
- The use of confidential items needs to be carefully scrutinised as it can generate the perception that we are doing something other than the City being fully transparent and accountable.

OFFICER'S COMMENT

The administration currently distributes a monthly report to Elected Members on outstanding reports requested to be submitted to either the Council or a Committee, and the estimated date the report is expected to be submitted for consideration.

Should the Council request to have this report include an update of any action taken, the impact of resourcing would need to be considered.

It is unclear whether the Notice of Motion is requesting that Elected Members be informed of every action that has been undertaken in relation to all resolutions of either the Council or Committee on a monthly basis.

Should this be the intent of the motion, then the collation of all correspondence, emails and the like which actions the item and closes if off can be provided to the Council, however, this will be a significant undertaking that will divert considerable resources away from implementing the decisions of Council.

Officers would increase the time and effort spent on reporting, at the cost of reducing the time and effort spent on delivering.

Council might wish to consider an expansion of reporting be incorporated as an element of the adopted Corporate Business Plan, with agreed milestones.

That would require consideration of other elements of the Plan that would need to be reprioritised to accommodate the resourcing of expanded monthly reporting.

Alternatively consideration could be given to providing additional resources to expand monthly reporting while maintaining the Plan.

Decisions of the Council or Committee

S5.41(c) of the *Local Government Act 1995* provides that the CEO's functions include to *cause Council decisions to be implemented*.

The administration has in place processes and procedures to action items as a result of Council or Committee resolutions. This process is overseen by the CEO and Directors to ensure resolutions are actioned and managed in a timely manner.

Elected Members might wish to discuss at a future Strategy Session the type of updates and reporting mechanisms Elected Members require to undertake their roles.

The motion is not supported.

16.8 NOTICE OF MOTION NO. 8 – CR RUSSELL POLIWKA – ADMINISTRATION EFFICIENCY ASSESSMENT

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Cr Russell Poliwka has given notice of his intention to move the following Motion at the Council meeting to be held on 22 August 2023:

That Council REQUESTS the Chief Executive Officer to engage an independent professional body to review the internal structures and efficiency of operations within the City's administration.

REASON FOR MOTION

- Over the last 8 years we have not had such a review and I have requested same as I believe it is essential that every 3-4 years an external body gives an objective assessment of the necessary resources and current functioning of the administration is undertaken.
- Such assessments are common place in organisations as it is often difficult for people within the organisation to be objective.
- The funds expended on such reviews are often more than covered by the efficiency gains obtained.
- True transparency and accountability is what rate payers appreciate.

OFFICER'S COMMENT

Previous Council consideration

A report was considered by Council in March 2019 (CJ033-03/19 refers) relating to a request to review employee resources and efficiencies. The report was presented following a Notice of Motion from Cr Poliwka to the Council meeting 26 June 2018 (C58-06/18 refers), as follows:

That Council REQUESTS the Chief Executive Officer prepare a report, as a matter of priority, on the costs involved in engaging a consultant to examine and review the following aspects of the City's wage expenses:

- 1 Current staff structures and the employee contracting arrangements in place;*
- 2 The wage increases over the last 10 years and also the reasoning behind predicted ongoing increases;*
- 3 Alternative more cost-efficient engagement of staff resources and / or alternative technologies and means to achieve significant overall cost reductions in the ensuing five year plan.*

The report presented to the March 2019 Council meeting provided an analysis of the City's operations, in terms of employee levels and structure; operational efficiencies and benchmarking exercises that the City has been party to over its journey since forming in July 1998. In particular, the information in the report provided details relating to employee resourcing and related costs including but not limited to the following:

- 1 The City of Joondalup staff structure, employment and contracting arrangements.
- 2 The City of Joondalup employment costs.
- 3 The iterative continuous improvement and innovation program that the City is recognised for.

As a consequence of the report the Council resolved in part, at the March 2019 meeting, that it:

“Not support engaging a consultant to review and examine the City’s wage expenses and alternative technologies as a means to achieving a significant overall cost reduction, due to:

- 1 *the potential excessive cost of engaging a consultant;*
- 2 *the reduction in opportunity to use such funds to undertake and invest in future technology to improve operational efficiencies and deliver on community expectations.”*

Current state and review processes

The City is recognised as a leader in local government performance and a reference point for technical experience and best practice for local governments at State and National level. The City is regularly invited to help develop the capability of the local government sector through meetings, forums and conference presentations to share its knowledge and experience in all facets of local government operations.

The organisation is structured to ensure compliance with service provision and legislation, service delivery is determined and driven by Council, through the adoption of the Corporate Business Plan which supports delivery of the Strategic Community Plan.

The performance and capacity of the organisation to deliver the compliance regime and meet community expectations is frequently reviewed by several programs and activities, many of which have oversight by external bodies, this includes:

Australian Business Excellence Framework, Continuous improvement program – The City uses the Australian Business Excellence Framework to provide a systematic process to drive continuous improvement and to provide a basis for assessing its performance and identify improvements. The continuous improvement program includes review of activities and services and identification of initiatives to increase organisational performance and efficiency. Participation in the program which includes assessments by external oversight agencies.

Local Government Performance Excellence Program – which includes robust benchmarking against similar sized local governments, with independent data analytics provided by PricewaterhouseCoopers. The results of this annual program are provided to Elected Members.

ISO 9001:2015 Quality Management System – The implementation of ISO 9001:2015 in the Infrastructure Services Directorate demonstrates the City’s commitment to continuous improvement and customer service to achieve quality objectives. The fundamental principles include a process approach and constantly reviewing and refining processes to identify and implement improvements where required. The accreditation and re-accreditation process includes assessment by external auditors.

External Audit Program – The external Office of the Auditor General reports on relevant local government matters and those specific to the City. These reports are provided to the Audit and Risk Committee.

Customer Satisfaction Survey – Customer satisfaction on the City's service delivery. The City has consistently achieved high customer satisfaction ratings. The positive outcomes of these survey results reflect community satisfaction with services and service levels provided by the City. The next bi-annual Customer Satisfaction Survey will be undertaken soon.

Business Unit Functional Reviews – The City regularly undertakes functional reviews of its Business Units to review the scope of activities conducted, the delineation of responsibilities, the capabilities required to meet the Council/City service requirements, and recommendations to improve service delivery.

Transparency and Accountability - Transparency and accountability of operations is a cornerstone of the Council endorsed *Governance Framework* which details the many accountability measures embedded within the City's organisational processes.

Annual performance measures - Developed with input from Elected Members and included in the Corporate Business Plan and reported through the Annual Report.

Annual Budget process - Elected members are provided with relevant information on organisation structure and service provision through the annual budget process including organisational charts and comprehensive service statements, which enables them to review, consider and determine service provision and service levels on behalf of the community.

The Notice of Motion is not supported in view of the programs and activities already in place to assess and report on organisational structure, performance and efficiencies.

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Commercial, Mixed Use and Service Commercial Zone Local Planning Policy

Responsible directorate: Planning and Community Development

Objectives:

- To provide development standards for commercial buildings that assist in facilitating appropriate built form and functional commercial centres.
- To facilitate the development or redevelopment of commercial centres that respond to the local context.
- To ensure the design and siting of commercial development provides a high standard of amenity, no blank facades visible from the street and activation of external areas.
- To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas.
- To create vibrant mixed use commercial centres that are the focal point for the community by locating housing, employment and retail activities together.
- To establish a framework for the assessment of applications for development within these zones.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy applies to all non-residential development on 'Commercial', 'Mixed Use' and 'Service Commercial' zoned land in the City of Joondalup. Where equivalent development provisions are contained within an approved activity centre plan or local development plan, those provisions shall prevail.

3. Definitions:

In addition to the definitions contained within the City of Joondalup *Local Planning Scheme No. 3* (the Scheme), the following definitions apply:

“coastal area” means land within 300 metres of the horizontal shoreline datum of a coast, as defined within *State Planning Policy 2.6 State Coastal Planning Policy*.

“commercial frontage” means the portion of the building that fronts the street, car park (if located in front of the building) or key pedestrian route.

“external fixtures” means utilities, equipment, plant or other structures necessary for a building to achieve efficient, comfortable operating outcomes and may include rainwater storage tanks, air conditioning units, communication, power and water infrastructure, letterboxes or other fixtures necessary for the use of the building.

“height” when used in relation to a building, means the maximum vertical distance between natural ground level and the finished roof height directly above.

“landscape, landscaping or landscaped” means land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries or ornamental ponds.

“small scale renewable energy system” means a solar energy system of up to 100 kilowatts capacity or a small wind energy system of up to 10 kilowatts capacity.

“solar energy system” means a system which converts energy from the sun into useable electrical energy, heats water or produces hot air or a similar function through the use of solar panels.

“wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

4. Statement:

The City of Joondalup supports the creation of vibrant mixed use commercial centres. Appropriately designed and located commercial centres provide economic and social benefits to the community in which they are situated. They should be a focal point for the community and provide housing, employment and retail opportunities.

This policy provides development provisions for non-residential development that aim to create high quality mixed use commercial centres. It should be read in conjunction with the Scheme and any relevant structure plans, ~~activity centre precinct structure plans~~ or, local development plans or other local planning policies.

5. Details:**5.1. Building Setbacks:**

Buildings shall be setback from property boundaries as follows:

Commercial and Mixed Use Zone

Boundary	Minimum Setback distance
(a) Street setback (includes secondary street)	(i) 3.5 metres, with the exception of an awning which may be setback at 1.5 metres.
(b) Side/rear setbacks	(i) 3.0 metres
(c) Right of way/laneway setback	(i) Nil

Service Commercial Zone

Boundary	Minimum Setback distance
(a) Street setback (includes secondary street)	(i) 3.5 metres, with the exception of an awning which may be setback at 1.5 metres.
(b) Side/rear setbacks	(i) Nil, or where a lot abuts the Residential zone, a minimum of 3.0 metres.
(c) Right of way/laneway setback	(i) Nil

5.2. Building Height:

~~a-~~

The maximum building height as measured from the natural ground level is to be in accordance with the following table:

Zone	Maximum height of wall (m)	Maximum total building height (m)	
		Gable, skillion and concealed roof	Hipped and pitched roof
Commercial R40	7	8	10
Mixed Use R40	7	8	10

Zone	Maximum total building height (m)
Commercial R80*	15
Mixed Use R80*	15
Service Commercial	9

Zone	Maximum Building Height		
	Top of external wall	Top of external wall (concealed roof)	Top of pitched roof
Commercial R40	6 metres	7 metres	9 metres
Commercial R80*	12 metres	13 metres	15 metres
Mixed Use R40	6 metres	7 metres	9 metres
Mixed Use R80*	12 metres	13 metres	15 metres
Service Commercial	6 metres	7 metres	9 metres

* Where a lot abuts the Residential zone, the maximum building height within 6 metres of the common boundary shall be in accordance with Commercial and Mixed Use R40.

5.3. Coastal Area Building Height:

- a. The maximum building height as measured from the natural ground level is to be in accordance with ~~the following table:~~ Commercial and Mixed Use R40.

Zone	Maximum Building Height		
	Top of external wall	Top of external wall (concealed roof)	Top of pitched roof
Commercial	6 metres	7 metres	9 metres
Mixed Use	6 metres	7 metres	9 metres
Service Commercial	6 metres	7 metres	9 metres

- b. Notwithstanding clause 5.3(a), the building height in ~~activity centre precinct structure~~ plans and local development plans must take into account:
- existing built form, topography and landscape character of the surrounding area;
 - building siting and design;
 - bulk and scale of buildings and the potential to ~~unreasonably~~ overshadow adjoining properties or the foreshore;
 - visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces; and
 - whether the development is sympathetic to the desired character, built form and amenity of the surrounding area.

5.4. Built Form and Design:

- ~~a.~~ Development is to be in accordance with the following requirements:

Design Element	Development Requirement
(a) Materials	<ol style="list-style-type: none">Buildings must be constructed of high quality materials including but not limited to stone, concrete, brick, timber and glass.Concrete walls that are visible from an adjoining property or public realm must be painted and provided with an articulated or detailed finish.
(b) Articulation	<ol style="list-style-type: none">Buildings must incorporate appropriate design features to enhance appearance, create visual interest and reduce blank walls, including a combination of the following:<ul style="list-style-type: none">Varied colours, textures, finishes and materials;Varied roof forms and design;Balconies and balustrades;Windows, screens and sun shading devices.
(c) Windows and glazing	<ol style="list-style-type: none">The ground floor commercial frontage must have a minimum of 50% clear glazed windows.The ground floor commercial frontage windows must have a maximum sill height of 700mm above finished floor level.

	(iii) Where window security devices are provided, they must be installed on the inside of a window and be 75% visually permeable. (iv) Windows in an external wall which faces north, east or west must be protected from direct summer sun.
(d) Commercial frontage	(i) Ground floor external tenancies must have an entrance onto the commercial frontage and be outward facing to facilitate activation of the commercial frontage.
(e) Building e Entrances	(i) Building entrances must be clearly defined and easily identifiable from the street and public realm. (ii) Building entrances must directly front the street, car park and key pedestrian routes.
(f) Pedestrian s Shelter	(i) Buildings must provide a continuous pedestrian shelter along all commercial frontages to a minimum height of 3 metres and a minimum depth of 1.5 metres.

5.5. Retaining ~~W~~walls:

Provision	Development Requirement
(a) Retaining walls	(i) Retaining walls visible from a street or car park greater than 1 metre in height must be tiered so no tier is greater than 1 metre in height. A landscaping area of no less than 1 metre in width shall be provided between tiers.

5.6. Parking and Access:**5.6.1. Car Parking Standards:**

- ~~a~~- Car parking bays are to be provided in accordance with the following table:

Use Class	Number of on-site parking bays
Amusement Parlour, Cinema/Theatre, Civic Use, Club Premises, Funeral Parlour, Night Club, Place of Worship, Reception Centre , Recreation – Private, Restaurant/Cafe , Small Bar	1 per 4 people accommodated
Betting Agency, Bulky Goods Showroom, Community Purpose, Exhibition Centre, Liquor Store – large, Motor Vehicle Repairs, Office	1 per 50m ² NLA
Bed and Breakfast	1 per guest room
Caretaker's Dwelling	1 per dwelling
Consulting Rooms, Medical Centre, Veterinary Centre	5 bays per practitioner or 5 bays per consulting room, whichever is greater
Convenience Store, Home Store, Market	1 per 25m ² NLA
Motor Vehicle Wash	1 per employee
Educational Establishment	1 per 3 students accommodated
Primary School	2 per classroom but not less than 10
Secondary School	2 per classroom but not less than 10
Tertiary College	1 per 3 students accommodated

Use Class	Number of on-site parking bays
Fast Food Outlet	1 per 4 people in seated areas plus 1 per 15m ² for non seating serving areas
Garden Centre	1 per 500m ² of site area used for display plus 1 per 10m ² NLA internal display area
Hospital	1 per 3 beds plus 1 per staff member on duty
Hotel, Motel	1 per bedroom/unit plus 1 per 5m ² of bar and dining area
Motor Vehicle, Boat or Caravan Sales	1 per 200m ² display area and 1 bay per employee
Reception Centre, Restaurant/Cafe	1 per 4 people accommodated or 1 per 5m ² of dining room, whichever is greater
Residential Building	1 per 2 people accommodated
Residential Aged Care Facility	1 per 5 beds plus 1 per staff member on duty
Service Station	5 per service bay plus 1 per 20m ² NLA of sales/display area
Shop/ Shopping Centres* under 30,000m ² , Liquor Store – small, Lunch Bar, Restricted Premises	1 per 20m ² NLA
Shopping Centres* from 30,000 to 50,000m ²	1500 bays for the first 30,000m ² NLA plus 4.5 per 100m ² NLA thereafter
Shopping Centres* greater than 50,000m ²	2400 bays for the first 50,000m ² NLA plus 4 per 100m ² NLA thereafter
Tavern	1 per 5m ² of bar and dining area
Trade Supplies, Warehouse/Storage	1 per 100m ² NLA

* The shopping centre parking standard applies to all non-residential land uses located within a shopping centre, regardless of the specific land use.

5.6.2. Car Park Location and Design:

- a-** Car park access and design is to be in accordance with the following requirements:

Design Element	Development Requirement
(a) Car park design	(i) Car parks should be consolidated where practicable. (ii) Car parks shall be designed in accordance with Australian Standards AS 2890.1 and/or AS 2890.2 as amended from time to time.
(b) Vehicle a Access	(i) The number of crossovers should be kept to the minimum to provide efficient ingress and egress. (ii) The location of crossovers should minimise traffic or pedestrian hazards and not conflict with pedestrian/cyclist paths. (iii) Vehicles are required to enter and exit the site in forward gear.
(c) Pedestrian a Access	(i) A footpath must be provided from the car park and the street to the building entrance and along all street frontages.
(d) Reciprocal car parking and access	(i) Where car parking and access is approved on neighbouring properties that relies on the reciprocal movement of vehicles and pedestrians across those properties, the necessary reciprocal

	access and parking shall be allowed at all times to the local government's satisfaction.
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5.6.3. Scooter and Motorbike Parking Standards:

- For every 30 car bays required, the 30th car bay shall be replaced with two scooter/motorcycle parking bays to be designed in accordance with relevant Australian standards. The car parking bays required under 65.6.1 shall be reduced accordingly.

5.6.4. Bicycle Parking Standards:

- Bicycle parking is to be provided in accordance with the following table and relevant Australian standards. Bicycle parking is only required to be provided for new buildings; however it is encouraged to be provided for existing developments and additions to existing developments.

Use Class	Employee Bicycle Parking	Visitor Bicycle Parking
Amusement Parlour, Cinema/Theatre, Community Purpose, Civic Use, Club Premises, Fast Food Outlet, Place of Worship, Reception Centre, Recreation – Private, Restaurant/Cafe, Small Bar	N/A	1 per 50 people accommodated
Betting Agency, Convenience Store, Home Store, Liquor Store – small, Lunch Bar, Market	1 per 100m ² NLA	1 per 50m ² NLA
Consulting Rooms, Medical Centre, Veterinary Centre	1 per 8 practitioners	1 per 4 practitioners
Liquor Store – large, Restricted Premises, Shop	1 per 300m ² NLA	1 per 500m ² NLA
Educational Establishment Primary School Secondary School Tertiary College	N/A	1 per 20 students 5 per classroom 5 per classroom 1 per 20 students
Hospital, Nursing Home	1 per 15 beds	1 per 30 beds
Hotel, Motel, Tavern	1 per 150m ² of bar and dining area	1 per 100m ² of bar and dining area
Residential Aged Care Facility	1 per 10 units	N/A
Bulky Goods Showroom, Exhibition Centre, Trade Supplies	1 per 750m ² NLA	1 per 1000m ² NLA
Office	1 per 200m ² NLA	1 per 1000m ² NLA
Shopping Centres under 30,000m ²	1 per 1500m ² NLA	1 per 3000m ² NLA
Shopping Centres from 30,000 to 50,000m ²	1 per 1500m ² NLA	1 per 3000m ² NLA
Shopping Centres greater than 50,000m ²	1 per 3000m ² NLA	1 per 5000m ² NLA

5.6.5. End of Trip Facilities:

All developments that are required to provide 6 or more employee bicycle parking bays must provide end of trip facilities, designed in accordance with the following criteria:


- a. A minimum of one female and one male shower, located in separate change rooms or a minimum of two separate unisex showers and change rooms.
- b. Additional shower facilities to be provided at a rate of one shower for every 10 additional bicycle parking bays.
- c. A locker for every bicycle parking bay provided.
- d. The end-of-trip facilities are to be located as close as possible to the bicycle parking facilities.

5.7. Landscaping:


 Landscaping is to be in accordance with the following requirements:

Design Element	Development Requirement
(a) % L andscaping	(i) A minimum of 8% of the area of a lot shall be landscaped. (ii) The landscaped area shall include a minimum strip of 1.5 metres wide adjacent to all street boundaries.
(b) Size	(i) Any landscaped area shall have a minimum width of 1.0 metre and distributed in areas of not less than 4.0 square metres.
(c) Shade trees	(i) Shade trees shall be provided and maintained in uncovered car parks at the rate of one tree for every four car parking bays.

5.8. Fencing:

 Any fence located between the street alignment and 6 metres from the street alignment, or the street alignment and a building, whichever is the lesser distance, must be visually permeable above 0.75 metres from natural ground level, and must have a maximum height of 2.0 metres from natural ground level.

5.9. Servicing:

 Servicing, deliveries, lighting and waste collection should be considered as part of the integral design of the building. Services should be screened from view, and located at the rear of the building where practicable. Servicing is to be in accordance with the following requirements:

Provision	Development Requirement
(a) Service access	(i) Service access must be provided to all commercial buildings to cater for the loading and unloading of goods, and waste collection.
(b) Service yards	(i) Service yards must be screened from view and located at the rear of a building. (ii) Service yards must not be located directly adjacent to a Residential zoned lot.
(c) Bin storage areas	(i) Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material.

	(ii) Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access.
(d) External fixtures	(i) External fixtures must be screened from view from the street through building design and located on the roof, basement or at the rear of the building.
(e) Lighting	(i) To minimise the negative impacts of lighting, lighting is to be installed in accordance with Australian Standard AS 4282.

5.10. Sea Containers:

The location and use of sea containers should not detract from the amenity, character and streetscape of an area.

- a. The permanent use of sea containers is to be in accordance with the following requirements:

Provision	Development Requirement
(a) Visibility	(i) The sea container is not visible from any street or adjoining property. (ii) Where visible from an area internal to the site, the sea container is painted or clad with material in a colour that matches, or is complementary to, the colour of the existing buildings on the property.
(b) Location	(i) The sea container is not located within any approved car park, access way or landscaped area.

- b. The temporary use of a sea container can be considered in accordance with the following requirements:
- The sea container is only used in conjunction with building construction or subdivision work that is occurring or approved to occur on the subject site, up to a maximum of 12 months; or
 - The sea container is only used for the loading or unloading of goods that is occurring on the subject site up to a maximum of 7 days; and
 - The sea container is positioned so as not to obscure vehicle sightlines.
 - A formal request is received and a letter is issued from the City approving the temporary nature of the sea container, and its period of use, in accordance with the provisions of subclause 61(42)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - Clause iv. above does not apply if the sea container is in place for less than 48 hours.

5.11. Small Scale Renewable Energy Systems:

- a. The development of small scale renewable energy systems is encouraged in order to reduce the production of greenhouse gas emissions. Small scale renewable energy systems are to be in accordance with the following requirements:

Provision	Development Requirement
(a) Solar energy system	(i) Solar energy systems must be integrated into the overall design of the building and located on rooftops so as not to detract from the building itself or impose on the existing streetscape.
(b) Wind energy system	(i) The system must be well setback from any overhead power lines. (ii) The turbine system must be fitted with an automatic and manual braking system or an over-speed protection device. (iii) Unless colour-matched to the supporting roof, the wind energy system and any tower structure must remain painted or finished in the colour or finish applied by the manufacturer. (iv) No signage, other than the manufacturer's or installer's identification, shall be attached to the system. (v) Any electrical components and wires associated with a small wind energy system must not be visible from the street. (vi) The system must not be located on a property/building on the City's Heritage List. (vii) A maximum of 1 turbine per 1000m ² of lot area is permitted. (viii) Turbines are not permitted on lots less than 1000m ² . (ix) The maximum height of a pole mounted system is 10m above natural ground level. (x) The maximum height of a roof mounted system is 7.5m above the roofline. (xi) The maximum blade diameter is 5.5m. (xii) Not permitted between the building and street. (xiii) A pole mounted system must be setback from side and rear boundaries not less than half the total height of the wind energy system. (xiv) A roof mounted system must be setback a minimum of 7.5m from a major opening of an adjoining building.

Creation date: October 2018 (CJ184-10/18)

Formerly:

Amendments: CJXXX-02/23

Last reviewed: February 2023 (CJXXX-02/23)

Related documentation: • Local Planning Scheme No. 3

File reference: 106157



Light Industry Zone Local Planning Policy

Responsible directorate: Planning and Community Development

Objectives:

- To provide development standards for light industry buildings that assist in facilitating appropriate built form and functional light industrial areas.
- To ensure the design and siting of light industry development provides a high standard of amenity and does not impact on adjoining residential properties.
- To encourage high quality, street-orientated development that integrates with surrounding areas.
- To establish a framework for the assessment of applications for development within this zone.

1. Authority:

This Policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy applies to development on 'Light Industry' zoned land in the City of Joondalup.

3. Definitions:

In addition to the definitions contained within the City of Joondalup *Local Planning Scheme No. 3* (the Scheme), the following definitions apply:

"commercial frontage" means the portion of the building that fronts the street, car park (if located in front of the building) or key pedestrian route.

"external fixtures" means utilities, equipment, plant or other structures necessary for a building to achieve efficient, comfortable operating outcomes and may include rainwater storage tanks, air conditioning units, communication, power and water infrastructure, or other fixtures necessary for the use of the building.

“frontage” means the line where a road reserve and the front of a lot meet and, if a lot abuts two or more road reserves, the one to which the building is proposed to face.

“height” when used in relation to a building, means the maximum vertical distance between natural ground level and the finished roof height directly above.

“landscape, landscaping or landscaped” means land developed with garden beds, shrubs and trees, or by the planting of lawns, and includes such features as rockeries or ornamental ponds.

“small scale renewable energy system” means a solar energy system of up to 100 kilowatts capacity or a small wind energy system of up to 10 kilowatts capacity.

“solar energy system” means a system which converts energy from the sun into useable electrical energy, heats water or produces hot air or a similar function through the use of solar panels.

“visually permeable” means a wall, gate, door or fence that the vertical surface has:

- ~~c~~Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area;
- ~~c~~Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
- ~~a~~A surface offering equal or lesser obstruction to view;

as viewed from the street.

“wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

4. Statement:

In considering applications for development on land zoned Light Industry, a variety of criteria will be taken into consideration that aim to ensure that such developments are compatible with, and avoid adverse impacts on, the amenity of the adjoining and surrounding areas.

5. Details:

5.1. Building Setbacks:

~~a-~~ Buildings shall be setback from property boundaries as follows:

Boundary	Minimum Setback distance
(a) Street setback	(i) 3.5 metres, with the exception of an awning which may be setback at 1.5 metres.
(b) Side/rear setbacks	(i) Nil, or where a lot abuts the Residential zone, a minimum of 3.0 metres.

5.2. Building Height:

- a. The maximum building height as measured from the natural ground level is to be in accordance with the following table:

Maximum Building Height*		
Top of external wall	Top of external wall (concealed roof)	Top of pitched roof
9 metres	10 metres	12 metres

- *b. Where a lot abuts the Residential zone, the maximum building height within 6 metres of the common boundary shall be ~~6~~ 7 metres.

5.3. Built Form and Design:

- a- Development is to be in accordance with the following requirements:

Design Element	Development Standard
(a) Materials	(i) Buildings must be constructed of high quality materials including but not limited to stone, concrete, brick, timber and glass. (ii) Concrete walls that are visible from an adjoining property or public realm must be painted and provided with an articulated or detailed finish.
(b) Articulation	(i) Buildings must incorporate appropriate design features to enhance appearance, create visual interest and reduce blank walls, including a combination of the following: <ul style="list-style-type: none">• Varied colours, textures, finishes and materials;• Varied roof forms and design;• Balconies and balustrades;• Windows, screens and sun shading devices.
(c) Windows and glazing	(i) The ground floor commercial frontage must have clear glazed windows for a minimum of 40% of the building frontage. (ii) Where window security devices are provided, they must be installed on the inside of a window and be 75% visually permeable. (iii) Windows in an external wall which faces north, east or west must be protected from direct summer sun.
(d) Building eEntrances	(i) Building entrances must be clearly defined and easily identifiable from the street and public realm. (ii) Building entrances must directly front the street, car park and key pedestrian routes. (iii) Pedestrian shelter must be provided at the entrances to the buildings.

5.4. Retaining Wwalls:

Provision	Development Requirement
(a) Retaining walls	(i) Retaining walls visible from a street or car park greater than 1 metre in height must be tiered so no tier is greater than 1 metre in height. A landscaping area of no less than 1 metre in width shall be provided between tiers.

5.5. Parking and Access:

5.5.1 Car Parking Standards:

- ~~a-~~ Car parking bays are to be provided in accordance with the following table:

Use Class	Number of on-site parking bays
Club Premises, Funeral Parlour, Place of Worship, Recreation – Private	1 per 4 people accommodated
Bulky Goods Showroom, Industry, Industry – Light, Industry – Service, Motor Vehicle Repairs	1 per 50m ² NLA
Caretaker's Dwelling	1 per dwelling
Veterinary Centre	5 bays per practitioner or 5 bays per consulting room, whichever is greater
Convenience Store	1 per 25m ² NLA
Motor Vehicle Wash	1 per employee
Educational Establishment	1 per 3 students accommodated
Fuel Depot, Transport Depot	1 per staff member but not less than 5
Garden Centre	1 per 500m ² of site area used for display plus 1 per 10m ² NLA internal display area
Motor Vehicle, Boat or Caravan Sales, Trade Display	1 per 200m ² display area and 1 bay per employee
Service Station	5 per service bay plus 1 per 20m ² NLA of sales/display area
Lunch Bar	1 per 20m ² NLA
Trade Supplies, Warehouse/Storage	1 per 100m ² NLA

5.5.2 Car Park Location and Design:

- ~~a-~~ Car park access and design is to be in accordance with the following requirements:

Design Element	Development Requirement
(a) Car park design	(i) Car parks should be consolidated where practicable. (ii) Car parks shall be designed in accordance with Australian Standards AS 2890.1 and/or AS 2890.2 as amended from time to time.
(b) Vehicle a Access	(i) The number of crossovers should be kept to the minimum to provide efficient ingress and egress. (ii) The location of crossovers should minimise traffic or pedestrian hazards and not conflict with pedestrian/cyclist paths. (iii) Vehicles are required to enter and exit the site in forward gear.
(c) Pedestrian a Access	(i) A footpath must be provided from the car park and the street to the building entrance.
(d) Reciprocal car parking and access	(i) Where car parking and access is approved on neighbouring properties that relies on the reciprocal movement of vehicles and pedestrians across those properties, the necessary reciprocal access and parking shall be allowed at all times to the local government's satisfaction.

5.5.3 Scooter and Motorbike Parking Standards:

- a. For every 30 car bays required, the 30th car bay shall be replaced with two scooter/motorcycle parking bays to be designed in accordance with relevant Australian standards. The car parking bays required under ~~6-65.5.1~~ may be reduced accordingly.

5.5.4 Bicycle Parking Standards:

- a. Bicycle parking is to be provided in accordance with the following table and relevant Australian standards. Bicycle parking is only required to be provided for new buildings; however it is encouraged to be provided for existing developments and additions to existing developments.

Use Class	Employee Bicycle Parking	Visitor Bicycle Parking
Club Premises, Funeral Parlour, Place of Worship, Reception Centre, Recreation – Private	2 per 10 car parking bays	1 per 50 people accommodated
Convenience Store, Lunch Bar	1 per 100m ² NLA	1 per 50m ² NLA
Veterinary Centre	1 per 8 practitioners	1 per 4 practitioners
Educational Establishment	1 per 20 employees	1 per 20 students
Bulky Goods Showroom, Industry, Industry – Light, Industry – Service, Trade Supplies, Warehouse/Storage	1 per 750m ² NLA	1 per 1000m ² NLA
Fuel Depot, Transport Depot	1 per 5 car parking bays	1 per 10 car bays

5.5.5 End of Trip Facilities:

All developments that are required to provide 6 or more employee bicycle parking bays must provide end of trip facilities, designed in accordance with the following criteria:

- A minimum of one female and one male shower, located in separate change rooms or a minimum of two separate unisex showers and change rooms.
- Additional shower facilities to be provided at a rate of one shower for every 10 additional bicycle parking bays.
- A locker for every bicycle parking bay provided.
- The end-of-trip facilities are to be located as close as possible to the bicycle parking facilities.

5.6. Landscaping:

- a. Landscaping is to be in accordance with the following requirements:

Design Element	Development Requirement
(a) % Landscaping	(i) A minimum of 8% of the area of a lot shall be landscaped. (ii) The landscaped area shall include a minimum strip of 1.5 metres wide adjacent to all street boundaries.
(b) Size	(i) Any landscaped area shall have a minimum width of 1.0 metre and distributed in areas of not less than 4.0 square metres.

(c) Shade trees	(i) Shade trees shall be provided and maintained in uncovered car parks at the rate of one tree for every four car parking bays.
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5.7. Fencing:

- a. Any fence located between the street alignment and 6 metres from the street alignment, or the street alignment and a building, whichever is the lesser distance, must be visually permeable above 0.75 metres from natural ground level, and must have a maximum height of 2.0 metres from natural ground level.

5.8. Servicing:

- a. Servicing, deliveries, lighting and waste collection should be considered as part of the integral design of the building. Services should be screened from view, and located at the rear of the building where practicable. Servicing is to be in accordance with the following requirements:

Provision	Development Requirement
(a) Service access	(i) Service access must be provided to all commercial buildings to cater for the loading and unloading of goods, and waste collection.
(b) Service yards	(i) Service yards must be screened from view and located at the rear of a building. (ii) Service yards must not be located directly adjacent to a Residential zoned lot.
(c) Bin storage areas	(i) Bin storage areas must be screened from view by a wall not less than 1.8 metres in height, constructed of brick, masonry or other approved material. (ii) Bin storage areas must be accessible to waste collection vehicles and not adversely affect car parking and vehicular or pedestrian access.
(d) External fixtures	(i) External fixtures must be screened from view from the street through building design and located on the roof, basement or at the rear of the building.
(e) Lighting	(i) To minimise the negative impacts of lighting, lighting is to be installed in accordance with Australian Standard AS 4282.

5.9. Sea Containers:

The location and use of sea containers should not detract from the amenity, character and streetscape of an area.

- a. The permanent use of sea containers is to be in accordance with the following requirements:

Provision	Development Requirement
(a) Visibility	(i) The sea container is not visible from any street or adjoining residential property. (ii) Where visible from an area internal to the site, the sea container is painted or clad with material in a colour that matches, or is complementary to, the colour of the existing buildings on the property.
(b) Location	(i) The sea container is not located within any approved car park, access way or landscaped area.

- b. The temporary use of a sea container can be considered in accordance with the following requirements:
- i. The sea container is only used in conjunction with building construction or subdivision work that is occurring or approved to occur on the subject site, up to a maximum of 12 months; or
 - ii. The sea container is only used for the loading or unloading of goods that is occurring on the subject site up to a maximum of 7 days; and
 - iii. The sea container is positioned so as not to obscure vehicle sightlines.
 - iv. A formal request is received and a letter is issued from the City approving the temporary nature of the sea container, and its period of use, in accordance with the provisions of subclause 61(42)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - v. Clause iv. above does not apply if the sea container is in place for less than 48 hours.

5.10. Small ~~S~~scale ~~R~~renewable ~~E~~energy ~~S~~systems:

- ~~a.~~ The development of small scale renewable energy systems is encouraged in order to reduce the production of greenhouse gas emissions. Small scale renewable energy systems are to be in accordance with the following requirements:

Provision	Development Requirement
(a) Solar energy system	(i) Solar energy systems must be integrated into the overall design of the building and located on rooftops so as not to detract from the building itself or impose on the existing streetscape.
(b) Wind energy system	<ul style="list-style-type: none">(i) The system must be well setback from any overhead power lines.(ii) The turbine system must be fitted with an automatic and manual braking system or an over-speed protection device.(iii) Unless colour-matched to the supporting roof, the wind energy system and any tower structure must remain painted or finished in the colour or finish applied by the manufacturer.(iv) No signage, other than the manufacturer's or installer's identification, shall be attached to the system.(v) Any electrical components and wires associated with a small wind energy system must not be visible from the street.(vi) The system must not be located on a property/building on the City's Heritage List.(vii) A maximum of 1 turbine per 1000m² of lot area is permitted.(viii) Turbines are not permitted on lots less than 1000m².(ix) The maximum height of a pole mounted system is 10m above natural ground level.(x) The maximum height of a roof mounted system is 7.5m above the roofline.(xi) The maximum blade diameter is 5.5m.(xii) Not permitted between the building and street.

	(xiii) A pole mounted system must be setback from side and rear boundaries not less than half the total height of the wind energy system. (xiv) A roof mounted system must be setback a minimum of 7.5m from a major opening of an adjoining building.
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Creation date: October 2018 (CJ184-10/18)

Formerly:

Amendments: CJXXX-02/23

Last reviewed: February 2023 (CJXXX-02/23)

Related documentation: • Local Planning Scheme No. 3

File reference: 106157

**PROPOSED AMENDMENTS – COMMERCIAL, MIXED USE AND SERVICE COMMERCIAL ZONE LOCAL PLANNING POLICY AND LIGHT INDUSTRY
ZONE LOCAL PLANING POLICY
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING**

NO	OVERALL POSITION	SUBMISSION SUMMARY	CITY COMMENT
1.	Neutral	Solar panels elevated from the roof line should be within the overall height limits of the property.	Under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , solar panels are exempt from development approval where they sit parallel to the angle of the roof. Where not exempt, the policies require that they must be integrated into the building design. The assessment of any such development application would take into consideration the relevant height requirements.
2.	Neutral	Disabled bay access is not included in the plan.	Disability parking is captured under the provisions of the Building Code of Australia and relevant Australian Parking Standards (AS2890.6) - <i>Off-street parking for people with Disabilities</i> .
		Electric car charging bays are not included.	The increasing importance of electric vehicle charging bays is recognised, however the City is awaiting guidance from the Department of Planning, Lands and Heritage in line with the recommendation of the State's <i>Electric Vehicle Parking Strategy</i> . A more detailed review on this aspect will be undertaken as part of the City's review of the <i>Local Planning Scheme No. 3</i> (LPS3).
3.	Oppose	The section for the requirement of facilities of people using bicycles as transport is such that it will deter the use of bicycles. This is in direct opposition to the current world-wide trend in bicycle use.	It is unclear if submitter considers the standards for the provision of facilities for cyclists is onerous, or not sufficient. Notwithstanding, the standards provided have been reviewed in conjunction with separate advice recently provided by the Department of Transport and other local government policies. The standards are comparable. A more detailed and comprehensive review will be undertaken as part of the City's review of LPS3.
4	Oppose	The term commercial buildings should be replaced with reference to the applicable zones to clarify that stand-alone commercial buildings should not be addressed by this policy unless they are complying with model provisions which are harmonised with LPS3.	The policy specifically applies only to commercial buildings whether they be stand-alone buildings or within a centre. The policy sets out the applicable development provisions and is required to be read in conjunction with LPS3.

**PROPOSED AMENDMENTS – COMMERCIAL, MIXED USE AND SERVICE COMMERCIAL ZONE LOCAL PLANNING POLICY AND LIGHT INDUSTRY
ZONE LOCAL PLANING POLICY
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING**

NO	OVERALL POSITION	SUBMISSION SUMMARY	CITY COMMENT
		Commercial centres reference should be replaced with the centres meaning of <i>State Planning Policy 4.2 – Activity Centres for Perth and Peel</i> (SPP4.2). SPP4.2 guides how centres should be planned.	<p>SPP4.2 is strategic planning document mainly concerned with the distribution, function and land uses of activity centres. These subject policies are not addressing the planning of commercial centres, rather, are providing the development standards for buildings on land that is zoned 'Commercial', 'Mixed Use', or 'Service Commercial' and not otherwise covered by an activity centre plan. It is noted that the City of Joondalup has numerous sites that are zoned 'Commercial', 'Mixed Use', or 'Service Commercial' both within centres and as stand-alone sites.</p> <p>The use of the wording "commercial centre" is within the policy is descriptive term only and has a different connotation to the meaning of centres in SPP4.2 which is in reference to Activity Centres only.</p>
		It needs to be clarified whether this policy amends or replaces provisions within LPS3.	The policies provide general development provisions which supports the provisions within the scheme. They do not amend or replace any scheme provision.
		Replace "mixed use commercial centres" with the specific zones, for the avoidance of obfuscation about whether this policy is addressing commercial buildings outside of SPP 4.2 planned centres for example those in "coastal nodes" or whether it is addressing commercial zones from the model provisions to which LPS3 has been harmonised	The <i>Commercial, Mixed Use and Service Commercial Zone Local Planning Policy</i> specifically applies to development within those zones. The use of the term "mixed use commercial centres" is descriptive only.
		Replace "precinct plan" with "activity centre".	The terminology as proposed within the revised policies aligns with current State Planning Policies.
		In relation to the Statement section, is the City proposing by omission, that this policy to "be read in conjunction with the LPS 3 provisions" EXCEPT those provisions applying to the Joondalup City Centre and SPP 4.2 centres?	In accordance with Section 2 Application of the policy, the policies only apply to development within the zones stated. Some activity centres, such as the Joondalup Activity Centre are zoned 'Centre' and subject to the development provisions included in a structure plan.



Volunteer Council Policy

Responsible directorate: Planning and Community Development

Objective: To support the City's role in managing and recognising the significant and invaluable efforts of volunteers within the community.

1. Definitions:

"volunteer" means a person who freely and willingly gives time for the common good without financial gain.

"volunteer group", also known as a Voluntary Association, means a group entirely made of volunteers.

2. Statement:

Volunteers provide an invaluable contribution to the City of Joondalup community. The City remains committed to effectively managing and recognising the needs of volunteers by applying best practice standards in an innovative and flexible manner.

3. Details:

The City of Joondalup recognises that volunteers and volunteer groups enhance and extend the City's services through valuable contributions of time and skills for the community's benefit. The efforts of these individuals and groups increase social cohesion and community participation.

3.1. Management of volunteers:

The National Standards for Volunteer Involvement endorsed by Volunteering Australia will guide the City and provide a framework to consider the roles and responsibilities of volunteers.

The City will also utilise the foundations of best practice set out by Volunteering Australia to increase the impact of volunteer involvement, achieve strategic goals and ensure consistency of work practices.

3.2. Recognition of volunteers:

In order to recognise the significant efforts of volunteers within the community, the City will:

- conduct volunteer functions where possible, in alignment with best practice recognition events, as well as other local opportunities.

Creation date:	February 2007 (CJ007-02/07)
Formerly:	Recognition of Volunteers Policy
Amendments:	CJ207-10/07, CJ052-04/17
Last reviewed:	April 2017 (CJ052-04/17)
Related documentation:	<ul style="list-style-type: none">• Community Development Plan• National Standards for Volunteer Involvement• Liability Act 2002 (WA)• Occupational Health and Safety Act 1984 (WA)• Code of Conduct• Volunteers (Protection from Liability) Act 2002• Equal Opportunity Act 1984 (WA)
File reference:	102666



Cash-in-Lieu of Car Parking Local Planning Policy

Responsible directorate: Planning and Community Development

Objective: To provide guidance on the application of cash-in-lieu parking arrangements for developments outside of the Joondalup Activity Centre.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy applies to all non-residential development in the City of Joondalup, except for the Joondalup Activity Centre (as defined in the Joondalup Activity Centre Plan).

3. Definitions:

“vicinity” refers to the area within sufficient proximity to the site of the proposed development for which parking bays or transport infrastructure may be provided to address the parking demand.

“transport infrastructure” as defined by *Local Planning Scheme No.3* means the works and undertakings described below for the purpose of providing public transport infrastructure, walking and cycling infrastructure, parking infrastructure and demand management:

- (a) Public transport stops, shelters and station, signs, public transport lanes, vehicles track and catenary, priority signals and associated works/designs.
- (b) Paths, signs, bikes, end of trip facilities (showers and lockers), pedestrian and cycling crossings and any associated works and designs.
- (c) On and off street parking bays, parking machines, parking signs, shelters and any associated works/ design and technologies.

4. Statement:

The local government acknowledges the need to ensure an adequate provision of off-street parking to cater for the normal parking demand of land uses in all areas, as well as the importance of providing options for developers to establish alternative on-site parking arrangements.

The City of Joondalup *Local Planning Scheme No. 3* (LPS3) allows the local government to accept a cash payment in-lieu of the provision of on-site parking bays. This policy provides guidance on when a shortfall may be considered and how the fee for cash-in-lieu is calculated.

5. Details:

5.1. Consideration of shortfall parking bays:

In the first instance, on-site parking bays are to be provided in accordance with the parking standards outlined in the relevant local planning policy, structure plan, activity centre plan or local development plan.

Where the total required on-site car parking bays are not proposed to be provided on the subject site, there may be circumstances under which an alternative to the payment of cash-in-lieu for the shortfall parking bays may be considered. These may include:

- approval in a reduction of the number of car parking bays to be provided;
- consideration of reciprocal parking and access arrangements where different land uses are located on adjoining sites, and where appropriate agreements can be put in place.

5.2. Parking bay valuation:

For the purpose of this policy and the provisions of LPS3:

- a. a typical car parking bay and its associated manoeuvring and landscaping area is assumed to occupy an area of 30 square metres;
- b. the cash value for each car parking bay is the sum of the construction cost of an at-grade car bay, as determined by the City, plus the value of the land required to provide the bay (30 square metres);
- c. the value of the land component is based on the site that is the subject of the development proposal, and is to be obtained by a licenced land valuer or Valuer General, at the applicant's cost.

5.3. Expenditure of cash-in-lieu:

- a. Cash-in-lieu payments will be placed into appropriate funds and used by the local government within the vicinity of the development for shortfall parking bays or transport infrastructure, in accordance with LPS3.

Creation date:	June 1999 (CJ213-06/99)
Formerly:	
Amendments:	CJ206-10/05, CJ056-04/06, CJ160-08/12, CJ026-02/18
Last reviewed:	February 2018 (CJ026-02/18)
Related documentation:	<ul style="list-style-type: none">• Local Planning Scheme No. 3
File reference:	72020



Dedicated Car Parking for Seniors and Parents with Prams Council Policy

Responsible directorate: Planning and Community Development

Objective: To outline the City's position on the establishment of dedicated parking bays for seniors and parents with prams.

1. Application:

This Policy applies to City of Joondalup facilities and non-residential privately-owned land throughout the whole of the district.

2. Definitions:

"pram" means a wheeled vehicle used for carrying a young child, which is pushed from behind (e.g.: a perambulator, stroller, buggy, child-carrier etc.).

"senior" means a person aged 60 years or over.

3. Statement:

Council recognises the need for a safe passage and ease of mobility for parents of young children and seniors within popular car parking facilities. To achieve this, Council supports the establishment of dedicated parking bays for seniors and parents with prams at City of Joondalup facilities and on non-residential privately-owned land.

4. Details:

4.1. Non-residential privately-owned land:

- a. The City encourages and supports the provision of dedicated parking bays for the exclusive use of seniors and parents with prams on non-residential privately-owned land.
- b. Where formally approached by private landowners, the City may undertake enforcement of the use of dedicated parking bays for the exclusive use of seniors and parents with prams, subject to the City entering into a formal agreement with the private landowner.

4.2. City of Joondalup community facilities:

- a. The provision of dedicated car parking bays by the City at its community facilities, for exclusive use by seniors and parents with prams, is to take the following criteria into consideration:
 - i. Where the matter impacts on a specific location within the City, those most closely affected are to be consulted.
 - ii. Where the matter concerns service users, participation is to be sought from user groups/organisations and individuals.
 - iii. Where a matter is deemed to impact on all residents and ratepayers of the City, random selection will be used to invite participation from a representative sample of the community.
- b. Any parking bays for exclusive use of seniors and parents with prams at a particular City facility will be clearly marked and signs will be erected alerting the public as to the status of the bays.
- c. Decisions regarding enforcement of the exclusive use of the bays will be made by the City on a case-by-case basis.

Creation date: December 2010 (CJ220-12/10)

Formerly:

Amendments: CJ093-05/12, CJ027-02/18

Last reviewed: February 2018 (CJ027-02/18)

Related documentation:

- Access and Inclusion Plan
- Parking Local Law 2013

File reference: 04378



Department of Planning,
Lands and Heritage



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June 2023

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of land and waterways across Western Australia. The Department is committed to reconciliation to improve outcomes for Aboriginal and Torres Strait Islander peoples and to work together to provide a culturally-safe and inclusive environment.

Disclaimer

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1. Policy intent

This policy sets out the general principles and requirements that will be used by the Western Australian Planning Commission (WAPC) to:

- ensure public open space (POS) is an essential consideration across the planning framework
- establish a minimum standard for the contribution towards POS from the creation of new lots
- provide guidance on the collection, expenditure and management of cash in lieu contributions towards POS to benefit the community.

The WAPC's intent is to ensure all communities have well-planned POS that is adequate in extent, quality, function and accessibility as well as being responsive to evolving community needs. The costs of providing, upgrading and maintaining POS should be reasonably, predictably and equitably shared among those that generate a need for it.

2. Application of this policy

This policy applies to the preparation and assessment of planning instruments including local planning strategies, local planning schemes, structure plans and subdivision applications, including all strata subdivision within Western Australia.

The policy is complemented by the full range of policies under *State Planning Policy 1 State Planning Framework* that address POS to provide the comprehensive delivery of well-planned POS for the community. This specifically includes the POS provisions within:

- State Planning Policy 2.6 State Coastal Planning
- State Planning Policy 2.8 Bushland of the Perth Region
- State Planning Policy 2.9 Planning for Water
- State Planning Policy 3.0 Urban Growth and Settlement
- State Planning Policy 3.6 Infrastructure Contributions
- State Planning Policy 4.2 Activity Centres
- Liveable Neighbourhoods in interim (to be replaced with new State Planning Policy 7.1 Neighbourhood Design)

- State Planning Policy 7.2 Precinct Design
- Operational Policy 1.1 Subdivision of Land - general principles
- Operational 1.11 Community Schemes
- Development Control Policy 1.3 Strata Titles
- Development Control Policy 2.2 Residential Subdivision
- Development Control Policy 2.4 School Sites
- Development Control Policy 4.1 Industrial Subdivision.

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3. Public Open Space in WA

In planning for POS, it is necessary to ensure the POS is responsive, well-located and functional, which achieves the desired recreational, amenity, health, cultural and environmental outcomes for the whole community.

The long-standing provision originating from recommendations made within the 1955 *Plan for the Metropolitan Region Perth and Fremantle* (the Stephenson-Hepburn Plan) for POS to be set aside at a minimum rate of 10 per cent of residential areas shall continue to form a sound basis for POS provision across all communities. Furthermore, all applications generating increased demand for POS shall be considered for a contribution towards POS. This contribution may be in the form of suitable land or cash in lieu to help facilitate new POS or upgrades to existing POS. Non-residential or rural living areas may also generate a need for POS in some circumstances, though the requirements for, rate of provision and contribution may differ from that in residential areas.

4. Policy objectives

The objectives of this policy are to:

- a) Provide an adequate quantity and contemporary quality of accessible POS in all urban areas.
- b) Encourage decision-making that improves the community's amenity, health and liveability while responding to our environmental, infrastructure, economic, sporting, recreational and leisure needs.
- c) Apply a consistent strategic approach to the planning, provision and documentation of POS.
- d) Support the provision of POS in non-residential or rural living areas where supported by site specific and relevant justification.
- e) Ensure other incidental land uses within POS, such as utilities, infrastructure or biodiversity conservation, complement, not compromise POS function provided for the community.
- f) Not support the unplanned loss of existing POS areas through the rezoning or disposal processes.

5. Policy measures

5.1 General Measures

Proposals to create additional lots are to be assessed against this policy to determine the appropriate provision of, and contribution towards POS.

In general, a minimum of 10 per cent of the gross subdivisible area shall be for POS for community use across all urban areas. This is best guided by strategic planning and implemented in statutory decision-making through POS contributions from new subdivision.

The rate of contribution to POS may vary to accommodate localised situations and the new demand being generated in accordance with this policy.

5.2 Calculating and Designing Public Open Space

POS is to be calculated and designed in accordance with Liveable Neighbourhoods (to be replaced with a new SPP 7.1 Neighbourhood Design).

For POS impacted by an infrastructure or utility easement, credit for this easement land towards the 10 per cent requirement can only be granted at a maximum rate of 50 per cent credit where

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the infrastructure is underground, or a maximum rate of 20 per cent credit where it is above ground infrastructure, providing it satisfies all of the following:

- there is no impediment to the use and development of the easement for POS purposes
- all land impacted by the infrastructure easement is considered restricted and as such is also subject to the overall restricted POS limits contained in Liveable Neighbourhoods; and
- is supported by the local government and infrastructure or utility operator/authority.

The alternative for land impacted by an infrastructure easement is to deduct the easement land from the gross subdivisible area altogether and no credit towards POS be given for this land.

For POS impacted by public utilities or infrastructure (such as dedicated drainage sumps or transformer pads), these are to be located so as not to compromise the function of the POS and generally do not form part of the 10 per cent POS area.

5.3 Strategic Planning

5.3.1 Local Planning Strategies

Local planning strategies are a key planning instrument for identifying the POS needs of a community and providing a strategic basis for localised decision-making about POS, including the rationale for any variations to POS contribution rates.

All local planning strategies are to be prepared in accordance with the WAPC's Local Planning Strategy Guidelines and the *Planning and Development (Local Planning Schemes) Regulations 2015*. To assist with POS planning, local planning strategies should also include the details, actions and indicative timeframes for the following, as relevant:

- an inventory of POS reserves, plus other sites and reserves that offer a publicly accessible open space function. This may include foreshore reserves, regional open space, public school ovals and conservation reserves that are developed with a POS function
- a broad POS demand and supply analysis, identifying existing and projected POS functionality alongside existing and estimated future population and land use utilising demographic forecasts on a suburb basis
- identification of any under provision of POS land and facilities, based in the first instance upon a minimum requirement of 10 per cent

of the gross subdivisible area for each suburb and the strategies for addressing, including obtaining more land or providing upgrades to existing POS

- identification of opportunities for improving linkages that enhance access to POS (e.g. landscaping of road reserves and pedestrian accessways)
- identification of land surrounding existing or proposed POS suitable for an increase in residential density to further encourage accessibility and use of POS and assist in achieving infill density targets
- identification of any existing POS or other open space reserves suitable for upgrades on which cash in lieu funds can be spent
- using the above analysis, include a rationale for any local variations or possible further exemptions to the standard POS contributions, as provided for in this policy. This anticipated per centage of POS contribution is to be articulated
- the anticipated per centage and rationale for any proposal to seek POS contributions from non-residential or rural living land uses.

To assist in collating this information, some local governments may opt to utilise more detailed POS demand analyses, or similar. It is important that if such additional studies have been prepared by the local government, the planning components are incorporated into the local planning strategy



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to inform statutory planning decisions. This may be via an amendment to an existing local planning strategy.

POS location, area, distribution and function in a suburb is to be guided by the local planning strategy, the provisions of Liveable Neighbourhoods and any other WAPC policy as may be applicable. In the absence of a local planning strategy that adequately guides the provision of POS, it should be provided and contributed to in accordance with Liveable Neighbourhoods and this policy, ensuring an appropriate mix of local, neighbourhood and district open space providing sport (including dedicated sports fields), recreation and nature spaces.

5.3.2 Structure Plans

Structure planning (standard and precinct structure plans) is to address any existing POS and assess the need for new POS to cater for all current and anticipated community needs.

Structure plans should refer to the contributions towards POS to be provided at subdivision and how these contributions will assist in ensuring adequate extent, quality, function and distribution of POS within the area of the plan.

Any staging of POS land provision is to be outlined at the structure plan stage.

5.4 Statutory Planning

5.4.1 Local Planning Schemes

Proposals to zone land that will increase POS demand, particularly increases to residential densities, are to be supported by a local planning strategy that identifies the community's POS needs and anticipated contributors to POS (as land or cash in lieu).

In zoning to provide for new residential land, the minimum of 10 per cent of the gross subdivisible area should be planned for POS as land, unless otherwise justified and prescribed in an approved local planning strategy.

In the absence of an approved local planning strategy adequately addressing POS provision, a scheme amendment proposal may be required to include its own strategic analysis of the community's POS need to inform POS provision and contributions.

Local planning schemes are to include POS as a Reserve for Public Open Space and show this on the scheme map accordingly.

5.4.2 Subdivision General

In accordance with the WAPC's State Planning Policy 3.6 - Infrastructure Contributions (SPP 3.6) and Operational Policy 1.1 - Subdivision of Land General Principles (OP 1.1), all subdivision generating an additional lot (including green title

lots, all strata title lots and community scheme lots) is to consider the provision of POS as a standard infrastructure requirement prior to approval. This consideration is not restricted to any one land use or subdivision type.

In accordance with the *Planning and Development Act 2005*, a condition of subdivision approval may be imposed that requires a contribution to POS as land or cash in lieu, or combination thereof. Two lot subdivision applications will typically not have POS requirements applied, as cash in lieu cannot be sought under the *Planning and Development Act 2005* and a land contribution is often not practical.

In some circumstances requiring land for POS may not be practical, or there is already 10 per cent or more POS land in the suburb which caters for community needs, or it is provided in another location via a structure plan, subdivision or scheme. In such circumstances, contribution to POS via cash in lieu of land may be applied as a condition of subdivision approval. Advice from the local government will be sought by the WAPC regarding the imposition of such a condition.

5.4.3 Residential Subdivision

For all residential subdivisions (including strata title subdivision), a minimum standard of 10 per cent of the gross subdivisible area is to be ceded free of cost for POS, or the equivalent cash in lieu, unless varied in one of the following situations.



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- a) Existing POS in a suburb provides some of the POS function for the existing (established) community and therefore may justify a reduced POS contribution rate in all infill (excludes brownfield) subdivision. In addition, where only one additional lot is created in an established (infill) area (such as 3 lots into 4 lots) contributions towards POS may be reduced further. The applicable rate of contribution towards POS is as follows:
- Infill subdivision (excludes brownfield sites) where the suburb already contains some existing developed POS, the minimum 10 per cent contribution requirement may be reduced by up to half to a minimum contribution of between 5 per cent and 10 per cent, the percentage to be justified and determined in an approved local planning strategy, scheme, structure plan or development contribution plan
 - Where there is no approved planning instrument as above to determine the percentage, a 5 per cent contribution based on the whole gross subdivisible area applies
 - Where only one additional lot is proposed in the subdivision and there is no approved planning instrument to determine the percentage, a 2.5 per cent contribution based on the whole gross subdivisible area applies; or
- iv. Two lot subdivision applications are exempt from a POS cash in lieu contribution.
- b) In recognition of the role some limited forms of publicly accessible, privately owned open space has in reducing the demand generated by new lots for POS, some credit may be granted towards the minimum 10 per cent contribution as follows:
- For all strata subdivision (includes built strata) and community title schemes where common property/communal open space is provided in excess to any Residential Design Code (R Code) requirement, the 10 per cent POS contribution may be reduced commensurate with this aforementioned area of common property/communal open space to a maximum reduction of half (i.e. minimum 5 per cent POS contribution still applies). Provided that:
 - the common property/communal open space is demonstrated by way of an approved plan to be designed and function like POS; and
 - the common property/communal open space area has unrestricted public access secured via an easement.
- The remainder of the POS contribution is to be via land or cash in lieu.
- c) In limited unique circumstances in some larger infill or brownfield sites, the minimum 10 per cent POS contribution may be reduced commensurate with expenditure on upgrades to an existing nearby POS at the subdividers cost, provided that:
- the POS upgrades are to occur in the same suburb as the subdivision
 - there is a minimum of 10 per cent POS land existing in the suburb already
 - the local government has already agreed to the proposed upgrades and arrangements and a legal agreement with the local government is in place
 - the POS upgrades proposed respond to community need; and
 - a condition of approval is imposed on the subdivision application accordingly.
- d) Mixed use sites are those not wholly comprised of residential land uses. As such, some reduction to the POS contribution rate may be applied to a mixed-use site, generally commensurate with the likely residential composition of the site at the following rates:
- where the site is identified in a scheme or structure plan for residential development at a density of up to and including R80 or R-AC4, or in the absence of an applicable

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- R Code, to a maximum height of 3 storeys, a minimum 5 per cent POS contribution applies to the whole mixed use site
 - where the site is identified in a scheme or structure plan for residential development at a density exceeding the R80 or R-AC4 density, a minimum 7.5 per cent POS contribution applies to the whole mixed use site, unless previously varied in accordance with an approved scheme or structure plan; or
 - where the mixed-use site is an infill site, the default 5 per cent contribution rate may apply unless otherwise provided for in the applicable scheme, structure plan or development contribution plan.
- e) In all the above instances of variations to the 10 per cent minimum standard, consideration shall also be given to:
- the objectives and requirements of other State Planning Policies as may be applicable
 - advice of the local government as may be sought by the WAPC; and
 - the exclusion of any density or development bonus entitlement that has been approved or may otherwise have applied to the proposal.

5.4.4 Regional Residential Subdivision

In recognition of the climatic, environmental, cultural and lifestyle differences experienced across the state, a variation to the minimum POS standard of 10 per cent of the gross subdivisible area of a suburb may be supported in regional areas. This is provided that a strategic analysis via an approved local planning strategy, scheme, or structure plan has identified satisfactory unrestricted and developed POS and other open space that offers a local POS function (such as foreshore reserves, regional open space or community purpose sites) to accommodate the recreational and sporting needs of the community, and identifies a POS variation accordingly.

As a minimum, the strategic analysis is to include:

- an inventory of POS reserves in the suburb and adjoining suburbs
- identification of other sites or reservations that currently offer an open space function in the suburb and adjoining suburbs if applicable. This may include foreshore reserves and other public purpose reserves developed with a POS function
- a broad POS demand and supply analysis, identifying existing and projected POS quantity, accessibility and functionality alongside the existing and estimated future population and land use, utilising demographic forecasts, and ideally on a suburb basis.



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The use of a townsite boundary may be more applicable than suburb boundary in some regional locations.

5.4.5 Non-Residential and Rural Living Subdivision

A POS contribution of any amount, as land or cash in lieu, may be sought from non-residential land uses (includes commercial, industrial or tourism) or for rural living land uses (includes rural residential) for the purposes of catering for residents, worker or visitor needs, general amenity or site specific requirements. The justification for, and amount of POS contribution, is to be informed by:

- a strategic analysis, as either contained in an approved local planning strategy, scheme, structure plan or other public planning document which identifies the nexus between the land use/development and the additional population/visitation/workforce demand for POS provision or contribution
- the suitability of the proposed POS as it relates to the non-residential or rural living land use needs, or suitability of existing POS on which cash in lieu is intended to be used for
- any objectives and requirements of other planning instruments as may be applicable; and
- the advice of the local government as may be sought by the WAPC.

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5.5 Staging

Where a subdivision is staged, POS may be required to be met entirely from the first stage of subdivision, particularly if an agreement, such as by way of an approved structure plan, has not been reached with other landowners about the sharing of POS responsibilities.

Where the POS is not met entirely from the first stage of subdivision, the staged rate of provision of POS may be required to equal or exceed the overall rate of POS provision for that stage and be outlined in a staging plan, to ensure the quality, quantity and location of provided POS caters for residents at each stage of lot creation.

5.6 Development Applications

For development approvals that precede subdivision, an advice note should be provided to alert proponents to any likely future POS contribution condition at any subsequent subdivision.

5.7 Development of Public Open Space

The requirement for POS land as a condition of subdivision includes the development of that POS. Where POS is to be ceded free of cost by the subdivider, it is a requirement that the entire POS be developed to a minimum 'basic development' standard in accordance with SPP 3.6 Development Contributions and Liveable Neighbourhoods, unless otherwise agreed to by the WAPC and local government, and maintained for a minimum period of time. This requirement does not extend to cash in lieu conditions.

Development of the POS beyond the standards outlined in SPP 3.6 and Liveable Neighbourhoods is a matter for negotiation with the local government to ensure the POS development reflects the community needs and local government management capacities. An additional management agreement with the local government may be required to be entered into in these circumstances.

5.8 Cash in lieu collection and management

In accordance with Section 153 of the *Planning and Development Act 2005*, the WAPC can impose a condition of subdivision requiring POS to be provided as cash in lieu of setting aside a portion of land. Section 155 of the *Planning and*

Development Act 2005 sets out provisions in relation to valuation of land. The value of cash in lieu is determined as a percentage of the market value of the parent lot from which the subdivision occurs. The percentage relates to the equivalent percentage of land that would otherwise be provided as POS.

The local government will, at the expense of the subdivider, seek a valuation of the land from the Valuer General's Office or a licensed valuer. If the valuation is disputed by the subdivider or local government, the valuation may be varied by agreement between the parties or arbitrated in accordance with Section 156 of the *Planning and Development Act 2005*.

Section 154(1) of the *Planning and Development Act 2005* provides that cash in lieu funds received by a local government must be paid into a reserve account, separate to other reserve accounts, established and maintained under section 6.11 of the *Local Government Act 1995*. The account is to set out the purpose for which the money is held, the landholding from which it was obtained and the date on which it was paid to the local government.

The total amount of cash in lieu funds collected, held and expended per suburb in the reserve account should be made publicly available to ensure transparency and accountability to the community.

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5.9 Cash in lieu expenditure

5.9.1 Cash in lieu intent

To address the nexus between POS demand generation and POS provision and upgrade, expenditure of cash in lieu should:

- be informed by an approved local planning strategy (LPS), or in the absence of a LPS, an alternative strategy, community strategic plan, local planning policy, structure plan or equivalent document that has been through public consultation
- respond to community need by improving access, safety, environmentally sensitive design or contemporary functionality of existing or proposed POS or the public reserve that functions as POS
- be on a site that has unrestricted public access, not generally be associated with a use fee, and is reserved in the local planning scheme for POS or other reserve with a recreation function; and
- occur within the suburb or adjoining suburb, in which it was collected unless variations are identified in an approved local planning strategy.

5.9.2 Cash in lieu use

Cash in lieu funds can be used for:

- the purchase of land for POS by the local government. This can include the local government's administrative costs associated with the purchase process or repaying loans for the purchase
- reimbursing an owner of land that is part of an agreement for the setting aside or vesting of land for POS in accordance with the *Planning and Development Act 2005*.
- improvements to or development of POS
- improvements to, or development of, public reserves that have a recreation function provided the land is reserved for a form of recreation purposes including POS recreation or public purpose reserves in the local government local planning scheme, the public has unrestricted access and cash in lieu contributions were sourced from within the suburb or adjoining suburb
- improvements to, or development of, regional open space, foreshore reserves and/or conservation reserves where it is demonstrated that the reserve offers a POS function, has unrestricted public access and the cash in lieu contributions were sourced from within the suburb or adjoining suburb. Such improvements or development for POS functions should be consistent with the purpose of the reserve

- cash in lieu funds would not normally be acceptable for indoor or enclosed recreation facilities where usage fees are charged, nor for maintenance or infrastructure upgrades unrelated to community POS needs.

In all instances, expenditure of cash in lieu should be publicly transparent and aim to be utilised within 5 years of the contribution collection date.

5.9.3 Expenditure requests

Requests to expend cash in lieu, other than for the purchase of land for POS, are to be submitted to the WAPC prior to Ministerial consideration, with the accompanying information:

- a cover letter briefly justifying the request from the local government, addressing the above requirements, this may be in the form of referencing the local planning strategy as applicable
- a plan or list outlining the source(s) and amount(s) of the funds (includes suburb, subdivision reference number from which funds were obtained, date obtained and the dollar value of the contribution)
- project or program timing schedule for expenditure; and
- project or program expenditure based on a maximum budget allocation.

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Expenditure requests can be grouped into one consolidated map and schedule that includes the above information. Grouped requests will require notification to the WAPC within three months of completion of the works, including a signed statement demonstrating details of expenditure from a Certified Public Accountant employed by the local government or an audited statement prior to the publication of the local government annual report.

5.10 Disposal of Public Open Space

The disposal or rezoning of POS reserves created for the purpose of providing POS is not generally supported by the WAPC, particularly given future community needs can be difficult to fully anticipate.

Where a local government considers that an existing area of POS is not in a suitable location, of an appropriate size or function, and does not meet the needs of the existing or anticipated future community, POS disposal may be considered, but it is to be assessed in the same strategic manner as determining POS provision. Preferably, the local planning strategy should be used to inform the suitability of disposal proposals. In the absence of a strategy, a strategic assessment of the existing and anticipated future community needs is to occur, which shall include the following:

- the current accessibility, interface, physical attributes, function and estimated visitation of the reserve

- any planning in the suburb which will result in an increase in residential population and possible need for additional POS quantity or quality
- the distribution and amount of POS already in the suburb as reflected as a percentage of the gross subdivisible area; and
- evidence of local community engagement.

The disposal of land set aside as a reserve for public recreation is governed by the *Land Administration Act 1997*. Proceeds from the sale of public recreation reserves may be used by the local government to acquire other land for POS or be spent on upgrades to existing areas of POS. Proposals for the disposal of any POS land will be referred to the WAPC for consideration.

5.11 Reservation, Management and Vesting of Public Open Space

Where land for POS has been created under the *Planning and Development Act 2005* and reserved for that purpose, that land is only to be used for public recreational purposes and is to remain open to the public at all times. It is to be reserved in the local planning scheme for POS.

Where POS sites are impacted upon by utilities, easements, buffers, environmental constraints, or are shared use sites such as those

co-located with school sites, the management responsibilities of the POS are to be resolved at the structure planning stage, or prior to subdivision approval, as may be applicable and practical. If management responsibilities of the POS are unable to be resolved, the WAPC may not support the subdivision until the proponent supplies evidence of resolution of a suitable management arrangement.

5.12 Other Open Space

Regional open space, foreshore reserves, community purpose sites, Bush Forever sites or conservation reserves are not by definition in this policy considered POS. However, they may contribute a POS function for the local community and may receive consideration in strategic planning as providing that POS functionality. These forms of other open space may influence the determination of the gross subdivisible area and in some instances may be included as justification for a reduction (or credit towards) the minimum 10 per cent POS requirement in the manner outlined in Liveable Neighbourhoods and/or this policy.

Foreshore reserve provision is in addition to any POS requirement. The width, function and design of foreshore reserves are determined in accordance with State Planning Policy 2.6 State Coastal Planning Policy and/or (draft) State Planning Policy 2.9 Planning for Water and associated guidelines.



ATTACHMENT 13.5.1



Operational Policy 2.3

10

Draft Planning for Public Open Space

ATTACHMENT 13.5.1



6. Definitions

Brownfield: developed land that has been identified for future urban re-use. These are often larger sites in established or infill areas that may also have been converted from one former land use to another.

Demand analysis: understanding the demand created by anticipated future population helps to justify POS contributions. Demand for POS in yet to be developed areas or existing areas can be assessed based on the likely numbers of dwellings or subdivision yields to be achieved in an area. Latent demand is often assessed by projecting future participation, using existing participation rates, such as organised sporting activities, and applying this to projected population figures.

Greenfield: undeveloped land that has been identified for future urban use.

Gross Subdivisible Area: as set out in Liveable Neighbourhoods (and to be reviewed in preparation of SPP 7.1 Neighbourhood Design).

Infill: is the redevelopment of existing urban areas at a higher density than currently exists.

Locality: is a spatial term used in land use planning to describe a local area. The size and attributes of a locality can vary depending upon the context and intended application. For this reason, a locality is not specifically defined but rather can

be determined in a similar manner to a precinct in accordance with SPP 7.2. In POS planning, the starting point for identifying a locality is often a suburb area, modified in consideration of walkable catchments and relevant local features.

Public Open Space: land that is set aside, used as, and managed for public recreation purposes and reserved for public open space in a local planning scheme.

Regional Open Space: land that is designated as Parks and Recreation or Regional Open Space in a region planning scheme.

Regional Areas: generally interpreted as areas and country towns located outside of metropolitan and regional centres.



Frequently Asked Questions

Operational Policy 2.3

Planning for Public Open Space

These explanatory notes provide an overview of the Public Open Space policy review and a summary of key changes.

1 WHAT IS THE CURRENT POLICY ON PUBLIC OPEN SPACE?

Public open space (POS), such as neighbourhood parks and sporting fields, is currently provided at a minimum of 10 per cent of a new residential area. Those who create new residential lots contribute the cost of providing adequate POS, either by providing land for POS or by providing money towards the cost of purchasing land for POS or improving POS facilities.

Different considerations apply to smaller subdivisions creating 5 lots or less, in established suburbs previously subdivided and for subdivisions that create a mix of residential and non-residential land uses. In practice, many subdivisions of 5 lots or less may not have contributed to POS.

The current policy has been in place for over 50 years and has secured adequate POS across most suburbs of Western Australia, as they developed. Now that suburbs are being redeveloped with more housing (known as infill) and a greater mix of housing types, it is important to review the policy to ensure the open space demands and expectation of the community continue to be met into the future.

2 WHAT TYPES OF SUBDIVISION REQUIRE A CONTRIBUTION TOWARDS PUBLIC OPEN SPACE?

Under existing policy, all proposals that increase the number of lots can potentially be required to make a land or monetary contribution to POS. This includes apartment developments that create new built strata lots, it also includes mixed-use lots that have a combination of residential and commercial development. The proposed new *draft Operational Policy 2.3 – Planning for Public Open Space* provides further clarity that all forms of land subdivision, that increase the demand for POS, can be subject to a contribution requirement, including all types of strata subdivision.

3 WHY IS A CONTRIBUTION TO PROVIDING PUBLIC OPEN SPACE REQUIRED?

The planning of infrastructure is fundamental to the economic and social well-being of any community. New development needs to ensure the cost-efficient, and appropriate provision of essential infrastructure such as roads, electricity, schools and POS.

POS is essential infrastructure in urban areas. It provides a recreation function for residents, visitors and workers but also offers green space for amenity, nature, events and drainage. When new residential lots are created, this will result in additional houses and more people who need and use POS. A contribution towards the cost of meeting this additional demand for POS, or associated upgrades to existing POS, is a shared responsibility between Government and proponents developing new lots. This POS policy outlines how the proponent will make a contribution.

4 WHAT ARE THE MAIN POLICY REFORMS PROPOSED?

The *draft Operational Policy 2.3 – Planning for Public Open Space* proposes that all residential subdividers, regardless of their location or the type of subdivision, contribute to POS, in a fair and predictable way.

The overall policy of seeking at least 10 per cent of residential areas for POS will continue to apply in greenfield and brownfield subdivision, as illustrated in Figure 1 and Figure 2 below. Where only two lots are proposed, usually no contribution will be sought as any land would typically be too small for a practical park and a cash contribution is not currently permissible under legislation.. (*refer cl 5.4.3 a iv*)

However, changes are proposed to the calculation of the contribution from those subdividing land to make the POS contribution process simpler, more predictable, fairer and more consistent. These changes include:

- Subdividers in established suburbs, known as infill sites, may contribute less given the existing parks available and some of the additional POS demand can be met within these existing parks. In these situations, the contribution amount will be determined after an endorsed POS needs analysis by the local government. If this analysis is yet to be done, a default rate of 5 per cent contribution will apply (Figure 3)
- Where only one additional lot (such as re-subdividing 2 lots into 3 lots) is proposed, a reduction to a default contribution rate of 2.5 per cent applies (Figure 4) (*refer cl 5.4.3 a iii*)

- Subdividers of apartments or grouped housing that provide publicly accessible but privately owned open space may reduce their contribution in limited circumstances (Figure 5a and 5b) (*refer cl 5.4.3 b i*)
- Where a mix of residential and non-residential land uses is possible, the contribution may be reduced proportional to the planned residential component to default rate of 5% (lower and medium density) (Figure 6 and Figure 8) or 7.5% (high density) (Figure 7 and Figure 8) (*refer cl 5.4.3 d*)
- Subdividers in regional towns will contribute in a similar way to those in metropolitan areas but concession may be given to the role other forms of publicly owned green spaces have in fulfilling community needs (*refer cl 5.4.4*)
- Subdividers of non-residential lots will continue to typically be exempt from a POS contribution unless a demonstrated community need exists, in which case the contribution rate will be established in an approved planning document. (*refer cl 5.4.5*)

5 ARE POS CONTRIBUTIONS REQUIRED IF A SUBURB ALREADY HAS 10 PER CENT PUBLIC OPEN SPACE?

The percentage of POS land that each suburb has already varies across WA and does not necessarily reflect current or future community need. The best way to address this is by undertaking strategic POS planning. If a suburb is found to have sufficient, quality POS to cater for the projected community need,

POS contribution rates may be varied through the planning framework. This will help to ensure a transparent, justifiable contribution is sought.

6 WILL I BE REQUIRED TO CONTRIBUTE TO PUBLIC OPEN SPACE IF I AM BUILDING?

The need for a POS contribution will be assessed and sought at subdivision stage. If you plan to build first and later subdivide via a built strata subdivision, you may be required to contribute to POS as a condition of the built strata approval in the same manner as other types of subdivision, but not the development stage. Part of the assessment of the subsequent built strata subdivision will consider whether a POS contribution has already been made for the site at the current density.

7 WHERE AND HOW WILL THE PUBLIC OPEN SPACE CONTRIBUTIONS BE SPENT?

Local governments collect POS cash contributions and retain the funds in a dedicated account. The local government then identifies where land for new POS is to be purchased, or which parks should be developed, or park facilities upgraded. Proposals to spend funds are then submitted for the Minister for Planning's approval.

This process is not proposed to change, however the new draft policy encourages the spending of contributions in a timely manner and has widened the location within which the money may be spent to include adjoining suburbs to better address community need.

8 DO THE PUBLIC OPEN SPACE REFORMS AFFECT ME?

If you are a subdivider of residential land in WA (includes all types of residential such as apartments and retirement living), then the new draft public open space policy, includes a more predictable POS contribution rate to be applied by the WAPC when it determines the application to subdivided land.

If you are a community member, it is expected that the reforms will help provide for better planning and upgrading of POS that supports urban infill and responds to modern community needs.

9 HOW DO I FIND OUT HOW MUCH PUBLIC OPEN SPACE IS IN MY SUBURB, AND IF ANY CONTRIBUTIONS ARE BEING SPENT?

Local Governments are best placed to understand and plan for community POS needs. Contact your local government for more information and to discuss potential changes to your local POS.

10 HOW TO VIEW AND COMMENT ON THE DRAFT POLICY?

The draft policy is on the [DPLH website](#). Comments on the policy can be made via the DPLH's [consultation hub](#). The advertising period closes on 25 August 2023.

 GSA = Gross Subdivision Area

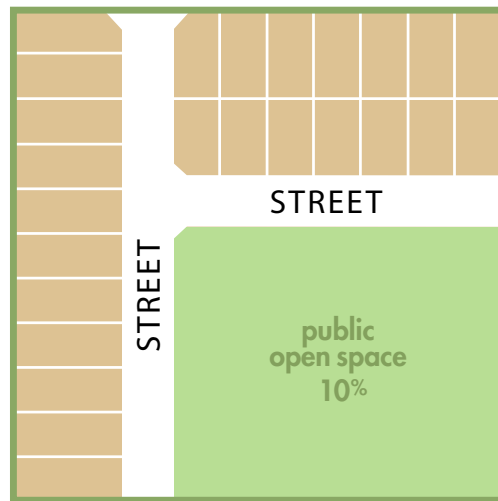


Figure 1: Greenfield subdivision

10% of the gross subdivisible area, typically as land or as otherwise planned for, calculated in accordance with Liveable Neighbourhoods.

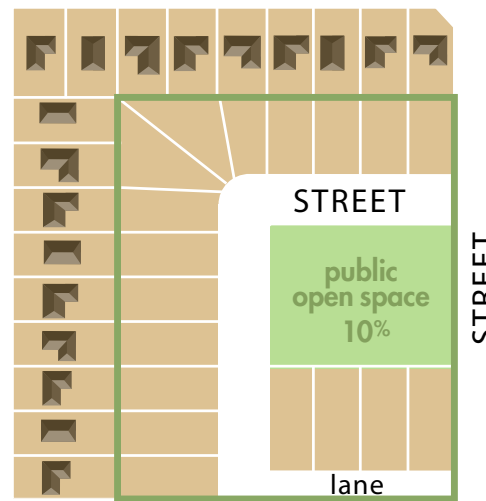


Figure 2: Brownfield subdivision

10% of the gross subdivisible area as land or cash in lieu, or combination thereof, as typically determined at structure plan stage.

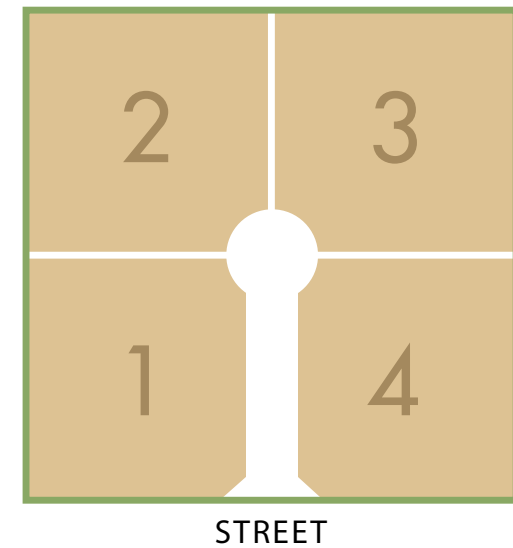


Figure 3: Smaller infill subdivision

5% of the gross subdivisible area typically as cash in lieu, unless otherwise approved in the planning framework.

 GSA = Gross Subdivision Area

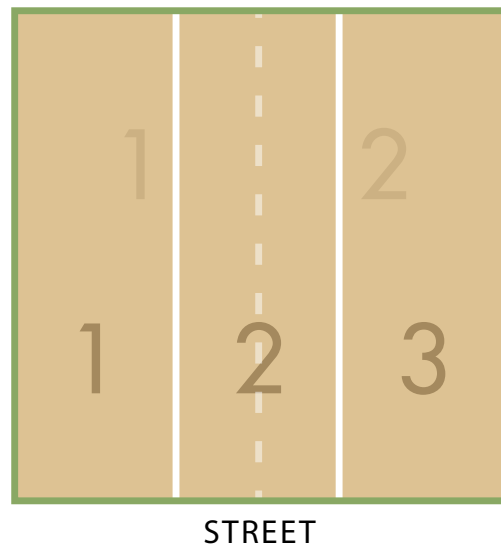


Figure 4: One additional lot

2.5% of the gross subdivisible area as cash in lieu, or the equivalent as land if practical and agreed, unless otherwise approved in the planning framework.

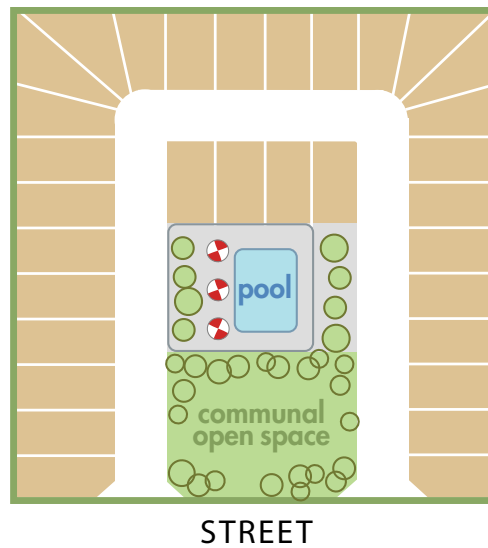


Figure 5a and 5b: Communal Open Space

POS contribution reduced equivalent to any communal open space/common property that provides a publicly accessible POS function, in excess to any R Code requirements, with a minimum POS contribution of 5%.

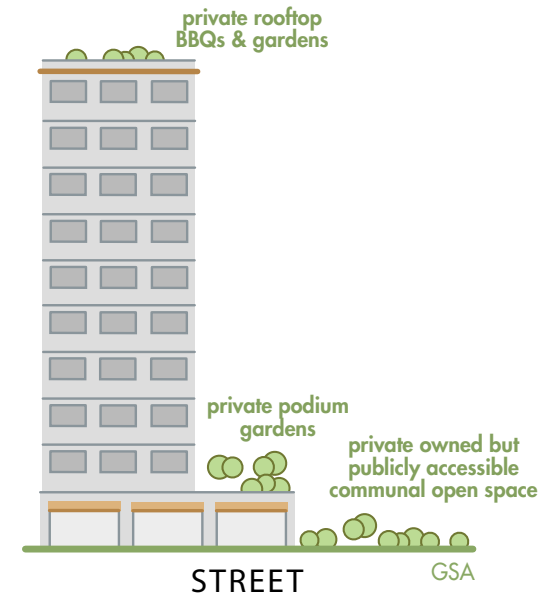




Figure 6: Mixed use – Low to Medium Density

5% of the total mixed use site area where an R Code of up to and including R80 or R-AC4 applies, unless otherwise approved in the planning framework.

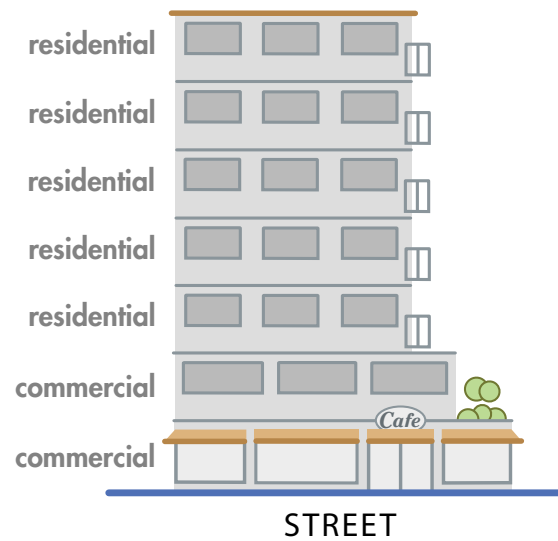


Figure 7: Mixed use – High Density

7.5% of the total mixed use site area where an R Code exceeding R80 or R-AC4 applies, unless otherwise approved in the planning framework.

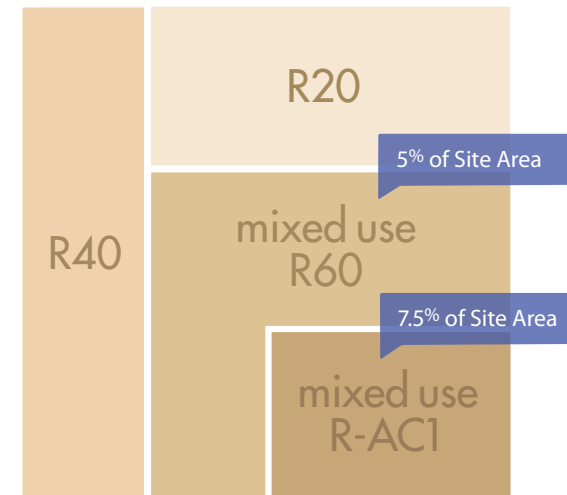


Figure 8: Mixed Use – Structure Planning

5% of the total mixed use site area where an R Code of up to and including R80 or R-AC4, unless otherwise approved in the planning framework.

7.5% of the total mixed use site area where an R Code exceeding R80 or R-AC4, unless otherwise approved in the planning framework.

Planning for Public Open Space - Consultation Form

Question 1 - About you

1. What is your name? *(required)* City of Joondalup
2. What is your email address? *(required)* info@joondalup.wa.gov.au
3. Are you responding on behalf of an organisation? *(required)* Yes No

Organisation name: City of Joondalup

4. Submissions may be published as part of the consultation process. Do you wish to have your name removed from your submission? *(required)* Yes No

5. What region are you from? *(required)* Please select only one item

- ☒ Perth
- ☐ Peel
- ☐ Gascoyne
- ☐ Goldfields
- ☐ Great Southern
- ☐ Kimberley
- ☐ Mid West
- ☐ Pilbara
- ☐ South West
- ☐ Wheatbelt

Question 2.

Do you (or your organisation) think there are adequate and convenient parks for recreation and local amenity in your suburb?

- ☒ Yes
- ☐ No
- ☐ Unsure

If applicable, please comment on what is lacking in terms of adequacy of parks, adequacy of park facilities or accessibility to those parks.

A social needs analysis was undertaken on behalf of the City of Joondalup in 2022, including a needs assessment for sport and recreation services and facilities. This indicated that there was no unmet need regarding public open space, though there is a future need for some aspects of organised sport and aquatic recreation. There would likely also be the need for upgrades to existing park infrastructure and improving accessibility.

The City's Capital Works Program has identified the need for improvements to public open space within and adjacent to the City's infill areas.

Question 3.

Public open space (POS) is important for recreation, health, education, local amenity and quality of life.

Do you agree with maintaining the existing minimum contribution requirement of 10 per cent POS land as a general standard for all suburbs? (10 per cent is a proportion of the gross subdivisible area, generally applied to residential type zones)

☒ Yes

☐ No

☐ Unsure

Do you have any other comments on this approach? N/A

Question 4.

Do you think it is reasonable for all subdividers of residential lots (blocks of land) that create new additional lots to contribute towards public open space (parks or park facilities) regardless of their location?

(Fact bank) Notes:

This contribution can either be by land for new public open space (parks) or by cash to be spent on upgrading existing parks and can depend on what is practical, as guided by the local government.

Two lot subdivision applications cannot contribute as cash due to restrictions in law and contributions of land is typically not practical. These subdivisions therefore do not usually contribute to public open space.

☒ Yes

☐ No

☐ Unsure

Do you have any other comments?

Contributions should apply to two lot 'infill' subdivisions. Within the City of Joondalup, the majority of new 'infill' lots are created through two lot subdivisions. Between 1 July 2022 and 15 June 2023, subdivision approvals in the City's infill areas (Housing Opportunity Areas) included 44 new 'infill' lots created through two lot subdivisions (44 applications) and 17 new lots created through 3+ subdivisions (8 applications). Not requiring a contribution for two lot subdivisions would be disproportionate to the extra demand these new lots may place on public open space.

Not requiring contributions for two lot subdivisions could see subdivisions occurring in a staged manner to circumvent the requirement, or underdeveloping lots to avoid having to contribute towards public open space. If these continue to be exempt, this issue needs to be addressed.

The amount of contributions would need to consider potential impacts on housing affordability.

Clarification needs to be provided on whether 'infill' subdivision includes changes to the State planning framework that increases subdivision potential for existing density codes (e.g. reducing the average lot sizes in the R-codes), or the DC2.2 policy position at allows an increase in lot yields for corner lots in codes R10 to R35.

Question 5.

Non-residential (e.g. commercial, tourism, industrial) and rural living land uses can also be required to contribute towards POS (not necessarily at a 10 per cent rate), only on

an as-needed basis where justified, and when outlined in a publicly available planning document. Are you in favour of this approach?

- ☒ Yes
- ☐ No
- ☐ Unsure

Do you have any other comments on this approach? N/A

Question 6.

Many established suburbs (infill areas) already contain parks that meet some of the existing community's needs.

For this reason, it is proposed to enable POS contributions to be reduced to a minimum of 5 per cent (5%) of the residential subdivision area in infill (established) areas unless varied in a local government planning strategy or alike. It is envisaged that this contribution would commonly be in the form of cash to be spent on upgrades to existing POS, as determined by the local government.

Are you in favour of this approach?

- ☒ Yes
- ☐ No
- ☐ Unsure

Do you have any other comments on this approach?_

It needs to be demonstrated how the amount of contribution considers the impact on housing affordability.

Question 7.

The draft policy proposes the ability to reduce the 10 per cent (10%) POS contribution in a few other scenarios. These include some strata and community title scheme subdivisions (such as apartments and villa complexes) where publicly accessible but privately owned open space is provided; for sites comprising a mix of land uses (such as a shopping precinct); and for regional areas where justified.

Do you support the ability to vary the 10 per cent POS contributions proposed?

- ☐ Yes
- ☐ No
- ☒ Unsure

Do you think there should be other scenarios where the 10 per cent POS contribution should be varied? Please explain.

In practice, private open space could still have the perception that the space is not available for the public and would require monitoring to ensure that it is appropriately maintained and accessible at all times. Areas should only be considered where the private open space being provided is in excess of the communal open space for residents. Issues of public liability would also need to be addressed.

Question 8.

The draft policy proposes that POS contributions collected as monetary contributions instead of land (known as cash-in-lieu) are spent within the suburb or adjoining suburb from which it was originally collected, and ideally within a 5 year timeframe. Are you in favour of this change? (required)

☐ Yes

☒ No

☐ Unsure

Do you have any other comments on this approach?

The Operational Policy should specify 'reasonable timeframe', rather than five years. Depending on the amount of contributions received it may take some time for sufficient funds to accumulate for upgrades.

The ability for contributions to be used in adjoining suburbs is supported, although clarification should be provided if it should still be within the general vicinity or reasonably accessible from where the contributions were collected, noting that suburbs can be separated by significant barriers such as major roads.

Question 9.

Currently any required cash contribution to POS in infill areas (established areas) is calculated as a percentage of the value of the land being subdivided. The contribution amount therefore varies depending upon the value of the land.

Would you support a change to the way the cash contribution amount is calculated in infill areas to a standard set fee per lot instead?

☒ Yes

☐ No

☐ Unsure

Do you have any other comments on this or have a suggestion on an alternative approach to implementing POS contribution?

Having a set fee per lot may be appropriate for upgrades to existing public open space, and not purchasing additional land. Fees should be based on broad regions and indexed annually.

A set fee may be more appropriate for smaller lot subdivisions, giving more certainty for home owners who wish to subdivide/downsize.

The requirement for local governments to seek a land valuation for subdivisions is also not practical and would be administratively cumbersome. Applicants should be responsible for obtaining the valuation. The volume of valuation requests is likely going to delay the overall subdivision process. A set fee would also assist in avoiding a valuation process.

Question 10.

At present, contributions towards POS can only be sought from subdivision applications. Some residential developments never proceed to subdivision or would prefer to contribute at the development stage rather than subdivision stage.

Do you support changing legislation to enable POS contributions to be sought from development applications?

- ☐ Yes
- ☐ No
- ☐ Unsure

Comments:

The subdivision process is considered the most appropriate planning mechanism to seek contributions. There would currently be no mechanism to require a contribution for dwellings that are exempt from requiring approval, which is more likely to occur than residential developments never proceeding to subdivision. Clarification would also be needed on whether this would apply to ancillary dwellings.

Question 11.

Do you have any other park design, role or management issues or suggestions relevant to planning or this planning policy?

- ☐ Yes
- ☐ No

Comments

Section 5.3: Further clarification is need on the term 'function' as it's not appropriate for a local planning strategy to outline the function of public open space in respect to types of amenities should be within each type of public open space.

Section 5.3: Referencing public open space on a suburb basis is problematic as public open space calculations for older suburbs may not align with suburb boundaries.

Section 5.9.1: The first dot point should recognise that expenditure of cash in lieu is not a local planning strategy/planning function. It is an operational matter based on particular need for public open space upgrades determined through budget processes.

Section 5.9.2: Funds could be used to improve community facilities, and general streetscape upgrades to improve access to public open space.

Section 5.11: Management responsibilities are not always known prior to the subdivision approval, so it may not be possible to resolve at that stage.

Section 5.12: There should be better consideration of environmental conservation reserves as an important component of public open space.





LOCAL DEVELOPMENT PLAN REQUIREMENTS

This Local Development Plan (LDP) and requirements detailed below relate to the Western Australian Planning Commission (WAPC) approved subdivision of Lot 9028 Marmion Avenue, Burns Beach (WAPC Reference(s): 156568, 159269, 159851 & 160429) – relating to the Burns Beach Local Structure Plan’s Northern Residential Precinct.

This LDP applies to the development of Single Houses only. Single Houses that are compliant with the provisions of this LDP and any relevant deemed-to-comply provisions of the Residential Design Codes (R-Codes) do not require an application for development approval. An application for development approval is required for Grouped Dwellings and Multiple Dwellings.

Where a development standard is specifically stipulated within this LDP, that standard prevails over the requirements of the R-Codes, and any other requirements of LPS3. For all other matters not addressed in the LDP, the requirements of the R-Codes, Burns Beach Structure Plan, local and state planning policies apply where relevant.

The proposed R-Codes densities as illustrated on the plan conform to the densities in the corresponding WAPC subdivision approval(s). These densities supersede those designated within the approved Burns Beach Local Structure Plan.

This Local Development Plan amends/replaces/augments the following ‘deemed-to-comply’ provisions of the Residential Design Codes, in accordance with clause 7.3.1 of the R-codes.

Development Standard	‘Deemed to comply’ R-Codes Provision	Amend/ Replace/Augment	Local Development Plan ‘deemed-to-comply’ provision <i>NB. Provisions sourced from R-MD Codes unless otherwise stated below.</i>
Open Space and Outdoor Living Areas	5.1.4 C4 5.3.1 Table 1 – Provision 6	Replace	<ul style="list-style-type: none">Minimum 10% of the lot area or 20m² (whichever is the <u>greater</u>), directly accessible from a habitable room of the dwelling and located behind the street setback area.At least 70% of the OLA must be uncovered and includes areas under eaves which adjoin covered areas.OLA has minimum 3m length or width dimension.No other R-Codes site cover standards apply.
Plot Ratio (R60)	Burns Beach LSP Land Use General Provisions 9.2 I	Replace	No Plot ratio applies to R60 Single Houses – refer Open Space and Outdoor Living Area provisions above.
Street Surveillance	5.2.3 C3.1, C3.2	Augment	(Per Burns Beach LSP) All Corner lot dwellings must be designed to address both the primary and secondary street. This can be achieved by the following: <ul style="list-style-type: none">habitable rooms and major openings facing both the primary and secondary street.reducing the fencing along the secondary street boundary so that it is located at least 4m behind the front building line.open style fencing along the front portion of the secondary street boundary.
Building Height	5.1.6 C6 Table 3 – Maximum building heights	Replace	(Per Burns Beach LSP) Dwellings shall be constructed to a maximum height of 2-storeys with loft areas within the roof space permitted. The maximum building height measured from natural ground level shall be: <ul style="list-style-type: none">Maximum wall height (with pitched roof) – 6.5mMaximum total height to roof ridge – 9.5mMaximum wall and total height (parapet wall with concealed roof) – 7.5m
Street Walls and Fences	5.2.4 C4	Replace	(Per Burns Beach LSP) The maximum height of non-permeable front fencing, inclusive of retaining walls, is limited to 1.3m above the midpoint of the verge that it fronts and immediately adjacent to the lot. Any designated uniform estate fencing/retaining on private lots shall not be modified without written approval from the City of Joondalup and shall be maintained as visually permeable by landowners, where applicable.
Site Works	5.3.7 C7.1	Replace	(Per Burns Beach LSP) The ground lot level of each lot shall be +1/-0.5m from the level of the verge at the front of the lot, measured from the mid-point of the frontage of the lots. Lots with rear laneway access that are required to be accessed from the rear lane may be permitted to substitute +/- 2m in lieu of +1/-0.5m.
Vehicular Access	5.3.5 C5.1	Augment	Front-Loaded Lots Restricted vehicle access and/or designated garage locations apply to lots identified as shown on the Local Development Plan. Designated garage locations do not prescribe boundary walls, but reference the side of the lot to which the garage must be located to address site retaining, service infrastructure and other identified site constraints. Garages on corner lots are not mandated to be accessed from the secondary street. Rear Loaded (Laneway) Lots Where vehicular access is available from a dedicated rear laneway or internal private driveway, vehicular access and garage location must be from the rear laneway or internal private driveway.

LOCAL DEVELOPMENT PLAN

Northern Design Precinct, BURNS BEACH Page 2 of 3

A Peet Limited Project

PLAN: PACBB-4-006
DATE: 21/07/2021
PROJECTION: PCS 94
DATUM: AHD
REVISION: C
DRAWN: JP
PLANNER: MT
CHECK: JH



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Street Setbacks	5.1.2 C2.1 – C2.4 (inclusive)	Replace	R-MD – 25 3.0m minimum, no average 1.5m to porch / veranda, no maximum length 1.5m minimum to secondary street	R-MD – 40 2.0m minimum, no average 1.5m to porch / veranda, no maximum length 1.0m minimum to secondary street Laneways: <ul style="list-style-type: none"> 1.0m minimum to rear boundary (ground floor only). 1.0m minimum visual truncation to garage opening. Nil setback to rear boundary (first floor). 	R-MD – 60 2.0m minimum, no average 1.0m to porch / veranda, no maximum length 1.0m minimum to secondary street. Laneways: <ul style="list-style-type: none"> 1.0m minimum to rear boundary (ground floor only). 1.0m minimum visual truncation to garage opening. Nil setback to rear boundary (first floor).
			NB. Secondary Street setbacks shall apply to walls siding a Public Access Way (PAW) .		
Garage Setbacks	5.2.1 C1.1 - C1.5 (inclusive)	Augment	All Front Loaded Lots 4.5m garage setback from the primary street and 1.5m from a secondary street. Garage setback to the primary street may be reduced to 4.0m where an existing or planned footpath or shared path is located more than 0.5m from the street boundary. For front loaded lots with street frontages between 10.5m and 12m, double garage is permitted to a maximum width of 6m as viewed from the street: subject to: <ul style="list-style-type: none"> Garage setback a minimum of 0.5m behind the dwelling alignment; A major opening to a habitable room directly facing the primary street; An entry feature consisting of a porch or veranda with a minimum of 1.2m; and No vehicular crossover wider than 4.5m where it meets the street. Lots with a frontage less than 10.5m or not compliant with above require single or tandem garaging.		
			All Rear Loaded (Laneway) Lots 1.0m garage setback to laneway		
Lot Boundary Setbacks	5.1.3 C3.1, C3.2	Replace	R-MD – 25 1.2m for wall height 3.5m or less with major openings 1.0m for wall height 3.5m or less without major openings Boundary Walls – to both side boundaries subject to: <ul style="list-style-type: none"> 2/3 length to one side boundary, 1/3 max length to second side boundary for wall height 3.5m or less. 	R-MD – 40 1.2m for wall height 3.5m or less with major openings 1.0m for wall height 3.5m or less without major openings Boundary Walls – to both side boundaries subject to: <ul style="list-style-type: none"> no maximum length to one side boundary, 2/3 max length to second side boundary for wall 3.5m or less. 	R-MD – 60 1.2m for wall height 3.5m or less with major openings 1.0m for wall height 3.5m or less without major openings Boundary Walls – No maximum length to both side boundaries.
Privacy	5.4.1 C1.1	Replace	R-MD – 25 R-Codes clause 5.4.1 C1.1 applies, however, the setback distances are: <ul style="list-style-type: none"> 3m to bedrooms and studies, 4.5m to major openings to habitable rooms other than bedrooms and studies, and 6m to unenclosed outdoor active habitable spaces. 	R-MD – 40 Per R-MD – 25 provisions	R-MD – 60 No privacy provisions apply.
Solar Access for adjoining sites	5.4.2 C2.1, C2.2	Replace	R-MD – 25 As per R-MD 40, however, if overshadowing intrudes into rear half of the lot, shadow cast does not exceed 35%.	R-MD – 40 <ul style="list-style-type: none"> No maximum overshadowing for wall height less than 3.5m or less. No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot. If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 35%. 	R-MD – 60 No maximum overshadowing.

LOCAL DEVELOPMENT PLAN

Northern Design Precinct, BURNS BEACH Page 3 of 3

A Peet Limited Project

PLAN: PACBB-4-006
DATE: 21/07/2021
PROJECTION: PCG 94
DATUM: AHD

REVISION: C
DRAWN: JP
PLANNER: MT
CHECK: JH



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LOCAL DEVELOPMENT PLAN REQUIREMENTS

This Local Development Plan (LDP) and requirements detailed below relate to the Western Australian Planning Commission (WAPC) approved subdivision of Lot 9028 Marmion Avenue, Burns Beach (WAPC Reference(s): 156568, 159269, 159851, 160429 & 163427) – relating to the Burns Beach Local Structure Plan’s Northern Residential Precinct.

This LDP applies to the development of Single Houses only. Single Houses that are compliant with the provisions of this LDP and any relevant deemed-to-comply provisions of the Residential Design Codes (R-Codes) do not require an application for development approval. An application for development approval is required for Grouped Dwellings and Multiple Dwellings.

Where a development standard is specifically stipulated within this LDP, that standard prevails over the requirements of the R-Codes, and any other requirements of LPS3. For all other matters not addressed in the LDP, the requirements of the R-Codes, Burns Beach Structure Plan, local and state planning policies apply where relevant.

The proposed R-Codes densities as illustrated on the plan conform to the densities in the corresponding WAPC subdivision approval(s). These densities supersede those designated within the approved Burns Beach Local Structure Plan.

Amendment No.	Amendment Description	Date of Approval
1.	<ul style="list-style-type: none">Amending the lot layout of the north-western residential cell to accord with WAPC approval 163427;Recoding the north-western residential cell from R60 to R40.Removal of all previously approved planning provisions relating to R60 coded lots (street setbacks, lot boundary setbacks, privacy and solar access).	

This Local Development Plan amends/replaces/augments the following ‘deemed-to-comply’ provisions of the Residential Design Codes, in accordance with clause 7.3.1 of the R-codes.			
Development Standard	‘Deemed to comply’ R-Codes Provision	Amend/ Replace/Augment	Local Development Plan ‘deemed-to-comply’ provision <i>NB. Provisions sourced from R-MD Codes unless otherwise stated below.</i>
Open Space and Outdoor Living Areas	5.1.4 C4 5.3.1 Table 1 – Provision 6	Replace	<ul style="list-style-type: none">Minimum 10% of the lot area or 20m² (whichever is the <i>greater</i>), directly accessible from a habitable room of the dwelling and located behind the street setback area.At least 70% of the OLA must be uncovered and includes areas under eaves which adjoin covered areas.OLA has minimum 3m length or width dimension.No other R-Codes site cover standards apply.
Street Surveillance	5.2.3 C3.1, C3.2	Augment	(Per Burns Beach LSP) All Corner lot dwellings must be designed to address both the primary and secondary street. This can be achieved by the following: <ul style="list-style-type: none">habitable rooms and major openings facing both the primary and secondary street.reducing the fencing along the secondary street boundary so that it is located at least 4m behind the front building line.open style fencing along the front portion of the secondary street boundary.
Building Height	5.1.6 C6 Table 3 – Maximum building heights	Replace	(Per Burns Beach LSP) Dwellings shall be constructed to a maximum height of 2-storeys with loft areas within the roof space permitted. The maximum building height measured from natural ground level shall be: <ul style="list-style-type: none">Maximum wall height (with pitched roof) – 6.5mMaximum total height to roof ridge – 9.5mMaximum wall and total height (parapet wall with concealed roof) – 7.5m
Street Walls and Fences	5.2.4 C4	Replace	(Per Burns Beach LSP) The maximum height of non-permeable front fencing, inclusive of retaining walls, is limited to 1.3m above the midpoint of the verge that it fronts and immediately adjacent to the lot. Any designated uniform estate fencing/retaining on private lots shall not be modified without written approval from the City of Joondalup and shall be maintained as visually permeable by landowners, where applicable.
Site Works	5.3.7 C7.1	Replace	(Per Burns Beach LSP) The ground lot level of each lot shall be +1/-0.5m from the level of the verge at the front of the lot, measured from the mid-point of the frontage of the lots. Lots with rear laneway access that are required to be accessed from the rear lane may be permitted to substitute +/- 2m in lieu of +1/-0.5m.
Vehicular Access	5.3.5 C5.1	Augment	Front-Loaded Lots Restricted vehicle access and/or designated garage locations apply to lots identified as shown on the Local Development Plan. Designated garage locations do not prescribe boundary walls, but reference the side of the lot to which the garage must be located to address site retaining, service infrastructure and other identified site constraints. Garages on corner lots are not mandated to be accessed from the secondary street. Rear Loaded (Laneway) Lots Where vehicular access is available from a dedicated rear laneway or internal private driveway, vehicular access and garage location must be from the rear laneway or internal private driveway.

LOCAL DEVELOPMENT PLAN

Northern Design Precinct, BURNS BEACH Page 2 of 3

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Street Setbacks	5.1.2 C2.1 – C2.4 (inclusive)	Replace	<u>R-MD – 25</u> 3.0m minimum, no average 1.5m to porch / veranda, no maximum length 1.5m minimum to secondary street	<u>R-MD – 40</u> 2.0m minimum, no average 1.5m to porch / veranda, no maximum length 1.0m minimum to secondary street Laneways: <ul style="list-style-type: none"> – 1.0m minimum to rear boundary (ground floor only). – 1.0m minimum visual truncation to garage opening. Nil setback to rear boundary (first floor).
			NB. Secondary Street setbacks shall apply to walls siding a Public Access Way (PAW).	
Garage Setbacks	5.2.1 C1.1 - C1.5 (inclusive)	Augment	All Front Loaded Lots 4.5m garage setback from the primary street and 1.5m from a secondary street. Garage setback to the primary street may be reduced to 4.0m where an existing or planned footpath or shared path is located more than 0.5m from the street boundary. For front loaded lots with street frontages between 10.5m and 12m, double garage is permitted to a maximum width of 6m as viewed from the street: subject to: <ul style="list-style-type: none"> – Garage setback a minimum of 0.5m behind the dwelling alignment; – A major opening to a habitable room directly facing the primary street; – An entry feature consisting of a porch or veranda with a minimum of 1.2m; and – No vehicular crossover wider than 4.5m where it meets the street. Lots with a frontage less than 10.5m or not compliant with above require single or tandem garaging. All Rear Loaded (Laneway) Lots 1.0m garage setback to laneway	
Lot Boundary Setbacks	5.1.3 C3.1, C3.2	Replace	<u>R-MD – 25</u> 1.2m for wall height 3.5m or less with major openings 1.0m for wall height 3.5m or less without major openings Boundary Walls – to both side boundaries subject to: <ul style="list-style-type: none"> – 2/3 length to one side boundary, – 1/3 max length to second side boundary for wall height 3.5m or less. 	<u>R-MD – 40</u> 1.2m for wall height 3.5m or less with major openings 1.0m for wall height 3.5m or less without major openings Boundary Walls – to both side boundaries subject to: <ul style="list-style-type: none"> – no maximum length to one side boundary, 2/3 max length to second side boundary for wall 3.5m or less.
Privacy	5.4.1 C1.1	Replace	<u>R-MD – 25</u> R-Codes clause 5.4.1 C1.1 applies, however, the setback distances are: <ul style="list-style-type: none"> – 3m to bedrooms and studies, – 4.5m to major openings to habitable rooms other than bedrooms and studies, and – 6m to unenclosed outdoor active habitable spaces. 	<u>R-MD – 40</u> Per R-MD – 25 provisions
Solar Access for adjoining sites	5.4.2 C2.1, C2.2	Replace	<u>R-MD – 25</u> As per R-MD 40, however, if overshadowing intrudes into rear half of the lot, shadow cast does not exceed 35%.	<u>R-MD – 40</u> <ul style="list-style-type: none"> – No maximum overshadowing for wall height less than 3.5m or less. – No maximum overshadowing for wall height greater than 3.5m where overshadowing is confined to the front half of the lot. If overshadowing intrudes into rear half of the lot, shadow cast does not exceed 35%.

LOCAL DEVELOPMENT PLAN

Northern Design Precinct, BURNS BEACH Page 3 of 3

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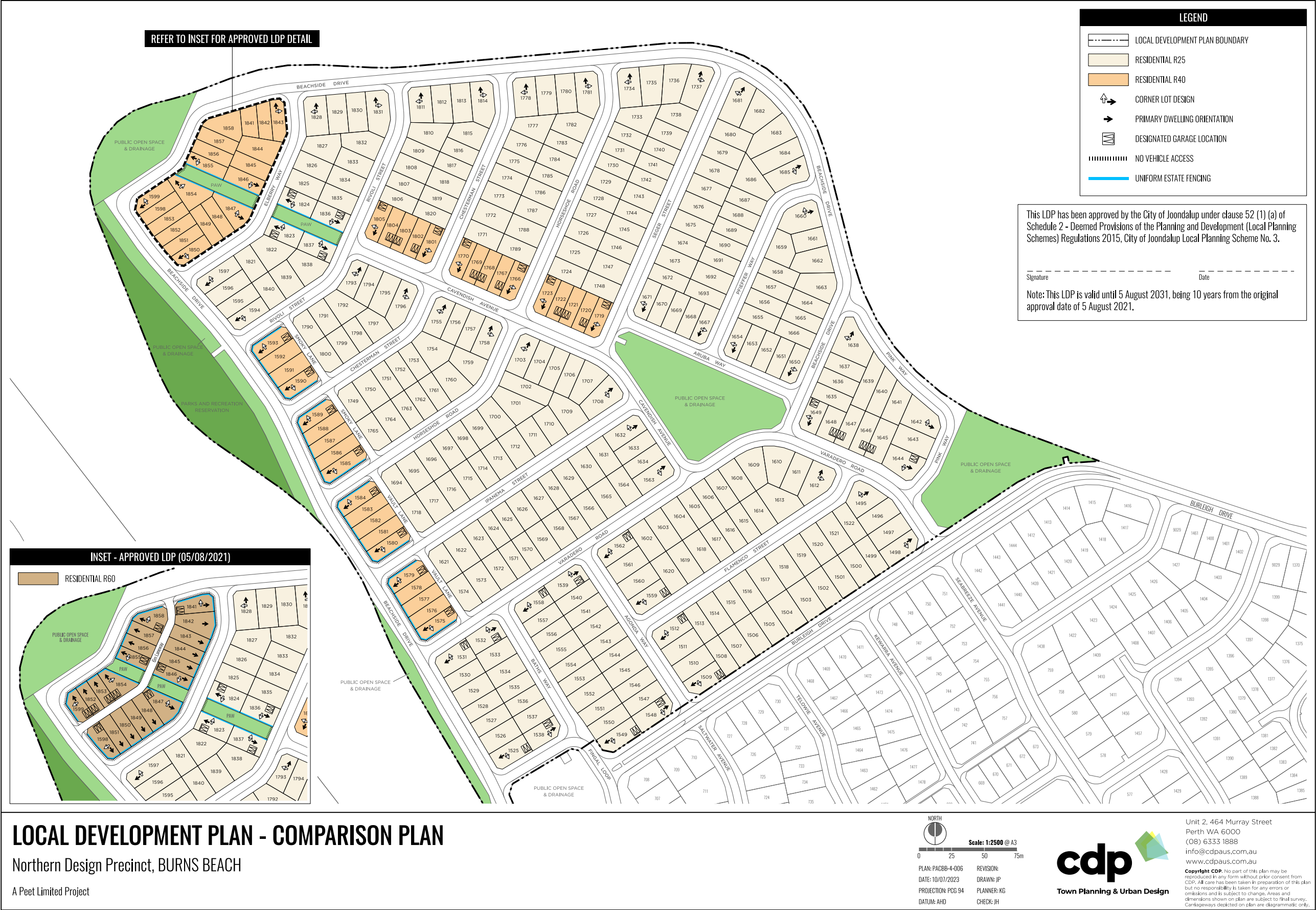
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CJ006-02/21

EIGHT YEAR REVIEW OF LOCAL LAWS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05885, 101515
ATTACHMENTS	Attachment 1 Community Consultation Outcomes Report Attachment 2 Table of Submissions
AUTHORITY / DISCRETION	Executive – The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For Council to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the City's eight-year statutory review process.

EXECUTIVE SUMMARY

Section 3.16 of the *Local Government Act 1995* requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended.

The City commenced a statutory review of its local laws in August 2020 with local public notices advertising the review and seeking public comment on the content and suitability of the City's local laws. The public submission period closed on 21 September 2020, with 39 submissions being received.

In addition to the public consultation process, officers have undertaken a preliminary review of the local laws and subsequently identified a number of changes that will assist in improving the operation and application of a number of the City's local laws.

It is therefore recommended that a number of local laws be amended.

BACKGROUND

It is a requirement that local governments undertake a review of their local laws within eight years from when the local law commenced or was last reviewed. The City's local laws were last formally reviewed in 2012 resulting in Council receiving the eight year review outcome report at its meeting held on 19 March 2013 (CJ026-03/13 refers) where it was resolved at that time to repeal and create a number of local laws.

Since the completion of the previous review, a number of new local laws and amendments have been gazetted as indicated in the following table:

Year	Name of Local Law
New	
20 November 2012	<i>Pest Plant Local Law 2012</i>
16 July 2013	<i>Parking Local Law 2013</i>
20 August 2013	<i>Meeting Procedures Local Law 2013</i>
18 November 2014	<i>Fencing Local Law 2014</i>
9 December 2014	<i>Local Government and Public Property Local Law 2014</i>
18 July 2017	<i>Repeal Local Law 2017</i>
18 July 2017	<i>Waste Local Law 2017</i>
Amendments	
9 November 2015	<i>Local Government and Public Property Amendment Local Law 2015</i>
17 August 2015	<i>Parking Amendment Local Law 2015</i>
13 December 2016	<i>Animals Amendment Local Law 2016 (Disallowed)</i>
26 June 2018	<i>Parking Amendment Local Law 2018</i>
26 June 2018	<i>Animals Amendment Local Law 2018</i>
21 August 2018	<i>Waste Amendment Local Law 2018</i>
19 November 2019	<i>Local Government and Public Property Amendment Local Law 2019</i>

In August 2020, the City commenced an eight-year review process involving local public notices and other consultation processes to seek public comment and opinion on the contents and suitability of the City's local laws. The public submission period closed on 21 September 2020, with 39 submission being received. The Community Consultation Report, and an outline of the submissions including officer's responses, is provided in Attachments 1 and 2 to Report CJ006-02/21 respectively.

The following local laws, and their respective purpose are the subject of the statutory review process:

- *Animals Local Law 1999.*
To provide for the regulation, control and management of the keeping of animals within the City of Joondalup.
- *Fencing Local Law 2014.*
To prescribe a sufficient fence and the standard for the construction of fences throughout the district.
- *Health Local Law 1999.*
To provide for the regulation, control and management of day to day health matters within the district.
- *Local Government and Public Property Local Law 2014.*
To provide for the regulation, control and management of activities and facilities on local government and public property within the district.

- *Meeting Procedures Local Law 2013.*
To provide the rules that apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- *Parking Local Law 2013.*
To provide for the regulation, control and management of parking within the district.
- *Pest Plant Local Law 2012.*
To prescribe pest plants within the City of Joondalup district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.
- *Repeal Local Law 2017.*
To repeal those local laws made obsolete by new legislation or considered no longer relevant within the City of Joondalup.
- *Waste Local Law 2017.*
To provide for the regulation, control and management of waste services, including the use and control of receptacles for the deposit and collection of waste, undertaken by or on behalf of the local government within the district.

In conjunction with the public consultation process, an internal review of the above local laws was also conducted by City officers to:

- identify potential inconsistencies between the local laws and State legislation
- assess their operational and enforcement efficiency
- identify and preliminary changes or amendments in drafting.

DETAILS

A number of matters have been identified on a majority of the local laws under review to improve their operation and application. A summary of these matters, including any relevant comments received during the public comment period are detailed below:

Animals Local Law 1999

The City's *Animals Local Law 1999* provides a centralised local law framework for the management of certain animals throughout the City of Joondalup district. A number of the submissions received through the public comment period, focused around the need for better cat control measures by the City, including but not limited to restricting the number of cats; designating prohibited areas to protect fauna; and the prevention of urban nuisances caused by cats.

The *Cat Act 2011* gives local governments the power to make local laws around certain provisions around cat management and some provisions are already included in the *Cat Act 2011*. Although the *Animals Local Law 1999* was created well before the *Cat Act 2011* came into operation and provides for some cat control measures (clause 45) it is open for Council to create a Cat Local Law in its own right, and possibly a Dog Local Law, considering these are the two dominant animal types throughout the City of Joondalup district. If supported this is a matter that will subsequently be investigated and reported back to Council.

Notwithstanding the above, certain provisions of the *Animals Local Law 1999* have been identified as needing possible amendment, including but not limited to:

- better clarity around assistance dogs in replacement of references to bona fide guide dogs for the vision impaired
- removal of references to rural areas and special rural areas as the City no longer has any land zoning along these lines
- revised bee keeping and poultry keeping provisions.

It is therefore recommended that the *Animals Local Law 1999* be amended to consider the above as well as to allow further investigation into the possible creation of two new local laws; being one for cats and one for dogs.

Fencing Local Law 2014

The *Dividing Fences Act 1961* allows local governments to create local laws to prescribe the minimum standards for sufficient fences throughout the district. This standard is used by the courts when ruling on disputes between neighbours around dividing fence issues.

Currently the *Fencing Local Law 2014* prescribes a sufficient fence as being a corrugated fibre reinforced pressed cement sheeting for residential lots; chain link fabric fences for commercial lots; and post and wire fencing for rural lots. In the main fencing standards and construction requirements are not covered by the local law however provided for in some way under the *Building Regulations 2012*, the City's *Local Planning Scheme No. 3*, *State Planning Policy 7.3 Residential Design Codes* and the City's *Residential Development Local Planning Policy*.

Notwithstanding and as raised in some public submissions, it is suggested that the City expand its sufficient fence standards in residential areas to include Colorbond metal sheet fencing. Some minor wording and definition changes within the local law are also required, as well as the removal of sufficient fence standards for rural lots, as the City no longer has any such zoned properties.

It is therefore recommended that the *Fencing Local Law 2014* be amended.

Health Local Law 1999

The City's *Health Local Law 1999* supports the *Health Act 1911*, the *Public Health Act 2016*, the *Food Act 2008* and an array of other public health regulations. Progress is being made by the State Government to replace the outdated *Health Act 1911* however as it is a complex piece of legislation, its replacement by the *Public Health Act 2016* is taking some time and being staged over a number of years.

No public submissions were received on the City's *Health Local Law 1999* during the public consultation period however City officers have identified possible amendments to the local law including, but not limited to:

- revised lodging house provisions
- possible inclusion of nuisance provisions around smoke from fire pits in residential areas
- revised sanitary convenience provisions for outdoor festivals to accord with Department of Health guidelines
- construction requirements for laundries in residential properties
- nuisances created by the feeding of birds
- revised refuse disposal enclosure requirements for multiple dwellings
- revised provisions relating to the discharge of swimming pool backwash water.

The provisions around eating houses are required to also be removed as they were repealed on 23 October 2009 with the introduction of the *Food Act 2008*.

It is therefore recommended that the *Health Local Law 1999* be amended.

The City's *Health Local Law 1999* is currently created under the head of power provided under the *Health Act 1911*. The *Public Health Act 2016* will not allow local laws to be created however any health-related local law will instead need to be made under the *Local Government Act 1995*. Therefore, there will need to be a transitioning of the existing *Health Local Law 1999* under a different head of power.

Local Government and Public Property Local Law 2014

The City's *Local Government and Public Property Local Law 2014* assists with the management of activities on local government property (including thoroughfares, City buildings and facilities and jetties) as well as other specific public places the public can use.

As the local law is relatively new, only a number of minor drafting amendments have been identified such as a need to update some definitions and improved drafting. Of significance however is the need to further investigate possible provisions relating to portable advertising signs in thoroughfares; real estate signs; and general provisions around verge treatments.

In respect of signage, at its meeting held on 20 October 2020 (CJ162-10/20 refers) Council consented to the preparation and advertising of a draft *Advertisements Local Planning Policy* which seeks to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City's position regarding signs currently prohibited by the City's existing *Signs Policy*.

While the draft *Advertisements Local Planning Policy* sets out a framework and City policy position around advertising signs on private property, signage in thoroughfares is currently prohibited under the City's *Local Government and Public Property Local Law 2014*. The issue of business demand for portable signs in verges, where these signs cannot be accommodated on private land due to nil building setbacks in city centre areas, cannot be resolved by amendments to the draft *Advertisements Local Planning Policy*. In view of this further discussion and Council direction is required as to whether it wishes to progress an approval system for the placement of temporary advertising signs in thoroughfares by businesses throughout the City of Joondalup.

It is therefore recommended that the *Local Government and Public Property Local Law 2014* be amended, with further investigation into the signage and verge provisions within the local law.

Meeting Procedures Local Law 2013

The *Meeting Procedures Local Law 2013* provides for the rules that apply to the conduct of meetings of the Council, committees and meetings of electors. At its meeting held on 21 April 2020 (CJ045-04/20 refers), Council adopted the revised *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* as a means to support the provisions within the local law, and to provide procedures that apply to meetings such as Briefing Sessions and Strategy Sessions, that are not covered by the local law. At that meeting, Council also requested the Chief Executive Officer to present these procedures to a Strategy Session of elected members at a later date, for further discussion and refinement.

At the Strategy Session held on 3 November 2020 elected members were presented a report for discussion around the local law; the revised procedures adopted by Council in April 2020; as well as the public comments received during the local law review process. While most of the comments received during the local law consultation process related more so to the Council adopted *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* it was suggested that the local law be amended to better clarify the use of electronic devices at meetings (clauses 5.16 and 5.17 of the local law).

City officers have also identified some possible improvements to the provisions within the local law, such as:

- revised order of business for committees with the removal of the ability for committee members to call for a report
- better clarification around who can move amendments to motions at meetings
- revised wording for some procedural motions.

It is therefore recommended that the *Meeting Procedures Local Law 2013* be amended. In terms of the *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* it is advised that a report will be presented to a future meeting of Council to consider some improvements to the procedures as identified by elected members at the Strategy Session held on 3 November 2020.

Parking Local Law 2013

The *Parking Local Law 2013* provide for the regulation, control and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations.

Some of the submissions received reflected on the need for the City to consider additional free parking which is a budget consideration as opposed to a local law provision. Other matters raised included the ability to better enforce parking contraventions and general traffic matters again which are not aspects covered by the local law.

The *Parking Local Law 2013* was last amended by the *Parking Amendment Local Law 2018* and is generally current and not requiring major amendment. However, the City is investigating fee payment and permit technology that could see over 4,000 parking permits replaced with an electronic system and in view of this some aspects of the *Parking Local Law 2013* will require amendment to cater for such technology being used.

It is therefore recommended that the *Parking Local Law 2013* be amended.

Pest Plant Local Law 2012

Local laws relating to pest plants were originally made under the *Agriculture and Related Resources Protection Act 1976* but are instead now able to be made under the *Biosecurity and Agriculture Management Act 2007*. The objects of the *Biosecurity and Agriculture Management Act 2007* in part are to provide effective biosecurity and agriculture management for the State by providing the means to control the entry, establishment, spread and impact of organisms that have or may have an adverse effect on other organisms; human beings; the environment; agricultural activities; fishing or pearling activities or related commercial activities.

Council considered the control of pest plants on a number of occasions during 2011 and 2012 with various motions and reports being presented to Council on the matter (C15-04/11, CJ195-10/11, CJ119-06/12 and CJ127-07/12 refer). Ultimately at its meeting held on 20 November 2012 (CJ232-11/12 refers) Council resolved to make the *Pest Plant Local Law 2012* as a means to prescribe pest plants within the City of Joondalup that, in the City's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.

The City's local law only lists Caltrop (*Tribulus terrestris*) as a pest plant. It is important to note that this local law only applies to private property not weed and pest plant control on City owned or managed land. Although no remedial action notices under the local law have been issued to private property owners to control Caltrop on their property since the laws operation, approximately 55 advice letters have been sent to property owners advising of Caltrop on their property.

The head of power to create local laws relating to pest plants is generally aligned to biosecurity and agricultural activities of the State as opposed to controlling pest plants in urban environmental metropolitan settings and therefore a local law of this nature may be misplaced due to the lack of applicability around biosecurity and agricultural matters for the City of Joondalup.

Notwithstanding Council may be of the view to retain the *Pest Plant Local Law 2012* to enable control of dedicated pest plants through more formal mechanisms should it be required.

Repeal Local Law 2017

The *Repeal Local Law 2017* is deemed an administrative local law, created to repeal old and outdated local laws that are no longer relevant, or have been superseded by the City's new local law framework. It is not considered that the local law be amended or repealed.

Waste Local Law 2017

The *Waste Local Law 2017* provides for the regulation, control and management of waste services, including the use and control of receptacles for the deposit and collection of waste, undertaken by or on behalf of the City. Comments received during the public consultation period include the need for more emphasis on recycling in general and at public events, which is a community education activity as opposed to a local law provision. Some other comments made related to the need to bring back kerbside bulk waste collections as opposed to the current bin service offered by the City. While the local law still accounts for the City to undertake bulk waste collections, it is not recommended that the local law provision be removed so that a legislative framework is still in place should such changes to the collection method be made in the future, although not recommended.

City officers have not identified any need to amend the local law at this time and therefore it is recommended that the *Waste Local Law 2017* be retained in its current form.

Issues and options considered

Council is to determine whether to retain, repeal or amend the City's local laws that have been reviewed as part of the eight-year statutory review.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 3.16 of the *Local Government Act 1995*.
Biosecurity and Agriculture Management Act 2007.
Cat Act 2011.
Dividing Fences Act 1961.
Dog Act 1976.
Health Act 1911.
Public Health Act 2016.
Waste Avoidance and Resource Recovery Act 2007.
Animals Local Law 1999.
Fencing Local Law 2014.
Health Local Law 1999.
Local Government and Public Property Local Law 2014.
Meeting Procedures Local Law 2013.
Parking Local Law 2013.
Pest Plant Local Law 2012.
Repeal Local Law 2017.
Waste Local Law 2017.

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

Continuously strive to improve performance and service delivery across all corporate functions.

Policy

Not applicable.

Risk management considerations

The City is required to undertake an eight-year review of its local laws to ensure statutory compliance.

Financial/budget implications

All costs associated with the review will be met within existing budget allowances and proposed budgets.

Regional significance

Not applicable.

Sustainability implications

A revised and modern set of local laws will assist in maintaining the lifestyle of the City's residents and the amenity which they enjoy.

Consultation

Public consultation occurred in accordance with section 3.16 of the Act. Where the City wishes to amend, repeal or create a local law, the statutory advertising process as described in the Act must be followed. This includes a six-week public consultation period.

COMMENT

The review of the City's local laws has identified that the majority of the local laws require minor amendment. It is anticipated that to amend the existing local laws will take in the vicinity of six to eight months.

VOTING REQUIREMENTS

Absolute Majority.

Cr Taylor left the Chamber at 8.23pm.

MOVED Cr McLean, SECONDED Cr Hamilton-Prime that Council:

- 1** **NOTES the submissions received during the eight-year review of its local laws undertaken in accordance with section 3.16 of the *Local Government Act 1995*, as outlined in Attachment 1 to Report CJ006-02/21;**
- 2** **BY AN ABSOLUTE MAJORITY APPROVES the details of the review of the City of Joondalup's local laws as follows:**
 - 2.1** **Local laws to be amended:**
 - 2.1.1** ***City of Joondalup Animals Local Law 1999;***
 - 2.1.2** ***City of Joondalup Fencing Local Law 2014;***
 - 2.1.3** ***City of Joondalup Health Local Law 1999;***
 - 2.1.4** ***City of Joondalup Local Government and Public Property Local Law 2014;***
 - 2.1.5** ***City of Joondalup Meeting Procedures Local Law 2013;***
 - 2.1.6** ***City of Joondalup Parking Local Law 2013;***

2.2 Local laws to be retained:

2.2.1 *City of Joondalup Pest Plant Local Law 2012;*

2.2.2 *City of Joondalup Repeal Local Law 2017;*

2.2.3 *City of Joondalup Waste Local Law 2017;*

3 NOTES the amendments or repeal of the local laws detailed in part 2.1 above will be subject to further reports to the Council in accordance with section 3.12 of the *Local Government Act 1995*.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf210209.pdf](#)

CJ014-02/22 PROPOSED AMENDMENT LOCAL LAW 2021 – CONSENT TO ADVERTISE

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBERS	05885, 101515
ATTACHMENTS	Attachment 1 <i>City of Joondalup Amendment Local Law 2021</i> Attachment 2 <i>City of Joondalup Animals Local Law 1999</i> (marked up with changes) Attachment 3 <i>City of Joondalup Local Government and Public Property Local Law 2014</i> (marked up with changes) Attachment 4 <i>City of Joondalup Meeting Procedures Local Law 2013</i> (marked up with changes) Attachment 5 <i>City of Joondalup Parking Local Law 2013</i> (marked up with changes)
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to make the *City of Joondalup Amendment Local Law 2021* for the purpose of public advertising.

EXECUTIVE SUMMARY

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on the statutory review of its local laws, and resolved that amendments were required to the following:

- *City of Joondalup Animals Local Law 1999.*
- *City of Joondalup Local Government and Public Property Local Law 2014.*
- *City of Joondalup Meeting Procedures Local Law 2013.*
- *City of Joondalup Parking Local Law 2013.*

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

It is therefore recommended that Council:

- 1 *MAKES the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising;*
- 2 *in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*

- 2.1 *the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:*

Purpose: The purpose of this local law is to amend certain provisions within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meeting Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013.

Effect: The effect of this local law is to better clarify the provisions and requirements within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meetings Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013 and to ensure information is current with prevailing legislation.

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

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

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

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

- 5 *the results of the public consultation be presented to Council for consideration of any submissions received;*

- 6 *in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in part 1 above;*

- 7 *NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the Dog Act 1976 and the Cat Act 2011 are better known;*

- 8 *NOTES a review of the City of Joondalup Pest Plant Local Law 2012 will be progressed in 2022;*

- 9 *NOTES there will be no change to the City of Joondalup Local Government and Public Property Local Law 2014, at this time, in regards to the suggested amendments for shopping trolleys.*

BACKGROUND

As part of a local government's legislative functions under the *Local Government Act 1995* (the Act), the City has created a number of local laws with the purpose of protecting amenity and regulating (with an appropriate enforcement regime) certain activities throughout the City of Joondalup district. In this regard the following local laws, the subject of this report, have been made by the City over a number of years:

- *Animals Local Law 1999*

The City's *Animals Local Law 1999* (Animals Local Law) provides a centralised local law framework for the management of certain animals throughout the City of Joondalup district.

- *Local Government and Public Property Local Law 2014*

The City's *Local Government and Public Property Local Law 2014* (Local Government Property Local Law) assists with the management of activities on local government property (including thoroughfares, City buildings and facilities and jetties) as well as other specific public places the public can use.

- *Meeting Procedures Local Law 2013*

The *Meeting Procedures Local Law 2013* (Meeting Procedures Local Law) provides for the rules that apply to the conduct of meetings of the Council, committees and meetings of electors.

- *Parking Local Law 2013*

The *Parking Local Law 2013* (Parking Local Law) provides for the regulation, control and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations.

Section 3.16 of the Act requires local governments to undertake a review of their local laws within a period of eight years from the day on which the local law commenced or was last reviewed. The purpose of the review is to determine whether or not the local laws should be repealed, retained or amended and involves a public consultation period.

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

DETAILS

In terms of making amendments to the City's Animals Local Law, Local Government Property Local Law, Meeting Procedures Local Law and Parking Local Law, a consolidated Amendment Local Law has been created for this purpose (Attachment 1 refers). The Amendment Local Law has been structured in parts, dealing with the necessary amendments to the specific local law that has been identified as needing amendment. In summary the following amendment provisions have been included in the Amendment Local Law:

Part 2 – Animals Local Law 1999

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

Within the local law eight-year review report submitted to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers), it was highlighted that the local law framework around health related matters is under review as a result of the implementation of the *Public Health Act 2016* and in view of the remaining provisions under the *Health (Miscellaneous Provisions) Act 1911*. Public health matters are complex, and the legislation is being changed in stages and over time. In this regard any broad changes to the Animals Local Law as it relates to public health should occur once the higher-level legislative framework around public health is better known and implemented. This could include the creation of model local laws around health, or supporting regulations that may go into more detail and cover a broad range of matters. Notwithstanding, the provisions and requirements in the Animals Local Law should remain if it is necessary to continue to regulate such matters around animals.

In the report to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers), it was also suggested that the City investigate the creation of two new local laws; one relating to cats and another for dogs. Any new local law around these types of animals will be guided by local law-making requirements under the *Cat Act 2011* and the *Dog Act 1976*, and created under specific heads of power. Until such time new local laws are created, the existing cat and dog provisions within the Animals Local Law will remain, but subsequently repealed at the time of creating the new local laws.

In view of this, the Amendment Local Law (Part 2) contains the following clauses to amend certain provisions in the Animals Local Law (marked up in Attachment 2 to Report CJ014-02/22):

- Clause 2.2 – this clause amends clause 6 in the Animals Local Law by deleting, inserting or amending various definitions used throughout the Animals Local Law.
- Clause 2.3 – this clause deletes clause 13(3) in the Animals Local Law which relates to fencing requirements for dogs in rural areas. There are no rural areas within the City's district and therefore the clause is no longer relevant.
- Clause 2.4 – this clause replaces clause 14 in the Animals Local Law relating to the maximum number of dogs that can be kept. The only reason it has been replaced is to remove the references to the number of dogs in rural areas.
- Clause 2.5 – this clause amends clause 15 in the Animals Local Law by correctly referencing the City's local planning scheme.
- Clause 2.6 – this clause deletes clause 24(2) in the Animals Local Law which relates to the fencing requirements for livestock in rural or special rural areas. There are no rural or special rural areas in the City's district, and any fencing requirements for livestock throughout land in the district are still detailed in clause 24(1), which is to remain.
- Clause 2.7 – this clause deletes clause 27 in the Animals Local Law which relates to fouling in public places by a horse. Similar provisions are now included in the City's *Local Government and Public Property Local Law 2014* (clause 10.2) and therefore this clause is redundant and a repeat of a new provision.
- Clause 2.8 – this clause includes a new clause 28A in the Animals Local Law in relation to restrictions for pigeons and doves nesting or perching. The provision allows an environmental health officer to order an owner or occupier of a premises to take steps to prevent the perching or nesting of pigeons or doves, due to a general health risk such activity can have.

- Clause 2.9 – this clause replaces clause 30 in the Animals Local Law by requiring the City to seek the written opinion of adjacent land owners and occupiers, where an application is made for a person to keep pigeons (clause 28). Clause 30 currently places that onus on the applicant to seek such opinion, not the City.
- Clause 2.10 – this clause amends clause 34(1)(a) in the Animals Local Law by removing the prescriptive construction requirements for the base floor of a loft used to house pigeons (currently 50mm thick concrete), and replacing it with a suitable impervious material standard that is approved by an environmental health officer.
- Clause 2.11 – this clause replaces Part 6 in the Animals Local Law which relates to the keeping of bees. The new Part provides more detail in relation to the needs for permits; permit application requirements; how the City will determine applications; the circumstances where a permit will be cancelled; the general conditions for keeping beehives; and removal notices.
- Clause 2.12 – this clause amends clause 40 in the Animals Local Law (relating to keeping miniature horses) by removing the references to special residential and special rural areas, as these areas no longer exist within the City's district.
- Clause 2.13 – this clause amends clause 41 in the Animals Local Law that prevents a person from keeping a pig within the district. It removes references to licenced piggeries as well as the references to special residential areas and special rural areas in terms of keeping miniature pigs, in which one can be kept by a person in a residential area. There are a number of miniature pigs kept in the City's district (although classed as runts not bona fide miniature pigs, which are prevented from importation into Australia).
- Clause 2.14 – this clause amends clause 45(3) in relation to the keeping of cats through the removal of references to particular land use zonings within the City of Joondalup.
- Clause 2.15 – this clause deletes clause 46 in the Animals Local Law in respect of the burial of animals for commercial poultry farms, licensed piggeries or other intensive animal or bird farming activities. There are no land uses of the description within the City's district and is a restricted land use under the City's local planning scheme.
- Clause 2.16 – this clause amends clause 47 in the Animals Local Law by preventing the keeping of ostriches or emus completely throughout the district. Under the current provision a person was able to keep up to three adult pairs of ostrich or emu under certain land conditions in a special rural area (which do not exist in the City's district).
- Clause 2.17 – this clause amends clause 48 in the Animals Local Law by clarifying the circumstances around the keeping of poultry in the district. The amendments include:
 - that a person cannot keep a rooster, turkey, goose or geese, peacock or peahen on any land throughout the district
 - the removal of the requirement preventing poultry being kept in an open yard (thereby allowing poultry to free range, roam and scratch throughout a person's land)
 - inserting a provision restricting poultry approaching premises and boundary lines to protect possible residue accumulation of certain termite treatments in both the poultry itself and their eggs
 - poultry being provided a shed or hut as opposed to being kept in a structure (again allowing poultry to free range)
 - reducing the number of poultry that can be kept on land from 12 to six

- removing the diagram for the specification for a domestic deep litter poultry shed, which is more appropriately placed in guiding documents and advice from the City and relevant associations, as opposed to the local law.
- Clause 2.18 – this clause deletes clause 49 in the Animals Local Law in relation to the keeping of poultry in special rural areas as these land areas do not exist under the City's local planning scheme.
- Clause 2.19 - this clause deletes clause 50 in the Animals Local Law in relation to the keeping of poultry in rural areas as these land areas do not exist under the City's local planning scheme.
- Clause 2.20 – this clause replaces the First Schedule of the Animals Local Law which provides a list of modified penalties through the local law, in which an infringement notice can be issued by an authorised person. There are no changes to the modified penalty levels within the local law, however it was more conducive to replace the schedule in its entirety due to the extent of amendments that are being recommended throughout the local law.

As detailed above, it is likely that the Animals Local Law will be completely repealed in the future with provisions included in new local laws based on the legislative constraints that are imposed under legislation. Therefore, the suggested amendments above are only minor to improve the operation of the local law as it currently stands.

Part 3 – Local Government and Public Property Local Law 2014

Within the local law eight-year review report submitted to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers), it was highlighted that the Local Government Property Local Law is relatively new, with only a number of minor drafting amendments being identified. Of significance however is the proposed amendments relating to portable advertising signs in thoroughfares; real estate signs; and general provisions around verge treatments.

Related to this matter, at its meeting held on 16 August 2016, Council received a 51 signature petition requesting that Council create a working group that includes representatives from the City's planning department to review and develop appropriate signage guidelines and policy that allows small business to have a say on signage and placemaking within the City of Joondalup.

In respect of the signage review on private property, the matter could only progress following the gazettal of the City's *Local Planning Scheme No. 3* on 23 October 2018, that culminated in a review of the City's *Signs Policy* that existed at that time. Council at its meeting held on 20 October 2020 (CJ162-10/20 refers), consented to the advertising of a new *Advertisements Local Planning Policy* which sought to:

- clarify the role and purpose of advertising signs in various localities, providing greater context for policy, and guidance for exercise of judgement on proposals
- provide a more streamlined and efficient process for businesses to erect appropriate, low impact advertising signs through creating a pathway where planning approval may not be required
- address current gaps in policy guidance, particularly related to digital and animated signs
- review the City's position regarding signs currently prohibited by the City's existing *Signs Policy*.

At its meeting held on 16 March 2021 (Item CJ037-03/21 refers) Council adopted its new *Advertisements Local Planning Policy* and the lead petitioner was advised of Council's decision.

Notwithstanding, while the *Advertisements Local Planning Policy* sets out a framework and the City's policy position around advertising signs on private property, signage in thoroughfares is currently prohibited under the City's Local Government Property Local Law. The issue of business demand for portable signs in verges, where these signs cannot be accommodated on private land due to nil building setbacks in city centre areas, cannot be resolved by the *Advertisements Local Planning Policy*. In view of this, amendments are suggested for an approval system for the placement of temporary advertising signs in thoroughfares by businesses throughout the City of Joondalup.

The Amendment Local Law (Part 3) contains the following clauses to amend certain provisions in the Local Government Property Local Law (marked up in Attachment 3 to Report CJ014-02/22):

- Clause 3.2 – this clause amends clause 1.6 in the Local Government Property Local Law by deleting, inserting, or amending various definitions used throughout the Local Government Property Local Law.
- Clause 3.3 – this clause amends clause 2.8(3) in the Local Government Property Local Law (in relation to activities which may be prohibited on specified local government property) by inserting the words “built structure” in the definition of “premises”. The definition of premises relates to the ability for the City to make a determination under the local law regarding smoking on premises. By including the words “built structure” (in addition to a building or stadium) would mean that smoking would be prevented at built structures such as skate parks or playgrounds (as they would be deemed built structures).
- Clause 3.4 – this clause amends clause 3.1 in the Local Government Property Local Law (relating to activities needing a permit) by including a new subclause (x) to enable permits to be issued by the City for the placement of a container receptacle on local government property by community organisations.

At the Council meeting held on 18 May 2021 the motions of the Annual General Meeting of Electors were considered (CJ063-05/21 refers) and subsequently a resolution was made where Council supported changes to the Local Government Property Local Law to allow cash container deposit infrastructure to be placed on local government property. The purpose of the electors' motion, as stated by the electors, was not only to divert recyclables away from the City's waste stream, but to also provide a revenue source for community groups.

The cash container deposit scheme is managed and controlled by the *Waste Avoidance and Resource Recovery Act 2007* (Part 5A) and the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019*. Both pieces of legislation are specific and legalistic in terms of where bona fide cash container infrastructure can be placed and who can operate such infrastructure. However, it is not considered that the intent of the electors' motion was to install cash container infrastructure per se, but to offer a collection receptacle point where members of the community could deposit appropriate containers, and the community organisation could subsequently collect the receptacle and empty its contents.

In view of this intent, it is considered a permit system could be implemented, whereby a community organisation could make an application for a permit to the City to install a container receptacle on local government property. In this way the City could condition a permit and responsibilities of a permit holder on matters such as, but not limited to, size; cleanliness; frequency of emptying; and disposal of other rubbish and waste.

For this purpose, the definitions for “container” and “container receptacle” are suggested to be included in the Local Government Property Local Law as well as an amendment to the definitions of “collection bin” (see clause 1.6 in the marked up version of the local law at Attachment 3).

- Clause 3.5 - this clause amends clause 5.1 in the Local Government Property Local Law (relating to refusal of entry to pool areas or direction to leave) by inserting a new subclause (g) allowing a pool attendant or authorised person to direct a person to leave a pool area in situations where they may be operating a camera device to record or transmit an image. Although such a provision may prevent parents from filming their children at aquatic events, it provides a framework to enforce behaviour that may not be so honourable, or making other pool patrons uncomfortable.
- Clause 3.6 – this clause amends clause 8.2 in the Local Government Property Local Law to allow permits to be issued for container receptacles to be placed on a thoroughfare by community organisations. The justification for this amendment is detailed above in clause 3.4. Clause 8.2 is also amended by adding a new subclause (n) that allows a permit to be issued to conduct a function, or undertake any promotional activity on a thoroughfare.
- Clause 3.7 – this clause amends clause 8.6 in the Local Government Property Local Law by amending the definition of “acceptable material”, used for the purposes of prescribing appropriate verge treatments. This suggested amendment allows the City to determine what is deemed an acceptable material for a verge treatment, that doesn’t necessarily have to create a hard and stable surface, and which may not be either lawn or a garden.
- Clause 3.8 – this clause amends clause 8.15 in the Local Government Property Local Law (relating to signs erected by the City) to clarify that a person authorised by the City can erect a sign on a public place specifying any condition of use which apply to that place.
- Clause 3.9 – this clause replaces Part 9 in the Local Government Property Local Law, relating to advertising signs on thoroughfares and is the most significant amendment to the Local Government Property Local Law. The new part maintains the current local law provisions regarding general prohibitions for advertising signs; permit requirements for temporary community organisation signs (such as school fetes and sport club registration days); permit exemptions; election and poll signs; and impounding provisions. However, the new part includes new or revised provisions around portable direction signs (for garage sales and home opens); property disposal signs; and portable business signs.

In regard to portable direction signs, the time restriction on when these can be installed in a thoroughfare or verge has been lifted. The existing clause restricts portable direction signs from being installed no earlier than 9.00am on the day of a home open, whereas the new clause allows them to be installed on the day of the home open (therefore including before 9.00am). The current restrictions as to their actual placement are maintained.

The new part includes a provision that allows property disposal signs (that is 'for sale' signs or 'for lease' signs) to be installed on a verge adjoining the property being disposed of (new clause 9.4). Any such placement is subject to conditions, in the main, to protect sight lines; prevent obstructions on the verge for pedestrians and road users; as well as to protect utilities and City infrastructure.

The most significant change to the local law, and as described in the opening paragraphs regarding amendments to the Local Government Property Local Law, is the new direction the City is proposing in regard to portable business signs. The new clause 9.5 allows a business to place a temporary portable business sign on a verge that is adjacent to their business. Similarly, it also allows a business that has an access point from a particular thoroughfare to also have an ability to place a business sign on that verge area.

Any placement of such signs must conform to certain requirements in terms of their construction, size and location for placement. Any such business must have the necessary public liability insurance to protect the business against any claims for personal injury or property damage resulting from the display of the portable sign.

However, where a business does not have an adjacent verge to place a temporary business sign, or where they don't have direct access, an application for a permit to the City can be made. The requirements for permits are detailed in Part 12 of the Local Government Property Local Law which details how to apply for a permit; the decisions that can be made and the relevant considerations in relation to determining a permit by the City; the types of conditions that can be placed on a permit; and other general permit requirements.

It must be highlighted that this proposal is a significant change to the City's current position of prohibiting temporary business signs to be placed in the verge. Opening the ability for business to do so (as of right) could create visual amenity issues, proliferation of signage and potential obstructions to road users and pedestrians.

In addressing the petition received by Council at its meeting held on 16 August 2016, it is not recommended that the City establish a working group to develop signage guidelines and a policy to support small business, in view of the new *Advertisements Local Planning Policy* that has been adopted by Council, and the proposed amendment suggested in the Amendment Local Law. However, it is suggested that the lead petitioner be advised of the proposed changes to the Local Government Property Local Law and invite them to make a submission on the new sign provisions that are proposed.

- Clause 3.10 – this clause amends Schedule 1 of the Local Government Property Local Law by including new modified penalties as a result of the various amendments that are proposed to be made to the local law.

Further to the above amendments, a Notice of Motion was moved at the Ordinary Council Meeting on 16 November 2021, requesting:

"...the Chief Executive Officer to investigate and prepare a report on the possibility of amending the Council's Local Government and Public Property Local Law 2014 in relation to:

- 1 *Clause 10.6(2) "A retailer must remove a shopping trolley within 24 hours of so advised under subclause (1)" so that it is reduced to three hours; and*

- 2 *Item 68 (clause 10.6(2)) in "Schedule 1 – Prescribed Offences" be amended so that the modified penalty for the failure to remove shopping trolleys upon being advised of the location can be increased to more than \$200."*

The suggested amendments have been considered by the City's administration, with the following comments:

- Abandoned shopping trolleys are proactively dealt with by the City's Field Officers and retailers to reduce the number of abandoned shopping trolleys in public places. There are a large number of retailers within the CBD and Joondalup area including Whitford City.
- The City currently impounds shopping trolleys after 24 hours in line with the *City of Joondalup Local Government Public Property Local Law 2014*. Modified penalties of \$200 are imposed on retailers if the trolleys are not collected within the required timeframe.
- Illegal dumping of shopping trolleys is also addressed by the *Local Government Act 1995*. The *Local Government Act 1995* allows the City to impound trolleys and notify the retailer where and when they can be retrieved. The City can then require the retailer to pay a fee to collect trolleys in order to reimburse the costs associated with removing, impounding and storing the trolleys. Many local governments report that attempts to enforce fees on retailers to retrieve impounded shopping trolleys have been unsuccessful due to the low cost to retailers to replace lost shopping trolleys.
- The City can dispose of uncollected trolleys after one month of storage. Disposal includes selling trolleys to recoup any collection and storage costs. Trolleys can be auctioned, sold as scrap or be recycled. It is preferable that the metal in trolleys is recovered rather than disposed of to landfill.
- Clause 10.6(2) could be amended to reduce the hours in which to remove a shopping trolley down from 24 hours to three however, it is the City's view that to reduce the time that a retailer would need to remove the trolley to three hours would be impractical/difficult to maintain due to the core hours of business for local governments and retailers.
- The City has also obtained legal advice which suggests there could be '...significant evidentiary challenges in proving offences relating to shopping trolleys. To the extent that amending the local law might make it more difficult or impracticable for a local government to comply with this provision, it is more likely that retailers might choose to challenge infringements issued on this basis. Furthermore, there is an increased chance that a Court may find that a retailer has a possible defence to any prosecution which might be alleged, if the Court considers that the retailer was simply unable to comply with the three hour notice provision. However, on balance, the three hour notice provision should be capable of enforcement if it is acceptable to the Joint Standing Committee on Delegated Legislation.'
- Furthermore, the administration has some concerns around the fact that the City has not had time to consult with affected business owners around the suggested change.
- **It is therefore recommended that the City does not reduce the number of hours in which a retailer has to remove a shopping trolley down from 24 hours to three hours at this late stage in the process of the local law review.**
- In relation to Part 2 of the Motion, Item 68 of Schedule 1 – Prescribed Offences – the general position is that the modified penalty should not be more than 10 percent of the maximum penalty. Therefore, given that the maximum penalty is \$5,000 under the City's local law, it would be possible to increase the modified penalty to a maximum of \$500.
- City Officer's have conducted a review of some of the larger local governments in regard to the number of hours a retailer has in which to remove a trolley, and the modified penalty associated with non-compliance and removal of the trolley:

Local Government	Hours to remove a shopping trolley	Modified Penalty
Wanneroo	24 hours	\$100
Stirling	24 hours	\$200
Swan	24 hours	\$100
Vincent	3 hours	\$100
Perth	24 hours	\$125
Victoria Park	3 hours	\$100

- **In light of the above comments, it is not recommended to increase the modified penalty for the failure to remove a shopping trolley.**

Part 4 – Meeting Procedures Local Law 2013

The Meeting Procedures Local Law provides for the rules that apply to the conduct of meetings of the Council, committees and meetings of electors. At a Strategy Session held on 3 November 2020, elected members were presented a report for discussion around the local law; the revised procedures adopted by Council in April 2020; as well as the public comments received during the local law review process. While most of the comments received during the local law consultation process related more so to the Council adopted *Procedures for Briefing Sessions, Council / Committee Meetings and Electronic Meetings* a range of amendments were highlighted by City officers, and generally accepted by elected members.

In view of this, the Amendment Local Law (Part 4) contains the following clauses to amend certain provisions in the Meeting Procedures Local Law (marked up in Attachment 4 to Report CJ014-02/22):

- Clause 4.2 – this clause amends clause 1.4 in the Meeting Procedures Local Law by deleting the reference to the Rules of Conduct Regulations (that is the former *Local Government (Rules of Conduct) Regulations 2007*) and inserting reference to the new *Local Government (Model Code of Conduct) Regulations 2021*, which came into effect on 3 February 2021.
- Clause 4.3 – this clause amends clause 1.5 in the Meeting Procedures Local Law by inserting a new definition for the *Local Government (Model Code of Conduct) Regulations 2021* and deleting various other definitions used throughout the Meeting Procedures Local Law that no longer apply.
- Clause 4.4 – this clause amends clause 4.3 in the Meeting Procedures Local Law (relating to the order of business at a committee) by deleting the reference to petitions. It is current practice that Council receives petitions and not committees.

The ability for an elected member to request a report for future consideration at a committee is also suggested to be removed (clause 4.3(2)(m)). Any call for a report (or a request for a report), should be made, through a formal motion, that is carried by the required majority of members present at a Council or a committee meeting. Such motions can be raised through the current notice of motion provisions, or through an amendment to a presented recommendation, that is carried by the majority of members at the respective meeting. Such action will allow the Chief Executive Officer to provide background information in respect of any legal, financial or policy implications before it is considered and subsequently determined.

- Clause 4.5 – this clause amends clause 4.6 in the Meeting Procedures Local Law (relating to motions for which previous notice has been given) by including a new subclause that prevents a notice of motion being submitted that is similar to a notice of motion submitted in the previous three months, and subsequently defeated by the required majority vote. This suggestion places a time caveat on when Council can again deal with the same matter, that has already been dealt with by Council in the previous three months.
- Clause 4.6 – this clause amends clause 4.8 in the Meeting Procedures Local Law (relating to adoption by exception resolution) by deleting the reference to special majority voting as this no longer applies under the Act. The amendment also clarifies that an exception resolution can be used where an employee has declared a financial or proximity interest in an item, however, maintains that it cannot be used when the Mayor or a Councillor so declares. There is no legislative requirement for employees to leave meetings when such declarations are made.
- Clause 4.7 – this clause amends a typographical error in clause 5.7(5) in the Meeting Procedures Local Law.
- Clause 4.8 – this clause replaces clause 5.17(2) in the Meeting Procedures Local Law (relating to prevention of disturbances) to clarify a person must not use their mobile phone or other electronic device to cause an audible disturbance, which is the intent of the clause as opposed to preventing people from using such devices to read statements, or viewing such devices while in silent mode.
- Clause 4.9 – this clause amends clause 6.6 in the Meeting Procedures Local Law by correctly referencing the *Local Government (Model Code of Conduct) Regulations 2021* which deals with impartiality interests for elected members at meetings.
- Clause 4.10 – this clause replaces clause 9.12(1) in the Meeting Procedures Local Law (relating to amendments to motions) by inserting a new subclause that an amendment cannot be moved by a mover or seconder to a primary motion. The existing exceptions for amendments are maintained.
- Clause 4.11 – this clause amends clause 10.1 in the Meeting Procedures Local Law (relating to procedural motions) by correctly referencing the intent of the procedural motion that “the item be deferred”, not “the motion be deferred”. Motions can technically be deferred through the other listed procedural motion “that the debate be adjourned”.
- Clause 4.12 – this clause replaces clause 10.5 in the Meeting Procedures Local Law by correctly referencing the effect of the procedural motion of “that the item be deferred” as detailed above.
- Clause 4.13 – this clause amends clause 17.1 by correctly referencing the *Local Government (Model Code of Conduct) Regulations 2021*.

Part 5 – Parking Local Law 2013

The Parking Local Law provides for the regulation, control, and management of parking within the City of Joondalup district, including the enforcement regime across all parking activities, including on-street parking; parking stations; and private parking operations.

The Parking Local Law was last amended by the *Parking Amendment Local Law 2018* and does not require any substantial amendment. However, the City is investigating fee payment and permit technology that could see over 4,000 parking permits replaced with an electronic system and in view of this some aspects of the Parking Local Law need amendment to cater for such technology being used.

In view of this, the Amendment Local Law (Part 5) contains the following clauses to amend certain provisions in the Parking Local Law (marked up in Attachment 5 to Report CJ014-02/22):

- Clause 5.2 – this clause inserts a new clause 1.11 in the Parking Local Law to provide for the electronic systems for an array of permits, tickets or authorisations that may be issued under the Parking Local Law. This caters for the new electronic permit technology the City is investigating for parking permits.
- Clause 5.3 – this clause deletes clause 2.4(2) in the Parking Local Law (relating to parking where fees are payable) as it is now accommodated in the new overarching provision detailed above.
- Clause 5.4 – this clause replaces Part 7 in the Parking Local Law, that currently relates to Residential Parking Permits. The replacement part correctly terms the permits as annual parking permits (as opposed to residential parking permits) and also now provides for the issuing of annual parking permits through an electronic system approved by the City (see new clause 7.2(2)). The new provisions also removes the restriction on retail premises, that adjoin time restricted parking, from applying for an annual parking permit.

Local law-making procedure

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

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

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

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

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting and
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In view of this, the **purpose** of the *Amendment Local Law 2021* is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

The **effect** of the *Amendment Local Law 2021* is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.

Issues and Options Considered

Council can either:

- make the *City of Joondalup Amendment Local Law 2021* as presented for the purposes of public advertising
- make the *City of Joondalup Amendment Local Law 2021* as proposed with any necessary amendments or
- not recommend the making of the *City of Joondalup Amendment Local Law 2021* and retain the existing local law.

The creation of the Amendment Local Law puts into effect the decisions of Council made at its meetings held on 16 February 2021 and 18 May 2021.

Legislation / Strategic Community Plan / Policy Implications

Legislation *Local Government Act 1995.*
 City of Joondalup Animals Local Law 1999.
 City of Joondalup Local Government and Public Property Local Law 2014.
 City of Joondalup Meeting Procedures Local Law 2013.
 City of Joondalup Parking Local Law 2013.

Strategic Community Plan

Key theme	Governance and Leadership.
Objective	Corporate Capacity.
Strategic initiative	Continuously strive to improve performance and service delivery across all corporate functions.
Policy	Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law-making process will take approximately three to six months.

Risk Management Considerations

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

Financial / Budget Implications

The cost associated with the local law-making process is approximately \$2,500, being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the *2021-22 Budget* for statutory advertising.

All amounts quoted in Report CJ014-02/22 are exclusive of GST.

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

The provisions and requirements of other local governments have been assessed for the creations of the City's Amendment Local Law. The changes bring into line the City's local law framework with other comparable local governments.

Should Council decide to make the Amendment Local Law for the purposes of public advertising, statutory advertising, and consultation with all members of the public will occur, as follows:

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

COMMENT

The local laws that are subject to the Amendment Local Law are created under the powers of the *Local Government Act 1995*. The suggested amendments are recommended to ensure that the local laws remain current and reflect operational requirements as well as legislative constraints. The Amendment Local Law progresses the amendments that were identified and reported to Council at its meeting held on 16 February 2021 (CJ006-02/21 refers).

In the report to Council at its meeting held on 16 February 2021 (Item CJ006-02/21 refers), it was suggested that the City would investigate the creation of two new local laws; one relating to cats and another for dogs. Any new local law around these types of animals is guided by local law-making requirements and abilities under the *Cat Act 2011* and the *Dog Act 1976*, and created under specific heads of power.

The Department of Local Government, Sport and Cultural Industries has completed a review of both the *Dog Act 1976* and the *Cat Act 2011*, the purpose of which was to gather feedback and information about how effective the legislation has been, and whether they should continue and whether there is the need for a full review of both Acts. Following analysis of the issues raised during the consultation period, a number of findings were made which are highlighted in an outcomes report detailed on the Department's website (see <https://www.dlgsc.wa.gov.au/department/publications/publication/statutory-review-of-the-cat-act-2011-and-dog-amendment-act-2013>).

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

- for the conduct of comprehensive reviews of the *Cat Act 2011* and *Dog Act 1976*
- that the reviews incorporate local government-specific consultation processes, coordinated in discussion with WALGA and local government stakeholders.

In view of the above it may be prudent to withhold any formal consideration of a cat and dog local law by Council until the legislative framework, and possible amendments (if any) is known, and indeed progressed. The City is monitoring the progress of these matters so that clarity on the next steps for the City can be determined.

Similarly, Council at its meeting held on 18 May 2021, when considering the motions of the Annual General Meeting of Electors resolved that it supported a review of the City's *Pest Plant Local Law 2012* to include other species of weed, such as Fleabane (CJ063-05/21 refers). Although the eight-year review report did not make recommendations to amend this local law, investigations into this request will progress later in 2022.

VOTING REQUIREMENTS

Absolute Majority.

*The Director Planning and Community Development Services entered Chambers at 9.07pm.
Cr May left the Chambers at 9.08pm.
Cr McLean left the Chambers at 9.09pm.
Cr May entered the Chambers at 9.11pm.
Cr McLean entered the Chambers at 9.12pm.*

OFFICER'S RECOMMENDATION

That Council:

- 1 MAKES the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising;
- 2 in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:
 - 2.1 the City of Joondalup proposes to make the *City of Joondalup Amendment Local Law 2021*, and a summary of its purpose and effect is as follows:

Purpose: The purpose of this local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

Effect: The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meetings Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.;

- 2.2 copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;
- 2.3 submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 3 in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
- 4 in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 5 the results of the public consultation be presented to Council for consideration of any submissions received;
- 6 in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;
- 7 NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the *Dog Act 1976* and the *Cat Act 2011* are better known;
- 8 NOTES a review of the *City of Joondalup Pest Plant Local Law 2012* will be progressed in 2022;
- 9 NOTES there will be no change to the *City of Joondalup Local Government and Public Property Local Law 2014*, at this time, in regards to the suggested amendments for shopping trolleys.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

- 1 **MAKES the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising subject to the following amendments;**
 - 1.1 **In relation to the *City of Joondalup Meeting Procedures Local Law 2014*, RETAIN clause 4.3(2)(m) in regard to the requests for reports for future consideration at committee meetings;**
 - 1.2 **AMENDS clause 10.6(2) of the *City of Joondalup Local Government and Public Property Local Law 2014*, to read:**

“10.6 Retailer to remove abandoned trolley

- (2) A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1).”;**

- 2** in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:
- 2.1** the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:
- Purpose:** The purpose of this local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.
- Effect:** The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meetings Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.;
- 2.2** copies of the proposed local law may be inspected at or obtained from the City’s Administration office, public Libraries or the City’s website;
- 2.3** submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 3** in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
- 4** in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 5** the results of the public consultation be presented to Council for consideration of any submissions received;
- 6** in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;
- 7** NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the *Dog Act 1976* and the *Cat Act 2011* are better known, and in addition NOTES that an additional review of the *City of Joondalup Animals Local Law 1999* will be progressed in 2022, in relation to additional measures being incorporated for the control of cats;
- 8** NOTES a review of the *City of Joondalup Pest Plant Local Law 2012* will be progressed in 2022.

It was requested that Parts 1.1, 1.2 and 7 be put separately.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

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

- 1.1 In relation to the City of Joondalup Meeting Procedures Local Law 2014, retain clause 4.3(2)(m) in regard to the requests for reports for future consideration at committee meetings.

The MOTION was Put and

LOST (6/7)

In favour of the Motion: Crs Chester, Fishwick, Kingston, Poliwka, Raftis and Thompson.

Against the Motion: Mayor Jacob, Crs Hamilton-Prime, Hill, Jones, Logan, May and McLean.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

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

- 1.2 **AMENDS** clause 10.6(2) of the *City of Joondalup Local Government and Public Property Local Law 2014*, to read:

“10.6 Retailer to remove abandoned trolley

- (2) **A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1).”**

The MOTION was Put and

CARRIED (9/4)

In favour of the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Logan, May, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Crs Chester, Hill, Jones and Kingston.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

- 7 NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the *Dog Act 1976* and the *Cat Act 2011* are better known, and in addition NOTES that an additional review of the *City of Joondalup Animals Local Law 1999* will be progressed in 2022, in relation to additional measures being incorporated for the control of cats.

The MOTION was Put and

CARRIED (11/2)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Jones, Kingston, Logan, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Crs Hill and May.

MOVED Cr Raftis, SECONDED Cr Thompson that Council:

- 2 in accordance with section 3.12(3)(a) of the *Local Government Act 1995*, gives local public notice stating that:
 - 2.1 the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:

Purpose: The purpose of this local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

Effect: The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meetings Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.;
 - 2.2 copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;
 - 2.3 submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;
- 3 in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;
- 4 in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;
- 5 the results of the public consultation be presented to Council for consideration of any submissions received;
- 6 in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;
- 8 **NOTES** a review of the *City of Joondalup Pest Plant Local Law 2012* will be progressed in 2022.

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Logan, May, McLean, Poliwka, Raftis and Thompson.

Against the Motion: Cr Kingston.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf220208.pdf](#)

CJ124-08/22 AMENDMENT LOCAL LAW 2021- ADOPTION

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05885, 101515
ATTACHMENT / S	Attachment 1 Schedule of Submissions Attachment 2 <i>City of Joondalup Amendment Local Law 2021 – marked up</i> Attachment 3 <i>City of Joondalup Amendment Local Law 2021 adoption copy</i>
AUTHORITY / DISCRETION	Legislative - includes the adoption of local laws, planning schemes and policies.

PURPOSE

For Council to note the submissions received following the public advertising of the proposed *City of Joondalup Amendment Local Law 2021* and resolve to make the local law in accordance with section 3.12 of the *Local Government Act 1995* (the Act).

EXECUTIVE SUMMARY

At its meeting held on 15 February 2022 (CJ014-02/22 refers), Council resolved to make the proposed *City of Joondalup Amendment Local Law 2021* for the purpose of public advertising. The purpose of the local law is to amend certain provisions within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*. The effect of the local law is to better clarify the provisions and requirements within the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Public Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013* and to ensure information is current with prevailing legislation.

It is therefore recommended that Council:

- 1 *NOTES the submissions received at the close of the public submissions period for the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ124-08/22;*
- 2 *BY AN ABSOLUTE MAJORITY ADOPTS the City of Joondalup Amendment Local Law 2021, as detailed in Attachment 3 to Report CJ124-08/22;*
- 3 *AUTHORISES the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted City of Joondalup Amendment Local Law 2021;*
- 4 *NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the Local Government Act 1995;*
- 5 *ADVISES all submitters of Council's decision.*

BACKGROUND

At its meeting held on 16 February 2021 (CJ006-02/21 refers), Council received a report on its statutory review of its local laws, and resolved that amendments were required to the *City of Joondalup Animals Local Law 1999*, *City of Joondalup Local Government and Property Local Law 2014*, *City of Joondalup Meeting Procedures Local Law 2013* and *City of Joondalup Parking Local Law 2013*.

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

- "1 *MAKES the proposed City of Joondalup Amendment Local Law 2021, as detailed in Attachment 1 to Report CJ014-02/22, for the purposes of public advertising subject to the following amendment;*
- 1.2 *AMENDS clause 10.6(2) of the City of Joondalup Local Government and Public Property Local Law 2014, to read:*
 - "10.6 *Retailer to remove abandoned trolley*
 - (2) *A retailer must remove a shopping trolley within 3 hours of being so advised under subclause (1)."*
- 2 *in accordance with section 3.12(3)(a) of the Local Government Act 1995, gives local public notice stating that:*
 - 2.1 *the City of Joondalup proposes to make the City of Joondalup Amendment Local Law 2021, and a summary of its purpose and effect is as follows:*

Purpose: The purpose of this local law is to amend certain provisions within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meeting Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013.

Effect: The effect of this local law is to better clarify the provisions and requirements within the City of Joondalup Animals Local Law 1999, City of Joondalup Local Government and Public Property Local Law 2014, City of Joondalup Meeting Procedures Local Law 2013 and City of Joondalup Parking Local Law 2013 and to ensure information is current with prevailing legislation;
 - 2.2 *copies of the proposed local law may be inspected at or obtained from the City's Administration office, public Libraries or the City's website;*
 - 2.3 *submissions about the proposed local law may be made to the City within a period of not less than 6 weeks after the notice is given;*
- 3 *in accordance with s3.12(3)(b) of the Act, as soon as the notice is given a copy of the proposed local law be sent to the Minister for Local Government;*
- 4 *in accordance with s3.12(3)(c) of the Act, a copy of the proposed local law be supplied to any person requesting it;*
- 5 *the results of the public consultation be presented to Council for consideration of any submissions received;*

- 6 *in relation to the petition requesting a working group be created to review and develop appropriate signage guidelines and policy for small businesses, ADVISES the lead petitioner of its decision in Part 1 above;*
- 7 *NOTES the creation of a separate Cat Local Law and Dog Local Law will progress at a later time once any amendments to the Dog Act 1976 and the Cat Act 2011 are better known, and in addition NOTES that an additional review of the City of Joondalup Animals Local Law 1999 will be progressed in 2022, in relation to additional measures being incorporated for the control of cats;*
- 8 *NOTES a review of the City of Joondalup Pest Plant Local Law 2012 will be progressed in 2022"*

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

- Email to resident/ratepayer groups distributed on 7 April 2022.
- eNewsletter to Community Engagement Network subscribers distributed on 7 April 2022.
- Webpage linked through the 'Community Consultation' and 'Public Notice' sections of the City's website visible from 7 April 2022 to 20 May 2022.
- Proposed local laws webpage linked through the 'City Administration' section of the City's website visible from 7 April 2022 to 20 May 2022.
- Public notice advertisement published in the community newspaper *PerthNow Joondalup* on 7 April 2022.
- Facebook post published through the City's Facebook account on 11 April 2022.
- LinkedIn post published through the City's LinkedIn account on 11 April 2022.
- Twitter post published through the City's Twitter account on 11 April 2022.

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

The time for making public submissions closed on Friday 20 May 2022.

DETAILS

At the close of the public submission period, the City received seven submissions including one submission from the Department of Local Government, Sport and Cultural Industries (DLGSC). A Schedule of Submissions is provided at Attachment 1 to Report CJ124-08/22. The submissions received are summarised below as follows:

- One submission received from the DLGSC providing general comment on proofreading and the publishing of a consolidated local law. The comments are noted.
- One submission received supporting the changes to the *Amendment Local Law 2021*. The comments are noted.
- One submission received suggesting the City consider reviewing their authority over structures at sea. The comments are noted and an Officer's response provided.
- Two comments received relating to roaming cats. The comments are noted and an Officer's response provided.
- One comment received relating to parking at Greenwood Primary School. The comments are noted and an Officer's response provided.
- One comment received relating to dog waste bins. The comment is noted and an Officer's response provided.

- One comment received relating to dry parks. The comment is noted and an Officer's response provided.
- Two comments received relating to penalties. The comments are noted and an Officer's response provided.
- One comment relating to advertising signage on median strips. The comment is noted and an Officer's response provided.

In addition to the submissions received from members of the public, Officer's have identified the following:

Parking Local Law 2013

- In clause 5.4 of the *Amendment Local Law 2021*, under Part 7.2(1)(a), remove the words 'expiring on 31 December on the year of issue'.
- The purpose of this amendment is to align the local law with technology that the City is investigating which would see over 4,000 parking permits replaced with an electronic system. In view of this, some aspects of the *Parking Local Law 2013* require amendment to cater for improvements available with the new technology being used.

City of Joondalup Local Government and Public Property Local Law 2014

At the Council meeting on 19 July 2022, Council received a report on the initiatives to reduce the proliferation of abandoned trolleys (CJ109-07/22 refers). With regard to reducing the time for removing a shopping trolley from 24 hours to 3 hours, the following commentary was provided:

"When a Field Officer is tasked with an Abandoned Shopping Patrol they also have the task of visiting retailers, depending on the trolleys found. For example, if they locate a number of Kmart trolleys while on their patrol, they will make a point of visiting that store and meeting with the Store Manager informally. At this stage, these tasks are difficult to quantify as not every interaction with retailers is recorded on the corporate system, however as this is now part of the procedure in dealing with abandoned trolleys, the City can be comfortable that this is occurring.

As a result of these informal interactions, many retailers take the opportunity to update their contact details with the City to ensure that they are able to be notified and deal with the trolley before it is impounded. This engagement has provided anecdotal feedback from retailers that any period shorter than the current 24 hours would be difficult for them to manage, that is a three-hour window. A shorter response time would also increase the amount of Officer time required to impound the trolley, as it is likely that more trolleys will be impounded rather than collected by stores. This will also cause a flow on effect of locating enough space to impound them.

Further, the City's legal advice has substantiated that it would be difficult to take action against a retailer if a three-hour time frame was used given that the City couldn't necessarily be confident that the retailer was made aware within that short time.

The recent proactive relationship that the City has fostered with retailers under this new process is very harmonious and the evidence shows that it is working given that only around 11% of trolleys remain uncollected after notification. Any reduction in timeframe to remove the trolley would strain the City's relationship with retailers which could have a negative flow on affect for businesses in the CBD."

Elected Members may wish to re-consider reducing the time for removing a shopping trolley as a result of information provided at the July 2022 Council meeting.

Where suggested changes have been supported, they have been included in the local law and submitted to Council for adoption. A copy of the amended local law showing the marked-up changes is provided at Attachment 2 Report CJ124-08/22. The amended local law to be adopted and submitted to the State Law Publisher for publication in the *Government Gazette* is provided at Attachment 3 to Report CJ124-08/22.

In the event that Council resolves to make the *City of Joondalup Amendment Local Law 2021* as presented, the following sequence of events will commence:

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

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

Issues and options considered

Council can either:

- adopt the proposed *City of Joondalup Amendment Local Law 2021*, as advertised
- adopt the local law with minor modifications following the public submission period, subject to the modifications not being significantly different to what was advertised or
- not adopt the proposed local law.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*
 Local Government (Functions and General) Regulations 1996.
 City of Joondalup Animals Local Law 1999.
 City of Joondalup Local Government and Public Property Local Law 2014.
 City of Joondalup Meeting Procedures Local Law 2013.
 City of Joondalup Parking Local Law 2013.

10-Year Strategic Community Plan

Key theme Leadership.

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

Policy Not applicable.

Subdivision 2, Division 2 of Part 3 of the Act applies to the creation, amending and repealing of local laws. It is anticipated that the local law-making process will take a further four weeks to complete the process, following a decision of Council.

Risk management considerations

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

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

Financial / budget implications

The costs associated with the local law making process is approximately \$2,500 being public advertising costs and costs to publish the local law in the *Government Gazette*. Funds are available in the 2022-23 Budget for statutory advertising.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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

- 1 By giving local public notice for a period of no less than six weeks from the date of advertising, including:
 - email to resident/ratepayer groups distributed on 7 April 2022
 - eNewsletter to Community Engagement Network subscribers distributed on 7 April 2022
 - webpage linked through the 'Community Consultation' and 'Public Notice' sections of the City's website visible from 7 April 2022 to 20 May 2022
 - proposed local laws webpage linked through the 'City Administration' section of the City's website visible from 7 April 2022 to 20 May 2022
 - public notice advertisement published in the community newspaper *PerthNow Joondalup* on 7 April 2022
 - facebook post published through the City's Facebook account on 11 April 2022
 - LinkedIn post published through the City's LinkedIn account on 11 April 2022
 - Twitter post published through the City's Twitter account on 11 April 2022.

- 2 Providing a copy of the proposed local law to the Minister responsible for the Act under which the proposed local law is being made (being the Minister for Local Government).

COMMENT

The *City of Joondalup Amendment Local Law 2021* has been progressed to amend certain provisions within the following local laws:

- *Animals Local Law 1999.*
- *Local Government and Public Property Local Law 2014.*
- *Meeting Procedures Local Law 2013.*
- *Parking Local Law 2013.*

The proposed *City of Joondalup Amendment Local Law 2021* was publicly advertised in accordance with the Act, and subsequently minor amendments were made taking into account the submissions received.

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

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Hamilton-Prime, SECONDED Cr May that Council:

- 1 NOTES the submissions received at the close of the public submissions period for the proposed *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 1 to Report CJ124-08/22;
- 2 BY AN ABSOLUTE MAJORITY ADOPTS the *City of Joondalup Amendment Local Law 2021*, as detailed in Attachment 3 to Report CJ124-08/22;
- 3 AUTHORISES the Mayor and Chief Executive Officer to sign and affix the Common Seal to the adopted *City of Joondalup Amendment Local Law 2021*;
- 4 NOTES the progression of the remaining actions to finalise the local law adoption process as detailed in sections 3.12 and 3.15 of the *Local Government Act 1995*;
- 5 ADVISES all submitters of Council's decision.

The Director Infrastructure entered the Chamber 2.27pm.

C100-08/22

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK

MOVED Mayor Jacob, **SECONDED** Cr Thompson that Item CJ124-08/22 – Amendment Local Law 2021 - Adoption **BE REFERRED BACK** to the Policy Committee for further consideration so that each local law can be considered separately.

The Procedural Motion as Moved by Mayor Jacob and Seconded by Cr Thompson was Put and
CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hill, Jones, Kingston, Logan, May, McLean, Poliwka, Raftis and Thompson.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf220809.pdf](#)

City of Joondalup Amendment Local Law 2021 – Schedule of Submissions

Submission No.	Organisation	Objection / Support / Comment	Comments	Officer's Comment
1	N/A	Comment	<p>I noticed the council of Kwinana has passed a new Cats Local Law, which restricts cats from free roaming in the public places and protects wildlife. I would like to make a proposal and encourage the City of Joondalup to consider taking the same action.</p> <p>I urge the City of Joondalup to take positive action to tackle the free-roaming cat issues and provide a better living environment without harmful cat waste and preventing roadkill.</p>	The comments are noted, the City is waiting for the statutory review of the <i>Cat Act 2011</i> to be formalised, before considering if a Cats Local Law is required.
2	N/A	Comment	<p>Amendments are useless unless local laws are policed. Parents are still parking on the verge, contrary to No Standing signs at Greenwood Primary School, cars obstruct the footpath, the exit from the school car park and do illegal u-turns in a constricted roadway.</p> <p>In regard to animal laws, I contacted the Mayor with regard to having a dog waste facility installed in Birch Park, as there is often animal faeces left on the ground, but no action taken.</p> <p>There was also mention of a dry parks program [at Birch park].</p>	<p>City officers regularly patrol the City's 55 schools to enforce the local law. Otherwise traffic issues fall under the jurisdiction of WA Police.</p> <p>The City notes that the submission received is not relevant to the <i>Animals Local Law 1999</i>. Nevertheless, the City has assessed Birch Park and found that a bin and dog waste dispenser is warranted at the park. These dog waste facilities will be installed in the coming weeks.</p> <p>The adopted 2022-23 budget includes an amount of \$30,000 for the design of the Greenwood North-East Cluster Parks Revitalisation Project which will include</p>

City of Joondalup Amendment Local Law 2021 – Schedule of Submissions

				minor landscape improvements to Birch Park.
3	N/A	Comment	Are cats allowed to roam free at night?	Yes.
4	N/A	Comment	I have reviewed the proposed <i>City of Joondalup Amendment Local Law 2021</i> . I find the changes and amendments are reasonable and acceptable.	Noted.
5	N/A	Comment	<p>[With regard to the <i>Animals Local Law 1999</i>].</p> <p>2.20 First Schedule gives the fines applicable for a range of offences, primarily to do with animals. The fines contemplated are trivial and will not lead to compliance, especially into the future.</p> <p>In the cases where an authorised person provides the offender with a notice, there should be a time by which the matter must be rectified. Then, rather than a fine of \$100, a fine of \$10 000 should be imposed. For example, to rectify inadequate fencing of dangerous animals may cost far in excess of the \$100 proposed: therefore, only a substantial fine will motivate the person or business to make the required modifications.</p> <p>9.5.3(k)(ii) is about placement of advertising signage on median strips. This is often a problem within the City. What agency will enforce the regulations?</p>	<p>The City uses collaborative efforts designed to encourage community compliance through an educative and engagement approach. The issuing of fines should only be used when all other avenues are exhausted.</p> <p>A Local Government's modified penalty should not be more than 10 percent of the maximum penalty which is only able to be awarded by the Courts.</p> <p>City officers will respond to the illegal placement of advertising signage on median strips and enforce the local law as required.</p>
6	N/A	Comment	<p>[with regard to the Local Government and Public Property Local Law 2014]</p> <p>The City may wish to review their authority over structures at sea.</p>	Noted. The <i>City of Joondalup Amendment Local Law 2021</i> will be submitted to the Joint Standing Committee on Delegated Legislation with consideration given to whether the local law is within power, has no unintended effect on any person's existing rights or interests, provides an

[illegible]

City of Joondalup Amendment Local Law 2021 – Schedule of Submissions

			The next time the City's local laws are due for review, the City may wish to consider repealing each local law and replacing it with a new, consolidated version.	
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LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

PARKING LOCAL LAW ~~2013~~2023

~~Amended by Parking Amendment Local Law 2015~~

~~and~~

~~Parking Amendment Local Law 2018~~

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

PARKING LOCAL LAW ~~2013~~2023

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SCHEDULE 1 – PARKING REGION

SCHEDULE 12 – PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

PARKING LOCAL LAW 20132023

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 20132023*.

PART 1 - DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the *City of Joondalup Parking Local Law 20132023*.

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.~~

The following local laws are repealed on the day that this local law comes into operation
=

- (1) City of Joondalup Parking Local Law 2013, as published in the *Government Gazette* on 19 August 2013.
- (2) City of Joondalup Parking Amendment Local Law 2015, as published in the *Government Gazette* on 4 September 2015.
- (3) City of Joondalup Parking Amendment Local Law 2018, as published in the *Government Gazette* on 3 August 2018.

1.5 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to –

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads Western Australia;
 - (b) the prohibition areas that apply to all existing and future bridges and subways as determined by the Commissioner of Main Roads, Western Australia;
 - (c) a thoroughfare that comes under the control of the Commissioner of Main Roads Western Australia unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads Western Australia to the City; and
- (3) This local law does not apply to a parking station that –
- (a) is not owned, controlled or occupied by the City; or
 - (b) is owned by the City but is leased to another person,
- unless the City and the owner or occupier of the parking station have agreed in writing (on whatever terms and conditions they think fit) that this local law is to apply to the parking station.

1.56 **Interpretation Definitions**

In this local law unless the context otherwise requires -

Act means the *Local Government Act 1995*;

~~a~~Authorised ~~p~~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; appointed by the City under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;~~

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authorised vehicle means a vehicle authorised by the ~~local government~~City, the CEO, ~~an authorised person or under this local law or by any other written law to stop or park on (or on part of)~~ a thoroughfare or parking facility;

bicycle has the meaning given ~~to it by~~in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given ~~to it by~~in the Code;

bus has the meaning given ~~to it by~~in the Code;

bus embayment has the meaning given ~~to it by~~in the Code;

bus stop has the meaning given ~~to it by~~in the Code;

bus zone has the meaning given ~~to it by~~in the Code;

busway has the meaning given in the Code;

~~caravan~~ ~~has the meaning given to it by the Caravans Parks and Camping Grounds Act 1995; means a vehicle that is fitted or designed to allow human habitation and which is capable of being drawn by another vehicle, or which is capable of self-propulsion;~~

carriageway has the meaning given ~~to it by~~in the Code;

centre in relation to a carriageway, means a line or a series of lines, marks or other indications -

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

children's crossing has the meaning given to it by the Code;

CEO means the Chief Executive Officer of the ~~local government~~City;

charter vehicle means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966*, and includes a passenger transport vehicle, but does not include a public bus;

children's crossing has the meaning given in the Code;

City means the City of Joondalup;

City property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the City;

clearway means a length of carriageway which carries a high traffic volume that has clearway no stopping signs erected appurtenant to it, to facilitate the unhindered flow of traffic;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle that is -

- (a) ~~a motor vehicle constructed, adapted or fitted~~ for the conveyance of goods; ~~and 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 used~~ 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;~~

~~but does not include a vehicle constructed for the conveyance of materials used in any trade, business, industry or any other work;~~

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Council means the Council of the City;

crossover means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to the property;

disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the ~~local government~~City;

dividing strip ~~has the meaning given to it by the Code;~~

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driver means any person driving or in control of a vehicle;

driveway means an area of land on private property which abuts a crossover and is designed primarily for vehicles to ingress and egress to that property;

edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway; has the meaning given in the Code;

electric rideable device means a bicycle, scooter, skateboard, wheelchair or any other vehicle that –

- (a) has at least 1 wheel; and
- (b) is designed to be used by a single person; and
- (c) has an electric motor or motors.

but does not include an electric vehicle;

electric vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power sources and includes a car, truck, moped and motorbike but does not include an electric rideable device;

electronic parking detention device means an electronic device placed in a position to detect and record the parking time of a vehicle on any road, parking facility, or other public place and includes any instrument, display panel or transmitting apparatus associated with the device;

emergency vehicle has the meaning given to it by the Code;

entrance ticket means a ticket or token issued by an entrance ticket machine;

entrance ticket machine means a machine –

- (a) installed at an entrance to a parking station; and
- (b) from which tickets are issued to vehicles entering that parking station;

exit ticket means a ticket issued after payment of the fee collection machine;

fee collection machine means a machine installed in a parking station which, on the insertion of an entrance ticket or vehicle registration details, and payment of the required fee, issues an exit ticket or allows exit through a gate;

fee-paying machine means a ticket issuing machine, fee collection machine or parking meter;

fee-paying zone means where a fee payable is indicated by a sign where the vehicle is stopped or parked within the same –

- (a) parking station; or
- (b) section of the road between two intersections or an intersection and head of a cul-de-sac as the case may be;

fire hydrant has the meaning given in the Code;

funeral vehicle means a vehicle designed or modified for use in conducting funeral services;

footpath has the meaning given to it by the Code;

GVM (which stands for 'gross vehicle mass') has the meaning given to it by the Code; means for a vehicle, the maximum loaded mass of the vehicle –

(a) specified by the manufacturer on an identification plate on the vehicle; or

(b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General under section 49 of the *Transport Co-ordination Act 1966*;

head of a cul-de-sac means the part of a road that is closed at one end and is shaped in such a way that it can be used for vehicles to turn, and includes bulb or hammer-head shaped closed roads;

intersection has the meaning given in the Code;

keep clear marking has the meaning given in the Code;

kerb means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

length of carriageway means the section on the same side of the carriageway, between intersections on that side of the carriageway;

loading zone means ~~a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'loading zone';~~

(a) a parking facility or length of carriageway to which a loading zone sign applies;
or

(b) a parking bay designated by a sign for use by commercial vehicles as a loading zone;

loading zone sign has the meaning given in the Code;

local government means the City of Joondalup;

local public notice has the meaning given to it in the Act;

low-clearance sign means a sign indicating the height clearance restriction (in metres) when entering a parking station so as not to allow an oversize vehicle to attempt to pass under the object that is part of the sign;

mail zone has the meaning given to it by the Code;

median strip has the meaning given ~~to it by~~in the Code;

metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in a way that indicates where a vehicle may be parked on payment of a fee or charge;

metered zone means a road or reserve, or part of a road or reserve, in which a parking meter regulates the stopping or parking of vehicles;

money means any legal tender under the *Currency Act 1965* (Cth);

motorcycle has the meaning given to it by the Code; ~~means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;~~

motor vehicle means a self-propelled vehicle that is not operated on rails; and ~~includes – the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;~~

(a) a trailer, semi-trailer or caravan while attached to a motor vehicle;

(b) a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel; or

(c) a 3-wheeled motor vehicle;

but does not include an electric rideable device;

nature strip has the meaning given in the Code and includes a verge;

no parking area has the meaning given ~~to it by~~in 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;~~

(a) the words 'no parking' in red letters on a white background; or

(b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given ~~to it by~~in 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;~~

(a) the words 'no stopping' or 'no standing' in red letters on a white background; or

(b) the letter 'S' within a red annulus and a red diagonal line across it on a white background;

number plate has the meaning given in the *Road Traffic (Vehicles) Act 2012*;

obstruction has the meaning given in the Code;

occupier has the meaning given ~~to it by~~in the Act;

one-way carriageway has the meaning given in the Code;

owner ~~where used in relation to -~~

(a) where used ~~in relation to~~ a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, ~~has the meaning the person in whose name the vehicle has been registered under the Road Traffic Act; given to 'responsible person' in the *Road Traffic (Administration) Act 2008*;~~

(b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and

(c) where used in relation to land, has the meaning given ~~to it by~~in 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, ~~has the meaning given in the Code; 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 app means a software program used by a computer, tablet, smartphone or other electronic device for the payment of parking by a vehicle for a specified period of time;

parking app zone means a parking facility within a fee-paying zone in which a parking app is available for use;

parking area has the meaning given ~~to it by~~in the Code;

parking bay means a section of a parking facility or carriageway which is marked or defined in any way to indicate where a vehicle may stop or park;

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parking bay for people with disabilities has the meaning given to permit parking area in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

parking control sign has the meaning given in the Code;

parking facility includes -

~~(a) —~~land, buildings, shelters, parking ~~stalls~~bays, parking stations and other facilities open to the public generally for the parking of vehicles; and

~~(b) —includes~~ signs, notices and facilities used in connection with the parking of vehicles;

parking meter means a machine or device which, as a result of a payment by any permitted means, indicates (with or without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered space to which the machine or device relates;

parking period means an electronic authorisation to park a vehicle issued from a ticket issuing machine, a parking meter or a parking app;

parking permit means a permit issued by the ~~local government~~City or an authorised person and includes a written or electronic permit ~~under this local law~~;

parking region means the area ~~described in Schedule 1~~to which this local law applies, as described in clause 1.5;

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;

parking station means any land, building or other structure ~~provided used predominantly for the stopping and parking of vehicles, whether or not a fee is charged, but does not include a road or reserve~~for the purpose of accommodating vehicles;

parking ticket means a ticket which is issued from a ticket issuing machine or parking meter and which authorised the parking of a vehicle;

passenger transport vehicle has the meaning given in the *Transport (Road Passenger Services) Act 2018*;

path has the meaning given in the Code;

pedestrian has the meaning given in the Code

pedestrian crossing has the meaning given ~~to it by~~in 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; sign inscribed with –~~

- (a) ~~the word 'parking', but excludes a sign inscribed with the words 'no parking', or~~
- (b) ~~the letter 'P' with any arrow, figure, letter or words in green;~~

postal vehicle has the meaning given in the Code;

pram ~~means a wheeled conveyance which is designed, constructed and is being used for transporting a young child;~~

property line means the boundary between the land comprising a road and the land that ~~abuts that road;~~

public bus has the meaning given in the Code;

public bus zone means ~~a parking bay, bus embayment or length of carriageway designated for use by a public bus;~~

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land -

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

~~but does not include a verge;~~

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 means ~~a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land including the nature strip and paths appurtenant thereto lying between the property lines abutting the road;~~

Road Traffic Act means the *Road Traffic Act 1974*;

roundabout has the meaning given in the Code;

Schedule means a Schedule to this local law;

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~~in the Code;

sign includes a traffic sign, ~~permissive parking sign,~~ inscription, ~~road marking,~~ mark, structure or device approved by the ~~local government~~City 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 stopping or parking of vehicles;

special purpose vehicle has the meaning given ~~to it by~~in the Code and also includes any commercial vehicle owned by the City;

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;~~ has the meaning given in the Code;

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; ~~a symbol specified by Australian Standard 1742.11-1999 and a symbol specified from time to time by Standards Australia for use in the regulation of parking;~~

tare weight means the weight of a motor vehicle without the addition of the driver, passengers or load of any kind;

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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*; has the meaning given in the Code;

taxi zone has the meaning given ~~to it by~~in 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; has the meaning given in the Act;

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ticket includes a token;

ticket issuing machine means a machine or device which, as a result of a payment by any permitted means, issues a ticket showing the period during which it is lawful to remain parked in the area to which the machine or device relates;

ticket machine zone means a parking facility within a fee-paying zone in which a ticket issuing machine is installed;

T-Intersection means an intersection where the end of a road intersects with the continuous side of a continuing road but does not include a roundabout;

traffic includes the passage of both vehicles and pedestrians;

traffic-control signal has the meaning given in the Code;

traffic island has the meaning given ~~to it by~~in 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; has the meaning given in the Code;

truck means a vehicle which has a minimum load capacity of 1,000 kilograms;

truck bay means a parking bay designated for use by trucks only;

truck lane is the meaning given in the Code;

unattended in relation to a vehicle, means where the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle;

unexpired parking period means a parking period on which a date and expiry time is specified and the time specified has not expired;

unexpired parking ticket means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

valve stem means the self-contained valve on a tyre used for inflation;

valve stem reading means observing and recording the position of a vehicles valve stem in relation to the associated tyre as a means of determining whether a vehicle has moved;

vehicle has the meaning given to it by the Code; in the *Road Traffic (Administration) Act 2008*; and

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath; 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 Interpretation

- (1) For the purposes of the definitions of no parking area, no stopping area and parking area, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.
- (3) Where a term is used but is not defined in the Act or this local law and that term is defined in the Road Traffic Act or the Code then, unless the context requires otherwise, the term is to have the meaning given in the Road Traffic Act or the Code.
- (4) A reference to a thoroughfare, parking station, parking facility, metered zone, ticket machine zone, parking app zone or reserve includes a reference to any part of the thoroughfare, parking station, parking facility, metered zone, ticket machine zone, parking app zone or reserve.

1.8 Sign erected by the Commissioner of Main Roads

A sign that –

- (a) was erected by the Commissioner of Main Roads Western Australia prior to the commencement of this local law; and
- (b) relates to the stopping or parking of vehicles,

is taken to have been erected by the City under this local law.

1.79 Application ~~and pre-existing of~~ 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) Where under this local law the stopping or parking of a vehicle on a road is controlled by a sign, the sign is to apply to that part of the road which —
 - (a) lies beyond the sign;
 - (b) lies between that sign and the next sign; and
 - (c) is on that half of the road nearest to that sign.
- (2) A sign may prohibit or regulate parking or stopping by the use of a symbol.
- (3) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it is to be taken to operate and have effect as if it also related to the parking of vehicles.
- (4) The first three letters of any day of the week when used on a sign indicate that day of the week.

1.108 Classes of vehicles

For the purposes of this local law, vehicles are divided into classes as follows —:

- (a) public buses;
- (b) commercial vehicles;
- (c) motorcycles;

- (d) taxis;
- (b) caravans;
- (e) emergency vehicles;
- (c)(f) commercial special purpose vehicles;
- (g) charter vehicles;
- (d) motorcycles and bicycles;
- (e) taxis;
- (f) trailers; and
- (h) funeral vehicles;
- (i) electric vehicles; and
- (g)(i) 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 — Establishment of parking facilities

The City may establish and vary parking facilities for the purposes of this local law.

1.12 — Permitted payment

The City may authorise a person to pay for parking, in advance or in arrears, by any means other than or in addition to the insertion of money in a ticket issuing machine or parking meter or by use of a parking app.

1.13 — Alternative method of payment

- (1) Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the City may authorise a person to park in the parking facility, without

paying the Relevant Fee in the usual way, by giving the person (electronically or otherwise) a permit, invoice, ticket or pass (alternative method of payment).

(2) A person who is given an alternative method of payment, and who complies with the terms of the alternative method of payment, is exempt from paying the Relevant Fee.

(3) An alternative method of payment may not be used by any person other than the person to whom it was given by the City.

PART 2 - 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.~~

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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 23 – STOPPING AND 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

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~~(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.~~

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~~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.~~

2.1 Power to prohibit and regulate

The Council may by resolution prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle, or of any class of person or vehicle, or both, but is to do so consistently with this local law.

2.2 Determinations in relation to stopping and parking

- (1) The Council may by resolution determine —
- (a) permitted times and conditions of stopping and parking which may vary with the parking region;
 - (b) permitted classes of persons who may stop or park their vehicles;
 - (c) permitted classes of vehicles which may stop or park; or

(d) the manner of stopping or parking.

(2) Where the Council makes a determination under subclause (1), the City –

(a) must erect one or more signs to give effect to the determination; and

(b) may vary the determination.

2.3 Stopping or parking generally

(1) A person must not stop or park a vehicle in a parking facility or in a thoroughfare
=

(a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;

(b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;

(c) during any period when the stopping or parking of vehicles is prohibited by a sign;

(d) for more than the maximum time specified by a sign unless –

(i) clause 2.4 applies; or

(ii) the vehicle displays a disability parking permit in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;

(e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces – unless the vehicle is too wide or long to fit completely within a single parking bay or metered space, in which case it must be parked within the minimum number of parking bays or metered spaces needed to park it; or

(f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked.

(2) A person must not stop or park a vehicle –

(a) in a no stopping area;

(b) in an area to which a 'clearway' sign applies;

(c) at the side of a carriageway marked with a continuous yellow edge line;

(d) in an area of a carriageway signed or marked with a keep clear marking;

(e) in a bay marked 'M/C' unless it is a motorcycle;

(f) in a bus lane or busway;

(g) in a truck lane; or

(h) in a bicycle lane or on a bicycle path.

unless the person is driving a public bus or a taxi and is immediately dropping off, or picking up, passengers.

(3) A person must not park a vehicle in a no parking area, unless the driver –

(a) is dropping off, or picking up, passengers or goods;

(b) does not leave the vehicle unattended; and

(c) within two minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.

2.4 Parking with a parking permit

(1) The City may issue to a person a parking permit which exempts the holder of the permit from a prohibition under this local law against the stopping or parking of vehicles on any part of a road or parking station subject to any conditions that the City considers appropriate.

(2) Where –

(a) A parking permit issued is a physical parking permit, the parking permit must be displayed inside the vehicle on the dashboard of the vehicle and be clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the parking permit relates; or

(b) A parking permit is issued in electronic form, the vehicle registration number must be able to be entered into the City's electronic system when the permit is used and be able to be located by an authorised person in a database that contains all relevant information about the permit, permit holder and vehicle.

(3) The City may, at any time, revoke a permit issued under subclause (1).

2.5 Stopping or parking contrary to consent

(1) In this clause a reference to land does not include land –

(a) which belongs to the City;

(b) of which is an 'otherwise unvested facility' within section 3.53 of the Act; or

(c) which is the subject of an agreement referred to in clause 1.5(3).

(2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.

(3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

2.6 Parking positions

Where a sign referring to a parking area is not inscribed with the words 'angle parking', then unless a sign referring to the parking area indicates, or a mark on the carriageway indicates, that a vehicle must park in a different position –

(a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and

(b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in the parking area must stop or park it at approximately right angles to the centre of the carriageway.

2.7 Angle parking

Where a sign referring to a parking area is inscribed with the words 'angle parking', a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by a mark on the carriageway.

2.8 Loading zones

(1) A person must not stop or park a vehicle in a loading zone unless—

(a) the vehicle is a commercial vehicle; and

(b) a person is continuously engaged in loading or unloading goods to or from that vehicle; or

(c) alternatively to paragraphs (a) and (b), the vehicle is an authorised vehicle.

(2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign, or if no time is indicated on the sign for longer than 30 minutes, unless authorised by an authorised person.

2.9 Reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person –

(a) is an employee of the City in the course of the employee's duties;

(b) is an authorised person; or

(c) has obtained the permission of the City or an authorised person.

2.10 Occupied parking bays

A person must not stop or park, or attempt to stop or park, a vehicle in a parking bay or metered space in which another vehicle is stopped or parked.

2.11 Urgent, essential or official functions

(1) Where –

(a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and

(b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility.

the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.

(2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.

(3) Permission given under subclause (1) may –

(a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and

(b) be revoked or suspended at any time by an authorised person.

(4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

2.12 Direction to move vehicle

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after being directed by an authorised person or a police officer to move the vehicle.

2.13 Selling or hiring in a parking facility

A person must not sell, hire or give away any goods or erect an advertisement in a parking facility without the written authorisation of an authorised person or the City.

2.14 Damage to parking facilities

A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

2.15 Event parking

(1) For the purposes of this clause, an event means a function or activity characterised by all or any of the following –

(a) formal organisation and preparation;

(b) its occurrence is generally advertised or notified in writing to particular persons;

(c) organised by or on behalf of a club or a body corporate;

(d) payment of a fee to attend; and

(e) systematic recurrence in relation to the day, time and place.

(2) The City may, by use of a sign, establish additional parking facilities on a reserve or City property, for any period specified on the sign, for the parking of vehicles by persons attending an event.

(3) A person must not stop or park a vehicle on a reserve or City property established as a parking facility under subclause (2) during the period for which it is established unless:

(a) a ticket purchased from the City with respect to the event is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times; or

(b) any fee required by the City upon entry by a vehicle to the parking facility is paid to the City.

2.16 Removal and impounding of vehicles

(1) The impounding of vehicles and other goods is dealt with in Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the Local Government (Functions and General) Regulations 1996.

(2) The power of an authorised person to remove and impound any goods that are involved in a contravention that can lead to impounding is dealt with in section 3.39(1) of the Act.

(3) The power of a person to use reasonable force to exercise the power given by section 3.39(1) of the Act is dealt with in section 3.39(2) of the Act.

2.17 Authorised parking

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

2.18 Stopping or parking on City property

A person must not stop or park a vehicle on or over any portion of the City's property, other than an area specifically set aside for that purpose, unless the person –

(a) is an authorised person; or

(b) has obtained the permission of the City or an authorised person.

PART 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 36 – OTHER PLACES WHERE STOPPING IS RESTRICTED STOPPING AND PARKING ON ROADS AND OTHER AREAS

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..~~

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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.~~

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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.~~

3.1 Stopping or parking on a carriageway

Subject to clauses 2.3, 2.6 and 2.7, a person stopping or parking a vehicle on a carriageway must stop or park it –

(a) in the case of a two-way carriageway - so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;

(b) in the case of a one-way carriageway - so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;

(c) so that at least three metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or

any continuous line or median strip, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway;

(d) so that it is more than one metre from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and

(e) so that it does not obstruct any vehicle on the carriageway.

3.2 Median strips and traffic islands

A person must not stop or park a vehicle, trailer or caravan (other than a bicycle or an animal) so that any portion of the vehicle, trailer or caravan is on a traffic island or median strip unless the person stops or parks in an area to which a parking control sign applies and the person is permitted to stop or park at that place under this local law.

3.3 Verges

(1) A person shall not –

(a) stop or park a vehicle (other than a bicycle);

(b) stop or park a commercial vehicle or bus; or

(c) stop or park a vehicle during any period when the stopping or parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if that person is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge

on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

3.4 Prohibited parking of vehicles

A person must not park a vehicle on any portion of a road or within a parking station –

- (a) for the purpose of exposing the vehicle for sale or hire;
- (b) if the vehicle is not licensed under the Road Traffic Act or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if the vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the road or parking station.

3.5 Obstructions generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space.
- (2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is –
 - (a) on a road and causes an obstruction on the road - unless it is a public bus stopping in a bus zone;
 - (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
 - (c) on a roundabout or intersection, subject to paragraphs (d) and (e);
 - (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals - unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
 - (e) on a carriageway within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals)

intersecting that carriageway on the side on which the vehicle is stopped or parked - unless the vehicle stops or parks –

(i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this local law; or

(ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;

(f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;

(g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway – if the vehicle would obstruct traffic;

(h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign;

(i) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines; or

(j) within the head of a cul-de-sac.

3.6 Double parking

(1) Subject to subclause (2), a person must not stop or park a vehicle on a road so that any portion of the vehicle is between any other stationary vehicle and the centre of the carriageway of that road.

(2) Subclause (1) does not apply to –

(a) a person who parks a motorcycle in a bay marked 'M/C'; or

(b) a person who stops or parks a vehicle in a parking bay or metered space abreast of or alongside another vehicle.

3.7 Crossovers

A person shall not stop or park a vehicle on or across a crossover or other way of access for vehicles travelling to or from adjacent land, unless –

(a) the vehicle is dropping off, or picking up, passengers and shall not remain for longer than two minutes;

(b) the vehicle stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law; or

(c) the driver is the owner or occupier of the premises that abuts the crossover or is a person permitted by the owner or occupier of the premises.

3.8 Stopping on crests, curves, etc.

(1) Subject to subclause (2), a person shall not stop or park a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres.

(2) A person may stop or park a vehicle on a crest or curve on a carriageway if the vehicle stops at a place on the carriageway, or in an area, to which parking

control signs apply and the vehicle is permitted to stop at that place under this local law.

3.9 Stopping or parking near fire hydrant or post box

A person must not stop or park a vehicle, otherwise than in a marked bay, on a road so that any portion of the vehicle is –

- (a) within one metre of a fire hydrant, or of any sign or mark indicating the existence of a fire hydrant; or
- (b) within three metres of a public post box unless the vehicle is a postal vehicle.

3.10 Bus stops, pedestrian, children and train crossings

(1) A person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –

- (a) a bus embayment, bus stop or a bus zone unless the vehicle is a public bus stopping to take up or set down passengers; or
- (b) a pedestrian crossing or children's crossing.

(2) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 metres of the approach side of–

- (a) a bus embayment, bus stop or a bus zone, unless the vehicle is a public bus stopping to take up or set down passengers; or
- (b) a pedestrian crossing or children's crossing.

(3) This clause does not apply if –

- (a) the vehicle is stopped or parked in a marked bay;
- (b) the driver of the vehicle is prevented from proceeding by circumstances beyond their control; or
- (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

3.11 Restrictions on avoiding time limitations

(1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along, or return to, that length of carriageway so that the total time of parking the vehicle exceeds the maximum time permitted - unless the vehicle has first been removed from the length of carriageway for at least two hours.

(2) Where the stopping or parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within that parking facility so that the total time of parking the vehicle exceeds the maximum time allowed for

parking in that parking facility – unless the vehicle has first been removed from the parking facility for at least two hours.

(3) Where in a parking facility –

(a) the parking of a vehicle is prohibited unless:

(i) a parking ticket from a ticket issuing machine is displayed on the dashboard of the vehicle; or

(ii) a parking period is obtained from a ticket issuing machine or parking app;

and

(b) a period of free parking is permitted before a fee for parking applies,

a person must not, at any time within the same day, obtain or use more than one parking ticket or parking period for the same vehicle in that parking facility.

3.12 Public bus zones

(1) A person must not stop or park a vehicle, other than a public bus, in a public bus zone.

(2) Unless otherwise stated on a sign, a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers.

3.13 Stopping or parking in a taxi zone

(1) A person must not stop or park a vehicle in a taxi zone, unless the person is driving a taxi.

(2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

3.14 Charter vehicle zone

(1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.

(2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for not more than –

(a) 15 minutes – if the charter vehicle has 12 or more seats including the driver; or

(b) 5 minutes – if the charter vehicle has less than 12 seats including the driver.

(3) If subclause (2) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

3.15 Stopping or parking in a shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle –

(a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law;

(b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;

(c) is dropping off, or picking up, passengers or goods; or

(d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

3.16 Stopping or parking - heavy and long vehicles

(1) A person must not stop or park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes on a carriageway, verge or in a parking station for any period exceeding one hour, unless the vehicle is –

(a) engaged in the picking up or setting down of goods; or

(b) stopped in a truck bay;

(2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

PART 7 - PARKING PERMITS

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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 4 – FEE PAYING ZONES

4.1 Fee-paying zones

The fee-paying zones are –

- (a) a metered zone;
- (b) a ticket machine zone;
- (c) a parking app zone; and
- (d) any other fee-paying zone established by the local government under clause 1.11.

4.2 Payment of fees

- (1) This clause does not apply to a parking station that requires payment on exit.
- (2) A person who stops or parks a vehicle in a fee-paying zone must –
 - (a) in the case of a metered stall - immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the parking meter referable to the metered stall;
 - (b) in the case for a ticket issuing machine zone – immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone; or
 - (c) in the case of a parking app zone –
 - (i) immediately commence the parking app transaction and obtain notification that the transaction has commenced;
 - (ii) ensure that the transaction remains active at all times while the vehicle is stopped or parked; and
 - (iii) immediately before the vehicle is driven from where it had been stopped or parked, complete the pay by phone

transaction and obtain notification that the required fee has been paid.

(3) Subject to the provisions of this Part 4, the payment of the fee referred to in subclause (2) entitles a person to stop or park a vehicle in –

(a) a metered stall for the period shown on the sign referable to the stall; or

(b) the relevant ticket issuing machine zone or parking app zone for the period shown on the parking ticket,

but does not authorise the parking of the vehicle during any time when stopping or parking in that stall or zone is prohibited under this local law.

4.3 Operations of fee-paying machines

A person must not operate a fee-paying machine except in accordance with the operating instruction appearing on the fee-paying machine.

4.4 Metered space, parking limit

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

4.5 Display of parking tickets and parking limits

(1) A person must not stop or park a vehicle in a fee-paying zone during the period in which stopping or parking is permitted only on the purchase of a printed parking ticket unless –

(a) an unexpired parking ticket issued by a ticket issuing machine in that fee-paying zone is displayed inside the vehicle; and

(b) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in that fee paying zone.

(2) Unless subclause (3) applies, where in a ticket machine zone more than one printed parking ticket is displayed bearing the same date and time of issue, the

period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of –

(a) the aggregate of those periods; or

(b) the maximum period of time a vehicle is permitted to park in the fee-paying zone,

whichever occurs first.

(3) If a trailer is attached to a vehicle or if a vehicle is too long or too wide to fit completely within a single metered stall or parking stall, the person parking the vehicle must –

(a) park the vehicle (or, as the case may be, the vehicle and the trailer) within the minimum number of metered stalls or parking stalls needed to park the vehicle (or, as the case may be, the vehicle and the trailer);

(b) purchase and obtain a parking ticket for each occupied metered stall or parking stall as permitted under this local law; and

(c) display each printed ticket inside the vehicle in accordance with subclause (1).

4.6 Reserved fee-paying zones

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space, parking stall, or fee-paying zone if –

(a) the parking meter or ticket machine or sign advising of a parking app zone is hooded with a covering bearing words or symbols that indicate parking is not permitted within the space or fee-paying zone; or

(b) a parking zone is blocked or reserved by the City by any other physical means.

4.7 Parking restrictions in fee-paying zones

A person must not stop or park a vehicle in a fee-paying zone –

(a) except during the period stated on a sign referable to the fee-paying zone during which stopping or parking is permitted; or

(b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee-paying zone, as stated on a sign referable to the fee-paying zone.

4.8 Use of counterfeit or altered parking tickets

A person must not park a vehicle in a fee-paying zone that requires a ticket, if there is displayed in that vehicle, so as to be visible from outside the vehicle, a parking ticket which has been counterfeited, altered, obliterated or interfered with.

4.9 Payment for parking

A person must not insert into a fee-paying machine anything other than the designations of coin or banknote, or other form of permitted payment indicated by a sign on the fee-paying machine and only in accordance with the instructions printed on the fee-paying machine.

PART 5 – PARKING STATIONS

5.1 Removal of vehicles

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until –
- (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the City has issued a notice stating the fee.
- (2) Where a notice has been issued under subclause (1)(b), the fee must be paid within three working days from the time of issue of the notice.

5.2 Entering and exiting parking facilities

A person must not, in a vehicle, enter or exit a parking facility other than through an authorised entry or exit designated as such by a sign.

5.3 Locking of parking stations

At the expiration of the hours of operation of a parking station, whether or not any vehicle remains parked in the parking station, an authorised person may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.

5.4 Behaviour in a parking station

A person must not remain in a parking station after having been required to leave by an authorised person.

5.5 Low clearance signs

A person must not drive a vehicle past a low clearance sign if the vehicle, or any part of the vehicle connected to it or any load carried by the vehicle, is higher than the height (in metres) indicated by the sign.

PART 68 - MISCELLANEOUS

6.1 Authorised person certificate of appointment

The requirement for an authorised person to be given the appropriate certificate of the person's appointment is dealt with in section 9.10(2) of the Act.

6.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out the person's functions.

6.3 Power of an authorised person

- (1) An authorised person has all necessary power to perform that authorised person's functions under this local law.
- (2) An authorised person may –
- (a) carry into effect the provisions of this local law;
 - (b) report to the City on the working effectiveness of this local law;

(c) recommend to the CEO the institution of prosecutions; and

(d) institute and conduct prosecutions as directed by the CEO.

6.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the functions of an authorised person.

6.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of the authorised person's duties.

8.16.6 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~~must not remove from the vehicle any notice put on the vehicle by an ~~a~~Authorised ~~p~~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.~~

6.7 Display of signs

A person must not, without the authorisation of the City or an authorised person –

(a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the City under this local law;

(b) remove, deface or misuse a sign or property set up by the City under this local law; or

(c) affix a board, sign, placard, notice, cover or other thing to, or paint or write on, any part of a sign or fee-paying machine.

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.~~

6.8 Marking tyres and valve stem readings

- ~~(1) — An authorised person may –~~
- ~~(a) — mark the tyres of a vehicle with chalk or any other non-indelible substance;~~
 - ~~(b) — take a valve stem reading of a vehicle; or~~
 - ~~(c) — record vehicle registration numbers,~~
- ~~for a purpose connected with the authorised person's functions.~~
- ~~(2) — A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.~~

6.9 Exemption when complying with directions

~~A person who complies with a direction given by a police officer or an authorised person does not commit an offence against this local law while complying with that direction.~~

8.56.10 Special purpose and emergency vehicles

~~Notwithstanding anything to the contrary in this local law, the driver of -a special purpose vehicle or an emergency vehicle may, only in the course of the driver's functions and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.~~

- ~~(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.~~

6.11 Interfere with or damage to City property

~~A person must not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in a parking station, carriageway or any other place.~~

8.66.12 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.~~

Unless permitted under this local law, or unless authorised under any other written law, a person must not leave a vehicle, or any part of a vehicle, in a public place if it –

(a) obstructs the use of any part of the public place; or

(b) appears to an authorised person to have been abandoned, having regard to factors such as –

(i) whether there are any licence plates on the vehicle;

(ii) whether the vehicle is unregistered;

(iii) the extent of any damage to the vehicle;

(iv) whether the vehicle has been in the same position for more than 24 hours; and

(v) whether the vehicle appears to be inoperable.

PART 97 – OFFENCES AND MODIFIED PENALTIES

9.17.1 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.

Amd
GG-136
04.09.15

~~(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.~~

~~(2) 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.~~

~~(3) An offence against a provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.~~

~~(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.~~

9.27.2 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 1 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*.

7.3 Modified penalty

- (1) Subject to subclauses (3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If it appears to the City that an alleged offence cannot be adequately punished by the payment of the modified penalty, the City may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.
- (4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign –
 - (a) the amount of the modified penalty is to be the amount referred to in Schedule 1 where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
 - (b) the amount of the modified penalty is to be payable again in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500 on the amount of modified penalties payable for each offence.

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 20132023**Amd
GG-136
04.09.15**SCHEDULE 2SCHEDULE 1**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

<u>Item No.</u>	<u>Offence No.</u>	<u>Nature of Offence</u>	<u>Modified Penalty (\$)</u>
<u>1</u>	<u>2.3(1)(a)</u>	<u>Stopping or parking by vehicles of a different class</u>	<u>100</u>
<u>2</u>	<u>2.3(1)(b)</u>	<u>Stopping or parking by persons of a different class</u>	<u>100</u>
<u>3</u>	<u>2.3(1)(c)</u>	<u>Stopping or parking during prohibited period</u>	<u>100</u>
<u>4</u>	<u>2.3(1)(d)</u>	<u>Stopping or parking for longer than maximum period</u>	<u>100</u>
<u>5</u>	<u>2.3(1)(e)</u>	<u>Failure to park wholly within parking bay or metered space</u>	<u>100</u>
<u>6</u>	<u>2.3(1)(f)</u>	<u>Stopping or parking contrary to signage</u>	<u>100</u>
<u>7</u>	<u>2.3(2)(a)</u>	<u>Stopping or parking in a no stopping area</u>	<u>150</u>
<u>8</u>	<u>2.3(2)(b)</u>	<u>Stopping or parking contrary to a 'clearway' sign</u>	<u>150</u>
<u>9</u>	<u>2.3(2)(c)</u>	<u>Stopping or parking at a continuous yellow edge line</u>	<u>150</u>
<u>10</u>	<u>2.3(2)(d)</u>	<u>Stopping or parking in a keep clear area of carriageway</u>	<u>150</u>
<u>11</u>	<u>2.3(2)(e)</u>	<u>Stopping or parking vehicle other than motorcycle in 'M/C' bay</u>	<u>100</u>
<u>12</u>	<u>2.3(2)(f)</u>	<u>Stopping or parking in a bus lane or busway</u>	<u>150</u>
<u>13</u>	<u>2.3(2)(g)</u>	<u>Stopping or parking in a truck lane</u>	<u>150</u>
<u>14</u>	<u>2.3(2)(h)</u>	<u>Stopping or parking in a bicycle lane or path</u>	<u>150</u>
<u>15</u>	<u>2.3(3)</u>	<u>Parking in a no parking area</u>	<u>100</u>
<u>16</u>	<u>2.4(2)</u>	<u>Parking in a permit parking area without a valid parking permit</u>	<u>100</u>
<u>17</u>	<u>2.5(2)</u>	<u>Stopping or parking on private land without consent</u>	<u>150</u>
<u>18</u>	<u>2.5(3)</u>	<u>Stopping or parking on private land not in accordance with consent</u>	<u>100</u>
<u>19</u>	<u>2.6(a)</u>	<u>Failure to park or stop as near as practicable and parallel to boundary of carriageway</u>	<u>100</u>
<u>20</u>	<u>2.6(b)</u>	<u>Failure to stop or park at approximately right angles to the centre of the carriageway</u>	<u>100</u>
<u>21</u>	<u>2.7</u>	<u>Failure to park at an appropriate angle in an angle parking area</u>	<u>100</u>

<u>Item No.</u>	<u>Offence No.</u>	<u>Nature of Offence</u>	<u>Modified Penalty (\$)</u>
<u>22</u>	<u>2.8</u>	<u>Stopping or parking unlawfully in a loading zone</u>	<u>100</u>
<u>23</u>	<u>2.9</u>	<u>Driving, stopping or parking on a reserve</u>	<u>150</u>
<u>24</u>	<u>2.10</u>	<u>Stopping or parking, or attempting to stop or park in a bay occupied by another vehicle</u>	<u>100</u>
<u>25</u>	<u>2.11(4)</u>	<u>Stopping or parking contrary to permission given by an authorised person</u>	<u>100</u>
<u>26</u>	<u>2.12</u>	<u>Stopping or parking a vehicle contrary to the direction of an authorised person</u>	<u>150</u>
<u>26</u>	<u>2.13</u>	<u>Selling or hiring goods in a parking facility without authorisation</u>	<u>100</u>
<u>27</u>	<u>2.14</u>	<u>Removing, damaging, defacing, misusing or interfering with parking facility</u>	<u>150</u>
<u>28</u>	<u>2.15(3)</u>	<u>Stopping or parking unlawfully in a designated event area</u>	<u>100</u>
<u>29</u>	<u>2.17</u>	<u>Stopping or parking unauthorised vehicle in an area designated for 'Authorised Vehicle Only'</u>	<u>100</u>
<u>30</u>	<u>2.18</u>	<u>Stopping or parking on City property</u>	<u>100</u>
<u>31</u>	<u>3.1(a)</u>	<u>Stopping or parking against the flow of traffic on a two-way carriageway</u>	<u>100</u>
<u>32</u>	<u>3.1(b)</u>	<u>Stopping or parking against the flow of traffic on a one-way carriageway</u>	<u>100</u>
<u>33</u>	<u>3.1(c)</u>	<u>Stopping or parking a vehicle when distance from farther boundary, continuous line or median strip is less than 3 metres</u>	<u>150</u>
<u>34</u>	<u>3.1(d)</u>	<u>Stopping or parking a vehicle less than 1 metre from any other vehicle</u>	<u>100</u>
<u>35</u>	<u>3.2</u>	<u>Parking or stopping on a median strip or traffic island</u>	<u>150</u>
<u>36</u>	<u>3.3(1)</u>	<u>Stopping or parking a vehicle unlawfully on a verge</u>	<u>100</u>
<u>37</u>	<u>3.4(a)</u>	<u>Parking vehicle on any portion of a road or within a parking station for purpose of sale or hire</u>	<u>100</u>
<u>38</u>	<u>3.4(b)</u>	<u>Parking unlicensed vehicle on any portion of a road or within a parking station</u>	<u>100</u>
<u>39</u>	<u>3.4(c)</u>	<u>Parking unattached trailer or caravan on any portion of a road or within a parking station</u>	<u>100</u>
<u>40</u>	<u>3.4(d)</u>	<u>Parking vehicle on any portion of a road or within a parking station for the purpose of repairs</u>	<u>100</u>
<u>41</u>	<u>3.5(3)(a)</u>	<u>Stopping or parking a vehicle on a road so as to cause obstruction</u>	<u>150</u>
<u>42</u>	<u>3.5(3)(b)</u>	<u>Stopping or parking a vehicle so as to obstruct an entrance, exit, carriageway, passage or thoroughfare in a parking facility</u>	<u>150</u>
<u>43</u>	<u>3.5(3)(c)</u>	<u>Stopping or parking a vehicle on a roundabout or intersection</u>	<u>200</u>

<u>Item No.</u>	<u>Offence No.</u>	<u>Nature of Offence</u>	<u>Modified Penalty (\$)</u>
<u>44</u>	<u>3.5(3)(d)</u>	<u>Stopping or parking within 20 metres from an intersecting carriageway with traffic-control signals</u>	<u>100</u>
<u>45</u>	<u>3.5(3)(e)</u>	<u>Stopping or parking within 10 metres of the prolongation of nearest edge of intersecting carriageway</u>	<u>100</u>
<u>46</u>	<u>3.5(3)(f)</u>	<u>Stopping or parking on or over a footpath, pedestrian crossing, children's crossing or place for pedestrians</u>	<u>200</u>
<u>47</u>	<u>3.5(3)(g)</u>	<u>Stopping or parking alongside or opposite construction works where vehicle obstructs traffic</u>	<u>150</u>
<u>48</u>	<u>3.5(3)(h)</u>	<u>Stopping or parking on a bridge or within a tunnel or underpass</u>	<u>100</u>
<u>49</u>	<u>3.5(3)(i)</u>	<u>Stopping or parking between the boundaries of a carriageway and any continuous double line</u>	<u>100</u>
<u>50</u>	<u>3.5(3)(j)</u>	<u>Stopping or parking within head of a cul-de-sac</u>	<u>100</u>
<u>51</u>	<u>3.6(1)</u>	<u>Double parking</u>	<u>150</u>
<u>52</u>	<u>3.7</u>	<u>Stopping or parking unlawfully across a crossover or other way of access</u>	<u>200</u>
<u>53</u>	<u>3.8(a)</u>	<u>Stopping or parking on a crest or curve</u>	<u>100</u>
<u>54</u>	<u>3.9(a)</u>	<u>Stopping or parking within 1 metre of fire hydrant</u>	<u>100</u>
<u>55</u>	<u>3.9(b)</u>	<u>Stopping or parking within 3 metres of public post box</u>	<u>100</u>
<u>56</u>	<u>3.10(1)(a)</u>	<u>Stopping or parking a vehicle within 10 metres of the departure side of a bus bay, bus stop or bus zone</u>	<u>100</u>
<u>57</u>	<u>3.10(1)(b)</u>	<u>Stopping or parking a vehicle within 10 metres of the departure side of a pedestrian or children's crossing</u>	<u>100</u>
<u>58</u>	<u>3.10(2)(a)</u>	<u>Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus stop or bus zone</u>	<u>100</u>
<u>59</u>	<u>3.10(2)(b)</u>	<u>Stopping or parking a vehicle within 20 metres of the approach side of a pedestrian or children's crossing</u>	<u>100</u>
<u>60</u>	<u>3.11(1)</u>	<u>Moving a vehicle along carriageway to avoid time limitation</u>	<u>100</u>
<u>61</u>	<u>3.11(2)</u>	<u>Moving a vehicle within parking station to avoid time limitation</u>	<u>100</u>
<u>62</u>	<u>3.11(3)</u>	<u>Obtaining more than one free parking ticket or parking period</u>	<u>100</u>
<u>63</u>	<u>3.12(1)</u>	<u>Stopping or parking a vehicle in a public bus zone</u>	<u>150</u>
<u>64</u>	<u>3.12(2)</u>	<u>Stopping or parking public bus in bus zone when not picking up or setting down passengers</u>	<u>100</u>
<u>65</u>	<u>3.13(1)</u>	<u>Stopping or parking unlawfully in a taxi zone</u>	<u>100</u>
<u>66</u>	<u>3.13(2)</u>	<u>Leaving taxi unattended while in a taxi zone</u>	<u>100</u>
<u>67</u>	<u>3.14(1)</u>	<u>Stopping or parking in charter vehicle zone when not a charter vehicle</u>	<u>100</u>

<u>Item No.</u>	<u>Offence No.</u>	<u>Nature of Offence</u>	<u>Modified Penalty (\$)</u>
<u>68</u>	<u>3.14(2)(a)</u>	<u>Stopping or parking charter vehicle (12 or more seats) in charter vehicle zone for longer than maximum period</u>	<u>100</u>
<u>69</u>	<u>3.14(2)(b)</u>	<u>Stopping or parking charter vehicle (less than 12 seats) in charter vehicle zone for longer than maximum period</u>	<u>100</u>
<u>70</u>	<u>3.14(3)</u>	<u>Leaving charter vehicle unattended in charter vehicle zone</u>	<u>100</u>
<u>71</u>	<u>3.14</u>	<u>Stopping or parking unlawfully in shared zone</u>	<u>100</u>
<u>72</u>	<u>3.15</u>	<u>Stopping or parking heavy or long vehicles for longer than 1 hour</u>	<u>100</u>
<u>73</u>	<u>4.2(2)</u>	<u>Failure to pay fee in a fee-paying zone</u>	<u>100</u>
<u>74</u>	<u>4.3</u>	<u>Operating a fee-paying machine contrary to instructions</u>	<u>100</u>
<u>75</u>	<u>4.4</u>	<u>Stopping or parking when meter has expired</u>	<u>100</u>
<u>76</u>	<u>4.5(1)</u>	<u>Failure to correctly display valid parking ticket in a ticket machine zone</u>	<u>100</u>
<u>77</u>	<u>4.6</u>	<u>Unlawfully stopping or parking a vehicle in a reserved fee-paying zone</u>	<u>100</u>
<u>78</u>	<u>4.7(a)</u>	<u>Stopping or parking in a fee-paying zone outside the period which stopping or parking is allowed</u>	<u>100</u>
<u>79</u>	<u>4.7(b)</u>	<u>Stopping or parking in a fee-paying zone for longer than the permitted period</u>	<u>100</u>
<u>80</u>	<u>4.8</u>	<u>Displaying a counterfeit, altered, obliterated or interfered with parking ticket</u>	<u>150</u>
<u>81</u>	<u>4.9</u>	<u>Inserting anything other than the permitted forms of payment in a fee-paying machine</u>	<u>150</u>
<u>82</u>	<u>5.1(1)</u>	<u>Unlawfully removing a parked vehicle from a parking station without paying the exit fee</u>	<u>150</u>
<u>83</u>	<u>5.1(2)</u>	<u>Failure to pay fee within 3 working days from the time of issue of the notice</u>	<u>100</u>
<u>84</u>	<u>5.2</u>	<u>Failure to enter and exit parking facility through authorised entry or exit</u>	<u>100</u>
<u>85</u>	<u>5.4</u>	<u>Failure to leave parking station at the direction of an authorised person</u>	<u>100</u>
<u>86</u>	<u>5.5</u>	<u>Driving a vehicle past a low clearance sign</u>	<u>150</u>
<u>87</u>	<u>6.4</u>	<u>Impersonating an authorised person</u>	<u>200</u>
<u>88</u>	<u>6.5</u>	<u>Obstructing an authorised person</u>	<u>200</u>
<u>89</u>	<u>6.6</u>	<u>Unlawfully removing notice from vehicle</u>	<u>150</u>
<u>90</u>	<u>6.7(a)</u>	<u>Unauthorised display, marking, setting up, exhibiting of a sign</u>	<u>150</u>

<u>Item No.</u>	<u>Offence No.</u>	<u>Nature of Offence</u>	<u>Modified Penalty (\$)</u>
<u>91</u>	<u>6.7(b)</u>	<u>Removing, defacing or misusing a sign or the property of the City</u>	<u>150</u>
<u>92</u>	<u>6.7(c)</u>	<u>Affixing anything to a sign or fee-paying machine</u>	<u>100</u>
<u>93</u>	<u>6.8(2)</u>	<u>Removing or interfering with a lawful mark on a tyre</u>	<u>200</u>
<u>94</u>	<u>6.11</u>	<u>Interfering with, damaging or obstructing City property</u>	<u>200</u>
<u>95</u>	<u>6.12(a)</u>	<u>Leaving vehicle so as to obstruct a public place</u>	<u>150</u>
<u>96</u>	<u>6.12(b)(i)</u>	<u>Park vehicle without number plates in a public place</u>	<u>100</u>
<u>97</u>	<u>6.12(b)(ii)</u>	<u>Park unregistered vehicle in a public place</u>	<u>100</u>
<u>98</u>	<u>6.12(b)(iv)</u>	<u>Park vehicle in a public place in excess of 24 hours</u>	<u>100</u>
<u>99</u>		<u>All other offences not specified</u>	<u>100</u>

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

Local Government Act 1995

City of Joondalup

PARKING LOCAL LAW 2023

City of Joondalup

Parking Local Law 2023

Local Government Act 1995
City of Joondalup
PARKING LOCAL LAW 2023

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Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on [REDACTED] 2023 to make the *City of Joondalup Parking Local Law 2023*.

PART 1 - DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the *City of Joondalup Parking Local Law 2023*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of parking within the district.
- (2) The effect of this local law is to control parking throughout the district to ensure the safe, fair and equitable use of parking facilities under the care and control of the local government.

1.4 Repeal

The following local laws are repealed on the day that this local law comes into operation –

- (1) *City of Joondalup Parking Local Law 2013*, as published in the *Government Gazette* on 19 August 2013.
- (2) *City of Joondalup Parking Amendment Local Law 2015*, as published in the *Government Gazette* on 4 September 2015.
- (3) *City of Joondalup Parking Amendment Local Law 2018*, as published in the *Government Gazette* on 3 August 2018.

1.5 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to –
 - (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads Western Australia;
 - (b) the prohibition areas that apply to all existing and future bridges and subways as determined by the Commissioner of Main Roads, Western Australia;
 - (c) a thoroughfare that comes under the control of the Commissioner of Main Roads Western Australia unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads Western Australia to the City; and
- (3) This local law does not apply to a parking station that –
 - (a) is not owned, controlled or occupied by the City; or
 - (b) is owned by the City but is leased to another person,unless the City and the owner or occupier of the parking station have agreed in writing (on whatever terms and conditions they think fit) that this local law is to apply to the parking station.

1.6 Definitions

In this local law, unless the context requires otherwise –

Act means the *Local Government Act 1995*;

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

authorised vehicle means a vehicle authorised by the City, the CEO, an authorised person or by any written law to stop or park on (or on part of) a thoroughfare or parking facility;

bicycle has the meaning given in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given in the Code;

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus lane has the meaning given in the Code;

bus stop has the meaning given in the Code;

busway has the meaning given in the Code;

bus zone has the meaning given in the Code;

caravan means a vehicle that is fitted or designed to allow human habitation and which is capable of being drawn by another vehicle, or which is capable of self-propulsion;

carriageway has the meaning given in the Code;

centre, in relation to a carriageway, means a line or a series of lines, marks or other indications-

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

CEO means the Chief Executive Officer of the City;

charter vehicle means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966*, and includes a passenger transport vehicle, but does not include a public bus;

children's crossing has the meaning given in the Code;

City means the City of Joondalup;

City property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the City;

clearway means a length of carriageway which carries a high traffic volume that has clearway no stopping signs erected appurtenant to it, to facilitate the unhindered flow of traffic;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle that is –

- (a) constructed, adapted or fitted for the conveyance of goods; and
- (b) used primarily for the conveyance of goods,

but does not include a vehicle constructed for the conveyance of materials used in any trade, business, industry or any other work;

Council means the Council of the City;

crossover means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of giving access to the property;

disability parking permit has the meaning given in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the City;

driver means a person driving or in control of a vehicle;

driveway means an area of land on private property which abuts a crossover and is designed primarily for vehicles to ingress and egress to that property;

edge line has the meaning given in the Code;

electric rideable vehicle means a bicycle, scooter, skateboard, wheelchair or any other vehicle that –

- (a) has at least 1 wheel; and

(b) is designed to be used by a single person; and

(c) has an electric motor or motors,

but does not include an electric vehicle;

electric vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power source and includes a car, truck, moped and motorbike but does not include an electric rideable device.

electronic parking detection device means an electronic device placed in a position to detect and record the parking time of a vehicle on any road, parking facility, or other public place and includes any instrument, display panel or transmitting apparatus associated with the device;

emergency vehicle has the meaning given in the Code;

entrance ticket means a ticket or token issued by an entrance ticket machine;

entrance ticket machine means a machine –

(a) installed at an entrance to a parking station; and

(b) from which tickets are issued to vehicles entering that parking station;

exit ticket means a ticket issued after payment of the fee by a fee collection machine;

fee collection machine means a machine installed in a parking station which, on the insertion of an entrance ticket or vehicle registration details, and payment of the required fee, issues an exit ticket or allows exit through a gate;

fee-paying machine means a ticket issuing machine, fee collection machine or parking meter;

fee-paying zone means where a fee payable is indicated by a sign where the vehicle is stopped or parked within the same –

(a) parking station; or

(b) section of the road between two intersections or an intersection and head of a cul-de-sac as the case may be;

fire hydrant has the meaning given in the Code;

funeral vehicle means a vehicle designed or modified for use in conducting funeral services;

footpath has the meaning given in the Code;

GVM (which stands for 'gross vehicle mass') means for a vehicle, the maximum loaded mass of the vehicle –

(a) specified by the manufacturer on an identification plate on the vehicle; or

(b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General under section 49 of the *Transport Co-ordination Act 1966*;

head of a cul-de-sac means the part of a road that is closed at one end and is shaped in such a way that it can be used for vehicles to turn, and includes bulb or hammer-head shaped closed roads;

intersection has the meaning given in the Code;

keep clear marking has the meaning given in the Code;

kerb means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

length of carriageway means the section on the same side of the carriageway, between intersections on that side of the carriageway;

loading zone means –

- (a) a parking facility or length of carriageway to which a loading zone sign applies; or
- (b) a parking bay designated by a sign for use by commercial vehicles as a loading zone;

loading zone sign has the meaning given in the Code;

low clearance sign means a sign indicating the height clearance restriction (in metres) when entering a parking station so as not to allow an oversize vehicle to attempt to pass under the object that is part of the sign;

median strip has the meaning given in the Code;

metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in a way that indicates where a vehicle may be parked on payment of a fee or charge;

metered zone means a road or reserve, or part of a road or reserve, in which a parking meter regulates the stopping or parking of vehicles;

money means any legal tender under the *Currency Act 1965* (Cth);

motorcycle means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;

motor vehicle means a self-propelled vehicle that is not operated on rails, and includes –

- (a) a trailer, semi-trailer or caravan while attached to a motor vehicle;
- (b) a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel; or
- (c) a 3-wheeled motor vehicle,

but does not include an electric rideable device;

nature strip has the meaning given in the Code and includes a verge;

no parking area has the meaning given in the Code;

no parking sign means a sign with -

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given in the Code;

no stopping sign means a sign with –

- (a) the words 'no stopping' or 'no standing' in red letters on a white background; or

- (b) the letter 'S' within a red annulus and a red diagonal line across it on a white background;

number plate has the meaning given in the *Road Traffic (Vehicles) Act 2012*;

obstruction has the meaning given in the Code;

occupier has the meaning given in the Act;

one-way carriageway has the meaning given in the Code;

owner –

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, has the meaning given to ‘responsible person’ in the *Road Traffic (Administration) Act 2008*;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle; and
- (c) where used in relation to land, has the meaning given in the Act;

park has the meaning given in the Code;

parking app means a software program used by a computer, tablet, smartphone or other electronic device for the payment of parking by a vehicle for a specified period of time;

parking app zone means a parking facility within a fee-paying zone in which a parking app is available for use;

parking area has the meaning given in the Code;

parking bay means a section of a parking facility or carriageway which is marked or defined in any way to indicate where a vehicle may stop or park;

parking bay for people with disabilities has the meaning given to permit parking area in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

parking control sign has the meaning given in the Code;

parking facility includes –

- (a) land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

parking meter means a machine or device which, as a result of a payment by any permitted means, indicates (with or without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered space to which the machine or device relates;

parking period means an electronic authorisation to park a vehicle issued from a ticket issuing machine, a parking meter or a parking app;

parking permit means a permit issued by the City or an authorised person and includes a written or electronic permit;

parking region means the area to which this local law applies, as described in clause 1.5;

parking station means any land, building or other structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged, but does not include a road or reserve;

parking ticket means a ticket which is issued from a ticket issuing machine or parking meter and which authorises the parking of a vehicle;

passenger transport vehicle has the meaning given in the *Transport (Road Passenger Services) Act 2018*;

path has the meaning given in the Code;

pedestrian has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

permissive parking sign means a sign inscribed with –

- (a) the word ‘parking’, but excludes a sign inscribed with the words ‘no parking’; or
- (b) the letter ‘P’ with any arrow, figure, letter or words in green;

postal vehicle has the meaning given in the Code;

property line means the boundary between the land comprising a road and the land that abuts that road;

public bus has the meaning given in the Code;

public bus zone means a parking bay, bus embayment or length of carriageway designated for use by a public bus;

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land –

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

but does not include a verge;

road means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land including the nature strip and paths appurtenant thereto lying between the property lines abutting the road;

Road Traffic Act means the *Road Traffic Act 1974*;

roundabout has the meaning given in the Code;

schedule means a schedule to this local law;

shared zone has the meaning given in the Code;

sign includes a traffic sign, permissive parking sign, inscription, mark, structure or device approved by the City on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

special purpose vehicle has the meaning given in the Code and also includes any commercial vehicle owned by the City;

stop has the meaning given in the Code;

symbol includes a symbol specified by Australian Standard 1742.11- 1999 and a symbol specified from time to time by Standards Australia for use in the regulation of parking;

taxi has the meaning given in the Code;

taxi zone has the meaning given in the Code;

thoroughfare has the meaning given in the Act;

ticket includes a token;

ticket issuing machine means a machine or device which, as a result of a payment by any permitted means, issues a ticket showing the period during which it is lawful to remain parked in the area to which the machine or device relates;

ticket machine zone means a parking facility within a fee-paying zone in which a ticket issuing machine is installed;

T-intersection means an intersection where the end of a road intersects with the continuous side of a continuing road but does not include a roundabout;

traffic includes the passage of both vehicles and pedestrians;

traffic-control signal has the meaning given to it by the Code;

traffic island has the meaning given in the Code;

trailer has the meaning given in the Code;

truck means a vehicle which has a minimum load capacity of 1,000 kilograms;

truck bay means a parking bay designated for use by trucks only;

truck lane is the meaning given in the Code;

unattended, in relation to a vehicle, means where the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle;

unexpired parking period means a parking period on which a date and expiry time is specified and the time specified has not expired;

unexpired parking ticket means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

valve stem means the self-contained valve on a tyre used for inflation;

valve stem reading means observing and recording the position of a vehicles valve stem in relation to the associated tyre as a means of determining whether a vehicle has moved;

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008*; and

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.7 Interpretation

- (1) For the purposes of the definitions *of no parking area, no stopping area and parking area*, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.
- (3) Where a term is used but is not defined in the Act or this local law and that term is defined in the Road Traffic Act or the Code then, unless the context requires otherwise, the term is to have the meaning given in the Road Traffic Act or the Code.
- (4) A reference to a *thoroughfare, parking station, parking facility, metered zone, ticket machine zone, parking app zone* or *reserve* includes a reference to any part of the *thoroughfare, parking station, parking facility, metered zone, ticket machine zone, parking app zone* or *reserve*.

1.8 Sign erected by the Commissioner of Main Roads

A sign that –

- (a) was erected by the Commissioner of Main Roads Western Australia prior to the commencement of this local law; and
- (b) relates to the stopping or parking of vehicles,

is taken to have been erected by the City under this local law.

1.9 Application of signs

- (1) Where under this local law the stopping or parking of a vehicle on a road is controlled by a sign, the sign is to apply to that part of the road which –
 - (a) lies beyond the sign;
 - (b) lies between that sign and the next sign; and
 - (c) is on that half of the road nearest to that sign.
- (2) A sign may prohibit or regulate parking or stopping by the use of a symbol.
- (3) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it is to be taken to operate and have effect as if it also related to the parking of vehicles.
- (4) The first three letters of any day of the week when used on a sign indicate that day of the week.

1.10 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows –

- (a) public buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) taxis;
- (e) emergency vehicles;
- (f) special purpose vehicles;
- (g) charter vehicles;
- (h) funeral vehicles;
- (i) electric vehicles; and
- (j) all other vehicles.

1.11 Establishment of parking facilities

The City may establish and vary parking facilities for the purposes of this local law.

1.12 Permitted payment

The City may authorise a person to pay for parking, in advance or in arrears, by any means other than or in addition to the insertion of money in a ticket issuing machine or parking meter or by use of a parking app.

1.13 Alternative method of payment

- (1) Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the City may authorise a person to park in the parking facility, without paying the Relevant Fee in the usual way, by giving the person (electronically or otherwise) a permit, invoice, ticket or pass (alternative method of payment).
- (2) A person who is given an alternative method of payment, and who complies with the terms of the alternative method of payment, is exempt from paying the Relevant Fee.
- (3) An alternative method of payment may not be used by any person other than the person to whom it was given by the City.

PART 2 – STOPPING AND PARKING GENERALLY

2.1 Power to prohibit and regulate

The Council may by resolution prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle, or of any class of person or vehicle, or both, but is to do so consistently with this local law.

2.2 Determinations in relation to stopping and parking

- (1) The Council may by resolution determine –
 - (a) permitted times and conditions of stopping and parking which may vary with the parking region;
 - (b) permitted classes of persons who may stop or park their vehicles;
 - (c) permitted classes of vehicles which may stop or park; or
 - (d) the manner of stopping or parking.
- (2) Where the Council makes a determination under subclause (1), the City –
 - (a) must erect one or more signs to give effect to the determination; and
 - (b) may vary the determination.

2.3 Stopping or parking generally

- (1) A person must not stop or park a vehicle in a parking facility or in a thoroughfare –
 - (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;
 - (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) for more than the maximum time specified by a sign unless –
 - (i) clause 2.4 applies; or
 - (ii) the vehicle displays a disability parking permit in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;
 - (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces – unless the vehicle is too wide or long to fit completely within a single parking bay or metered space, in which case it must be parked within the minimum number of parking bays or metered spaces needed to park it; or
 - (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked.
- (2) A person must not stop or park a vehicle –
 - (a) in a no stopping area;
 - (b) in an area to which a ‘clearway’ sign applies;
 - (c) at the side of a carriageway marked with a continuous yellow edge line;
 - (d) in an area of a carriageway signed or marked with a keep clear marking;

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- (e) in a bay marked 'M/C' unless it is a motorcycle;
 - (f) in a bus lane or busway;
 - (g) in a truck lane; or
 - (h) in a bicycle lane or on a bicycle path,
- unless the person is driving a public bus or a taxi and is immediately dropping off, or picking up, passengers.
- (3) A person must not park a vehicle in a ***no parking area***, unless the driver –
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) within 2 minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.

2.4 Parking with a parking permit

- (1) The City may issue to a person a parking permit which exempts the holder of the permit from a prohibition under this local law against the stopping or parking of vehicles on any part of a road or parking station subject to any conditions that the City considers appropriate.
- (2) Where –
 - (a) A parking permit issued is a physical parking permit, the parking permit must be displayed inside the vehicle on the dashboard of the vehicle and be clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the parking permit relates; or
 - (b) A parking permit is issued in electronic form, the vehicle registration number must be able to be entered into the City's electronic system when the permit is used and be able to be located by an authorised person in a database that contains all relevant information about the permit, permit holder and vehicle.
- (3) The City may, at any time, revoke a permit issued under subclause (1).

2.5 Stopping or parking contrary to consent

- (1) In this clause a reference to ***land*** does not include land –
 - (a) which belongs to the City;
 - (b) of which is an 'otherwise unvested facility' within section 3.53 of the Act; or
 - (c) which is the subject of an agreement referred to in clause 1.5(3).
- (2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.

- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

2.6 Parking positions

Where a sign referring to a parking area is not inscribed with the words 'angle parking', then unless a sign referring to the parking area indicates, or a mark on the carriageway indicates, that a vehicle must park in a different position –

- (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and
- (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in the parking area must stop or park it at approximately right angles to the centre of the carriageway.

2.7 Angle parking

Where a sign referring to a parking area is inscribed with the words 'angle parking', a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by a mark on the carriageway.

2.8 Loading zones

- (1) A person must not stop or park a vehicle in a loading zone unless—
 - (a) the vehicle is a commercial vehicle; and
 - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle; or
 - (c) alternatively to paragraphs (a) and (b), the vehicle is an authorised vehicle.
- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign, or if no time is indicated on the sign for longer than 30 minutes, unless authorised by an authorised person.

2.9 Reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person –

- (a) is an employee of the City in the course of the employee's duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the City or an authorised person.

2.10 Occupied parking bays

A person must not stop or park, or attempt to stop or park, a vehicle in a parking bay or metered space in which another vehicle is stopped or parked.

2.11 Urgent, essential or official functions

(1) Where –

- (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
- (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility,

the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.

(2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.

(3) Permission given under subclause (1) may –

- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and
- (b) be revoked or suspended at any time by an authorised person.

(4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

2.12 Direction to move vehicle

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after being directed by an authorised person or a police officer to move the vehicle.

2.13 Selling or hiring in a parking facility

A person must not sell, hire or give away any goods or erect an advertisement in a parking facility without the written authorisation of an authorised person or the City.

2.14 Damage to parking facilities

A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

2.15 Event parking

- (1) For the purposes of this clause, an **event** means a function or activity characterised by all or any of the following –
 - (a) formal organisation and preparation;
 - (b) its occurrence is generally advertised or notified in writing to particular persons;
 - (c) organised by or on behalf of a club or a body corporate;
 - (d) payment of a fee to attend; and
 - (e) systematic recurrence in relation to the day, time and place.
- (2) The City may, by use of a sign, establish additional parking facilities on a reserve or City property, for any period specified on the sign, for the parking of vehicles by persons attending an event.
- (3) A person must not stop or park a vehicle on a reserve or City property established as a parking facility under subclause (2) during the period for which it is established unless:
 - (a) a ticket purchased from the City with respect to the event is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times; or
 - (b) any fee required by the City upon entry by a vehicle to the parking facility is paid to the City.

2.16 Removal and impounding of vehicles

- (1) The impounding of vehicles and other goods is dealt with in Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.
- (2) The power of an authorised person to remove and impound any goods that are involved in a contravention that can lead to impounding is dealt with in section 3.39(1) of the Act.
- (3) The power of a person to use reasonable force to exercise the power given by section 3.39(1) of the Act is dealt with in section 3.39(2) of the Act.

2.17 Authorised parking

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

2.18 Stopping or parking on City property

A person must not stop or park a vehicle on or over any portion of the City's property, other than an area specifically set aside for that purpose, unless the person –

- (a) is an authorised person; or
- (b) has obtained the permission of the City or an authorised person.

PART 3 – STOPPING AND PARKING ON ROADS AND OTHER AREAS

3.1 Stopping or parking on a carriageway

Subject to clauses 2.3, 2.6 and 2.7, a person stopping or parking a vehicle on a carriageway must stop or park it –

- (a) in the case of a two-way carriageway - so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (b) in the case of a one-way carriageway - so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (c) so that at least three metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway;
- (d) so that it is more than one metre from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway.

3.2 Median strips and traffic islands

A person must not stop or park a vehicle, trailer or caravan (other than a bicycle or an animal) so that any portion of the vehicle, trailer or caravan is on a traffic island or median strip unless the person stops or parks in an area to which a parking control sign applies and the person is permitted to stop or park at that place under this local law.

3.3 Verges

- (1) A person shall not –
 - (a) stop or park a vehicle (other than a bicycle);
 - (b) stop or park a commercial vehicle or bus; or
 - (c) stop or park a vehicle during any period when the stopping or parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,
- so that any portion of it is on a verge.

- (2) Subclause (1)(a) does not apply to the person if that person is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

3.4 Prohibited parking of vehicles

A person must not park a vehicle on any portion of a road or within a parking station –

- (a) for the purpose of exposing the vehicle for sale or hire;
- (b) if the vehicle is not licensed under the Road Traffic Act or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if the vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the road or parking station.

3.5 Obstructions generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space.
- (2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is –
 - (a) on a road and causes an obstruction on the road - unless it is a public bus stopping in a bus zone;
 - (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
 - (c) on a roundabout or intersection, subject to paragraphs (d) and (e);
 - (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals - unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
 - (e) on a carriageway within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that

carriageway on the side on which the vehicle is stopped or parked - unless the vehicle stops or parks –

- (i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this local law; or
- (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
- (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;
- (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway – if the vehicle would obstruct traffic;
- (h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign;
- (i) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines; or
- (j) within the head of a cul-de-sac.

3.6 Double parking

- (1) Subject to subclause (2), a person must not stop or park a vehicle on a road so that any portion of the vehicle is between any other stationary vehicle and the centre of the carriageway of that road.
- (2) Subclause (1) does not apply to –
 - (a) a person who parks a motorcycle in a bay marked 'M/C'; or
 - (b) a person who stops or parks a vehicle in a parking bay or metered space abreast of or alongside another vehicle.

3.7 Crossovers

A person shall not stop or park a vehicle on or across a crossover or other way of access for vehicles travelling to or from adjacent land, unless –

- (a) the vehicle is dropping off, or picking up, passengers and shall not remain for longer than two minutes;
- (b) the vehicle stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law; or
- (c) the driver is the owner or occupier of the premises that abuts the crossover or is a person permitted by the owner or occupier of the premises.

3.8 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a person shall not stop or park a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres.
- (2) A person may stop or park a vehicle on a crest or curve on a carriageway if the vehicle stops at a place on the carriageway, or in an area, to which parking control signs apply and the vehicle is permitted to stop at that place under this local law.

3.9 Stopping or parking near fire hydrant or post box

A person must not stop or park a vehicle, otherwise than in a marked bay, on a road so that any portion of the vehicle is –

- (a) within one metre of a fire hydrant, or of any sign or mark indicating the existence of a fire hydrant; or
- (b) within three metres of a public post box unless the vehicle is a postal vehicle.

3.10 Bus stops, pedestrian, children and train crossings

- (1) A person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –
 - (a) a bus embayment, bus stop or a bus zone unless the vehicle is a public bus stopping to take up or set down passengers; or
 - (b) a pedestrian crossing or children's crossing.
- (2) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 metres of the approach side of –
 - (a) a bus embayment, bus stop or a bus zone, unless the vehicle is a public bus stopping to take up or set down passengers; or
 - (b) a pedestrian crossing or children's crossing.
- (3) This clause does not apply if –
 - (a) the vehicle is stopped or parked in a marked bay;
 - (b) the driver of the vehicle is prevented from proceeding by circumstances beyond their control; or
 - (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

3.11 Restrictions on avoiding time limitations

- (1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along, or return to, that length of carriageway so that the total time of parking the vehicle exceeds the maximum time permitted - unless the vehicle has first been removed from the length of carriageway for at least two hours.

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- (2) Where the stopping or parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within that parking facility so that the total time of parking the vehicle exceeds the maximum time allowed for parking in that parking facility – unless the vehicle has first been removed from the parking facility for at least two hours.
- (3) Where in a parking facility –
 - (a) the parking of a vehicle is prohibited unless:
 - (i) a parking ticket from a ticket issuing machine is displayed on the dashboard of the vehicle; or
 - (ii) a parking period is obtained from a ticket issuing machine or parking app;
 - and
 - (b) a period of free parking is permitted before a fee for parking applies,
a person must not, at any time within the same day, obtain or use more than one parking ticket or parking period for the same vehicle in that parking facility.

3.12 Public bus zones

- (1) A person must not stop or park a vehicle, other than a public bus, in a public bus zone.
- (2) Unless otherwise stated on a sign, a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers.

3.13 Stopping or parking in a taxi zone

- (1) A person must not stop or park a vehicle in a taxi zone, unless the person is driving a taxi.
- (2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

3.14 Charter vehicle zones

- (1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.
- (2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for not more than –
 - (a) 15 minutes – if the charter vehicle has 12 or more seats including the driver; or
 - (b) 5 minutes – if the charter vehicle has less than 12 seats including the driver.
- (3) If subclause (2) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

3.15 Stopping or parking in a shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle –

- (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law;
- (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;
- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

3.16 Stopping or parking - heavy and long vehicles

- (1) A person must not stop or park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes on a carriageway, verge or in a parking station for any period exceeding one hour, unless the vehicle is –
 - (a) engaged in the picking up or setting down of goods; or
 - (b) stopped in a truck bay;
- (2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

PART 4 – FEE-PAYING ZONES

4.1 Fee-paying zones

The fee-paying zones are –

- (a) a metered zone;
- (b) a ticket machine zone;
- (c) a parking app zone; and
- (d) any other fee-paying zone established by the local government under clause 1.11.

4.2 Payment of fees

- (1) This clause does not apply to a parking station that requires payment on exit.
- (2) A person who stops or parks a vehicle in a fee-paying zone must –

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- (a) in the case of a metered stall - immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the parking meter referable to the metered stall;
 - (b) in the case for a ticket issuing machine zone – immediately pay, by any form of permitted payment at the fee-paying machine, the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone; or
 - (c) in the case of a parking app zone –
 - (i) immediately commence the parking app transaction and obtain notification that the transaction has commenced;
 - (ii) ensure that the transaction remains active at all times while the vehicle is stopped or parked; and
 - (iii) immediately before the vehicle is driven from where it had been stopped or parked, complete the pay by phone transaction and obtain notification that the required fee has been paid.
- (3) Subject to the provisions of this Part 4, the payment of the fee referred to in subclause (2) entitles a person to stop or park a vehicle in –
- (a) a metered stall for the period shown on the sign referable to the stall; or
 - (b) the relevant ticket issuing machine zone or parking app zone for the period shown on the parking ticket,
- but does not authorise the parking of the vehicle during any time when stopping or parking in that stall or zone is prohibited under this local law.

4.3 Operations of fee-paying machines

A person must not operate a fee-paying machine except in accordance with the operating instruction appearing on the fee-paying machine.

4.4 Metered space, parking limit

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

4.5 Display of parking tickets and parking limits

- (1) A person must not stop or park a vehicle in a fee-paying zone during the period in which stopping or parking is permitted only on the purchase of a printed parking ticket unless –
 - (a) an unexpired parking ticket issued by a ticket issuing machine in that fee-paying zone is displayed inside the vehicle; and

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- (b) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in that fee paying zone.
- (2) Unless subclause (3) applies, where in a ticket machine zone more than one printed parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of –
 - (a) the aggregate of those periods; or
 - (b) the maximum period of time a vehicle is permitted to park in the fee-paying zone,whichever occurs first.
- (3) If a trailer is attached to a vehicle or if a vehicle is too long or too wide to fit completely within a single metered stall or parking stall, the person parking the vehicle must –
 - (a) park the vehicle (or, as the case may be, the vehicle and the trailer) within the minimum number of metered stalls or parking stalls needed to park the vehicle (or, as the case may be, the vehicle and the trailer);
 - (b) purchase and obtain a parking ticket for each occupied metered stall or parking stall as permitted under this local law; and
 - (c) display each printed ticket inside the vehicle in accordance with subclause (1).

4.6 Reserved fee-paying zones

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space, parking stall, or fee-paying zone if –

- (a) the parking meter or ticket machine or sign advising of a parking app zone is hooded with a covering bearing words or symbols that indicate parking is not permitted within the space or fee-paying zone; or
- (b) a parking zone is blocked or reserved by the City by any other physical means.

4.7 Parking restrictions in fee-paying zones

A person must not stop or park a vehicle in a fee-paying zone –

- (a) except during the period stated on a sign referable to the fee-paying zone during which stopping or parking is permitted; or
- (b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee-paying zone, as stated on a sign referable to the fee-paying zone.

4.8 Use of counterfeit or altered parking tickets

A person must not park a vehicle in a fee-paying zone that requires a ticket, if there is displayed in that vehicle, so as to be visible from outside the vehicle, a parking ticket which has been counterfeited, altered, obliterated or interfered with.

4.9 Payment for parking

A person must not insert into a fee-paying machine anything other than the designations of coin or banknote, or other form of permitted payment indicated by a sign on the fee-paying machine and only in accordance with the instructions printed on the fee-paying machine.

PART 5 – PARKING STATIONS

5.1 Removal of vehicles

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until –
 - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the City has issued a notice stating the fee.
- (2) Where a notice has been issued under subclause (1)(b), the fee must be paid within three working days from the time of issue of the notice.

5.2 Entering and exiting parking facilities

A person must not, in a vehicle, enter or exit a parking facility other than through an authorised entry or exit designated as such by a sign.

5.3 Locking of parking stations

At the expiration of the hours of operation of a parking station, whether or not any vehicle remains parked in the parking station, an authorised person may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.

5.4 Behaviour in a parking station

A person must not remain in a parking station after having been required to leave by an authorised person.

5.5 Low clearance signs

A person must not drive a vehicle past a low clearance sign if the vehicle, or any part of the vehicle connected to it or any load carried by the vehicle, is higher than the height (in metres) indicated by the sign.

PART 6 – MISCELLANEOUS

6.1 Authorised person certificate of appointment

The requirement for an authorised person to be given the appropriate certificate of the person's appointment is dealt with in section 9.10(2) of the Act.

6.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out the person's functions.

6.3 Power of an authorised person

- (1) An authorised person has all necessary power to perform that authorised person's functions under this local law.
- (2) An authorised person may –
 - (a) carry into effect the provisions of this local law;
 - (b) report to the City on the working effectiveness of this local law;
 - (c) recommend to the CEO the institution of prosecutions; and
 - (d) institute and conduct prosecutions as directed by the CEO.

6.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the functions of an authorised person.

6.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of the authorised person's duties.

6.6 Removal of notices

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.

6.7 Display of signs

A person must not, without the authorisation of the City or an authorised person –

- (a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the City under this local law;
- (b) remove, deface or misuse a sign or property set up by the City under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to, or paint or write on, any part of a sign or fee-paying machine.

6.8 Marking tyres and valve stem readings

(1) An authorised person may –

- (a) mark the tyres of a vehicle with chalk or any other non-indelible substance;
 - (b) take a valve stem reading of a vehicle; or
 - (c) record vehicle registration numbers,
- for a purpose connected with the authorised person's functions.

(2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.

6.9 Exemption when complying with directions

A person who complies with a direction given by a police officer or an authorised person does not commit an offence against this local law while complying with that direction.

6.10 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle or an emergency vehicle may, only in the course of the driver's functions and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.

6.11 Interfere with or damage to City property

A person must not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in a parking station, carriageway or any other place.

6.12 Vehicles not to obstruct a public place

Unless permitted under this local law, or unless authorised under any other written law, a person must not leave a vehicle, or any part of a vehicle, in a public place if it –

- (a) obstructs the use of any part of the public place; or
- (b) appears to an authorised person to have been abandoned, having regard to factors such as –
 - (i) whether there are any licence plates on the vehicle;
 - (ii) whether the vehicle is unregistered;
 - (iii) the extent of any damage to the vehicle;
 - (iv) whether the vehicle has been in the same position for more than 24 hours; and
 - (v) whether the vehicle appears to be inoperable.

PART 7 – OFFENCES AND MODIFIED PENALTIES

7.1 Offences

- (1) A person who fails to do anything required to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence continues.
- (3) An offence against a provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

7.2 Form of notices

For the purposes of this local law –

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.3 Modified penalty

- (1) Subject to subclauses (3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If it appears to the City that an alleged offence cannot be adequately punished by the payment of the modified penalty, the City may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.
- (4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign –
 - (a) the amount of the modified penalty is to be the amount referred to in Schedule 1 where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
 - (b) the amount of the modified penalty is to be payable again in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500 on the amount of modified penalties payable for each offence.

City of Joondalup

Parking Local Law 2023

SCHEDULE 1**CITY OF JOONDALUP PARKING LOCAL LAW 2023****PRESCRIBED OFFENCES****[Clause 7.3]**

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
1	2.3(1)(a)	Stopping or parking by vehicles of a different class	100
2	2.3(1)(b)	Stopping or parking by persons of a different class	100
3	2.3(1)(c)	Stopping or parking during prohibited period	100
4	2.3(1)(d)	Stopping or parking for longer than maximum period	100
5	2.3(1)(e)	Failure to park wholly within parking bay or metered space	100
6	2.3(1)(f)	Stopping or parking contrary to signage	100
7	2.3(2)(a)	Stopping or parking in a no stopping area	150
8	2.3(2)(b)	Stopping or parking contrary to a 'clearway' sign	150
9	2.3(2)(c)	Stopping or parking at a continuous yellow edge line	150
10	2.3(2)(d)	Stopping or parking in a keep clear area of carriageway	150
11	2.3(2)(e)	Stopping or parking vehicle other than motorcycle in 'M/C' bay	100
12	2.3(2)(f)	Stopping or parking in a bus lane or busway	150
13	2.3(2)(g)	Stopping or parking in a truck lane	150
14	2.3(2)(h)	Stopping or parking in a bicycle lane or path	150
15	2.3(3)	Parking in a no parking area	100
16	2.4(2)	Parking in a permit parking area without a valid parking permit	100
17	2.5(2)	Stopping or parking on private land without consent	150
18	2.5(3)	Stopping or parking on private land not in accordance with consent	100
19	2.6(a)	Failure to park or stop as near as practicable and parallel to boundary of carriageway	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
20	2.6(b)	Failure to stop or park at approximately right angles to the centre of the carriageway	100
21	2.7	Failure to park at an appropriate angle in an angle parking area	100
22	2.8	Stopping or parking unlawfully in a loading zone	100
23	2.9	Driving, stopping or parking on a reserve	150
24	2.10	Stopping or parking, or attempting to stop or park in a bay occupied by another vehicle	100
25	2.11(4)	Stopping or parking contrary to permission given by an authorised person	100
26	2.12	Stopping or parking a vehicle contrary to the direction of an authorised person	150
26	2.13	Selling or hiring goods in a parking facility without authorisation	100
27	2.14	Removing, damaging, defacing, misusing or interfering with parking facility	150
28	2.15(3)	Stopping or parking unlawfully in a designated event area	100
29	2.17	Stopping or parking unauthorised vehicle in an area designated for 'Authorised Vehicle Only'	100
30	2.18	Stopping or parking on City property	100
31	3.1(a)	Stopping or parking against the flow of traffic on a two-way carriageway	100
32	3.1(b)	Stopping or parking against the flow of traffic on a one-way carriageway	100
33	3.1(c)	Stopping or parking a vehicle when distance from farther boundary, continuous line or median strip is less than 3 metres	150
34	3.1(d)	Stopping or parking a vehicle less than 1 metre from any other vehicle	100
35	3.2	Parking or stopping on a median strip or traffic island	150
36	3.3(1)	Stopping or parking a vehicle unlawfully on a verge	100
37	3.4(a)	Parking vehicle on any portion of a road or within a parking station for purpose of sale or hire	100
38	3.4(b)	Parking unlicensed vehicle on any portion of a road or within a parking station	100
39	3.4(c)	Parking unattached trailer or caravan on any portion of a road or within a parking station	100
40	3.4(d)	Parking vehicle on any portion of a road or within a parking station for the purpose of repairs	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
41	3.5(3)(a)	Stopping or parking a vehicle on a road so as to cause obstruction	150
42	3.5(3)(b)	Stopping or parking a vehicle so as to obstruct an entrance, exit, carriageway, passage or thoroughfare in a parking facility	150
43	3.5(3)(c)	Stopping or parking a vehicle on a roundabout or intersection	200
44	3.5(3)(d)	Stopping or parking within 20 metres from an intersecting carriageway with traffic-control signals	100
45	3.5(3)(e)	Stopping or parking within 10 metres of the prolongation of nearest edge of intersecting carriageway	100
46	3.5(3)(f)	Stopping or parking on or over a footpath, pedestrian crossing, children's crossing or place for pedestrians	200
47	3.5(3)(g)	Stopping or parking alongside or opposite construction works where vehicle obstructs traffic	150
48	3.5(3)(h)	Stopping or parking on a bridge or within a tunnel or underpass	100
49	3.5(3)(i)	Stopping or parking between the boundaries of a carriageway and any continuous double line	100
50	3.5(3)(j)	Stopping or parking within head of a cul-de-sac	100
51	3.6(1)	Double parking	150
52	3.7	Stopping or parking unlawfully across a crossover or other way of access	200
53	3.8(a)	Stopping or parking on a crest or curve	100
54	3.9(a)	Stopping or parking within 1 metre of fire hydrant	100
55	3.9(b)	Stopping or parking within 3 metres of public post box	100
56	3.10(1)(a)	Stopping or parking a vehicle within 10 metres of the departure side of a bus bay, bus stop or bus zone	100
57	3.10(1)(b)	Stopping or parking a vehicle within 10 metres of the departure side of a pedestrian or children's crossing	100
58	3.10(2)(a)	Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus stop or bus zone	100
59	3.10(2)(b)	Stopping or parking a vehicle within 20 metres of the approach side of a pedestrian or children's crossing	100
60	3.11(1)	Moving a vehicle along carriageway to avoid time limitation	100
61	3.11(2)	Moving a vehicle within parking station to avoid time limitation	100
62	3.11(3)	Obtaining more than one free parking ticket or parking period	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
63	3.12(1)	Stopping or parking a vehicle in a public bus zone	150
64	3.12(2)	Stopping or parking public bus in bus zone when not picking up or setting down passengers	100
65	3.13(1)	Stopping or parking unlawfully in a taxi zone	100
66	3.13(2)	Leaving taxi unattended while in a taxi zone	100
67	3.14(1)	Stopping or parking in charter vehicle zone when not a charter vehicle	100
68	3.14(2)(a)	Stopping or parking charter vehicle (12 or more seats) in charter vehicle zone for longer than maximum period	100
69	3.14(2)(b)	Stopping or parking charter vehicle (less than 12 seats) in charter vehicle zone for longer than maximum period	100
70	3.14(3)	Leaving charter vehicle unattended in charter vehicle zone	100
71	3.14	Stopping or parking unlawfully in shared zone	100
72	3.15	Stopping or parking heavy or long vehicles for longer than 1 hour	100
73	4.2(2)	Failure to pay fee in a fee-paying zone	100
74	4.3	Operating a fee-paying machine contrary to instructions	100
75	4.4	Stopping or parking when meter has expired	100
76	4.5(1)	Failure to correctly display valid parking ticket in a ticket machine zone	100
77	4.6	Unlawfully stopping or parking a vehicle in a reserved fee-paying zone	100
78	4.7(a)	Stopping or parking in a fee-paying zone outside the period which stopping or parking is allowed	100
79	4.7(b)	Stopping or parking in a fee-paying zone for longer than the permitted period	100
80	4.8	Displaying a counterfeit, altered, obliterated or interfered with parking ticket	150
81	4.9	Inserting anything other than the permitted forms of payment in a fee-paying machine	150
82	5.1(1)	Unlawfully removing a parked vehicle from a parking station without paying the exit fee	150
83	5.1(2)	Failure to pay fee within 3 working days from the time of issue of the notice	100
84	5.2	Failure to enter and exit parking facility through authorised entry or exit	100

City of Joondalup

Parking Local Law 2023

Item No.	Offence No.	Nature of Offence	Modified Penalty (\$)
85	5.4	Failure to leave parking station at the direction of an authorised person	100
86	5.5	Driving a vehicle past a low clearance sign	150
87	6.4	Impersonating an authorised person	200
88	6.5	Obstructing an authorised person	200
89	6.6	Unlawfully removing notice from vehicle	150
90	6.7(a)	Unauthorised display, marking, setting up, exhibiting of a sign	150
91	6.7(b)	Removing, defacing or misusing a sign or the property of the City	150
92	6.7(c)	Affixing anything to a sign or fee-paying machine	100
93	6.8(2)	Removing or interfering with a lawful mark on a tyre	200
94	6.11	Interfering with, damaging or obstructing City property	200
95	6.12(a)	Leaving vehicle so as to obstruct a public place	150
96	6.12(b)(i)	Park vehicle without number plates in a public place	100
97	6.12(b)(ii)	Park unregistered vehicle in a public place	100
98	6.12(b)(iv)	Park vehicle in a public place in excess of 24 hours	100
99		All other offences not specified	100

City of Joondalup

Parking Local Law 2023

Dated 2023

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

ALBERT JACOB
MAYOR

JAMES PEARSON
CHIEF EXECUTIVE OFFICER



Payments to Employees in Addition to a Contract or Award Council Policy

Responsible directorate: Office of the ~~CEO~~ Chief Executive Officer

Objective: ~~To establish the City of Joondalup's processes To give effect to Section 5.50 of the Local Government Act 1995~~ in relation to the payment of employees in addition to a contract or award upon leaving the organisation.

1. Authority:

This Policy has been prepared pursuant to Section 5.50 of the *Local Government Act 1995*.

2. Application:

This Policy applies to all employees except those designated as senior employees, in which case the terms of the respective senior employee Contract-contract of Employment-employment and relevant legislation shall apply.

3. Definitions:

"redundancy" means a situation where the employer no longer requires a specific position-job to be performed ~~by a person(s)~~ because of changes in the operational requirements of the organisation.

"voluntary severance" ~~means a financial payment made to a person who voluntarily chooses to end their employment in a situation where surplus positions within the organisation are identified.~~

"senior employee" means all employees holding the position of Chief Executive Officer and/or Director in accordance with Section 5.37 of the *Local Government Act 1995* ~~(as amended)~~.

"severance payment" means a payment in lieu of notice periods specified in City of Joondalup Enterprise Agreements plus accrued leave entitlement in accordance with the formula and conditions set out in City of Joondalup Enterprise Agreements.

4. Statement:

The City will consider payments to employees in addition to a contract or award for the purposes of finalising redundancy or severance in accordance with Section 5.50 of the *Local Government Act 1995*.

~~To give effect to Section 5.50 of the *Local Government Act 1995*, the following details shall apply.~~

5. Details:

5.1. General legislative compliance:

When finalising redundancy or ~~voluntary~~ severance packages, the consideration of payments in addition to existing entitlements under a contract, award or agreement will be determined by the Chief Executive Officer in accordance with Section 5.50 of the *Local Government Act 1995* and Regulation 19A of the *Local Government (Administration) Regulations 1996*.

~~This would establish:~~

- ~~• a maximum additional entitlement of \$5,000 for circumstances relating to a redundancy; and~~
- ~~• a maximum entitlement of a person's annual remuneration for circumstances relating to voluntary severance.~~

5.2. Eligibility criteria:

~~A person's eligibility for such payments will be based on the following criteria:~~

- ~~• The person has been in the employment of the organisation for a continuous period of over ten years; and~~
- ~~• Performance records demonstrate a commendable or outstanding level of performance throughout the duration of the person's employment to the satisfaction of the Chief Executive Officer.~~

5.3.5.2. Manner of assessment of additional paymentPayment calculation:

~~Additional payments will be calculated as follows~~based on:

- In the case of ~~voluntary~~ severance, at the discretion of the Chief Executive Officer, up to a maximum of two weeks' pay for each completed year of service to a maximum of the prescribed amount under Section 19A of the *Local Government (Administration) Regulations 1996*.
- In the case of redundancy, any additional payment/s above the legislated or contractual requirements shall be at the discretion of the Chief Executive Officer and based on the eligibility criteria to the maximum prescribed under Section 19A of the *Local Government (Administration) Regulations 1996*.allowable of \$5,000.
- In respect of ~~For~~ an annual salary, the cash component of an additional payment will be adjusted to recognise any motor vehicle usage in accordance with the current formula contained within the most recent agreement or Award.

5.4.5.3. Other employment-related court actions and/or matters:

The City may pay a severance payment to an employee where:

- an employee has, or proposes to, take action or make a claim under any relevant employment legislation; or
- where at the reasonable discretion of the Chief Executive Officer, the City elects to make a payment as part of a settlement with the employee; and

any such decision will be made in accordance with Regulation 19A of the *Local Government (Administration) Regulations 1996* and *Workers Compensation and Injury Management Act 1981*.

~~The City may pay a severance payment to an employee in settlement of a claim where an employee or former employee has, or proposes to, take action or make a claim under any relevant employment legislation. Any such decision will be made in accordance with Regulation 19A of the *Local Government (Administration) Regulations 1996*.~~

Creation date: October 2005 (CJ206-10/05)

Formerly:

- ~~Council Vehicles — Mayor and Council Offices Policy~~
- ~~Employment Policy~~
- ~~Equal Employment Opportunity Policy~~
- ~~Payment to Employees in Addition to Contract or Award Policy~~
- ~~Selective Voluntary Severance Policy~~
- Staff Uniforms Policy

Amendments: CJ035-03/13, CJ182-10/18

Last reviewed: October 2018 (CJ182-10/18)

Related documentation:

- Equal Opportunity Act 1984
- Fair Work Act 2009
- Local Government Act 1995
- Workers Compensation and Injury Management Act 1981
- Local Government (Administration) Regulations 1996

File reference: 00384



Payments to Employees in Addition to a Contract or Award Council Policy

Responsible directorate: Office of the Chief Executive Officer

Objective: To establish the City of Joondalup's processes in relation to the payment of employees in addition to a contract or award upon leaving the organisation.

1. Authority:

This Policy has been prepared pursuant to Section 5.50 of the *Local Government Act 1995*.

2. Application:

This Policy applies to all employees except those designated as senior employees, in which case the terms of the respective senior employee contract of employment and relevant legislation shall apply.

3. Definitions:

"redundancy" means a situation where the employer no longer requires a specific job to be performed because of changes in the operational requirements of the organisation.

"senior employee" means all employees holding the position of Chief Executive Officer and/or Director in accordance with Section 5.37 of the *Local Government Act 1995*.

"severance payment" means a payment in lieu of notice periods specified in City of Joondalup Enterprise Agreements plus accrued leave entitlement in accordance with the formula and conditions set out in City of Joondalup Enterprise Agreements.

4. Statement:

The City will consider payments to employees in addition to a contract or award for the purposes of finalising redundancy or severance in accordance with Section 5.50 of the *Local Government Act 1995*.

5. Details:

5.1. General legislative compliance:

When finalising redundancy or severance packages, the consideration of payments in addition to existing entitlements under a contract, award or agreement will be determined by the Chief Executive Officer in accordance with Section 5.50 of the *Local Government Act 1995* and Regulation 19A of the *Local Government (Administration) Regulations 1996*.

5.2. Manner of assessment of additional payment:

Additional payments will be calculated as follows:

- In the case of severance, at the discretion of the Chief Executive Officer, up to a maximum of two weeks' pay for each completed year of service to a maximum of the prescribed amount under Section 19A of the *Local Government (Administration) Regulations 1996*.
- In the case of redundancy, any additional payment/s above the legislated or contractual requirements shall be at the discretion of the Chief Executive Officer and based on the eligibility criteria to the maximum prescribed under Section 19A of the *Local Government (Administration) Regulations 1996*.
- In respect of an annual salary, the cash component of an additional payment will be adjusted to recognise any motor vehicle usage in accordance with the current formula contained within the most recent agreement or award.

5.3. Other employment-related court actions and/or matters:

The City may pay a severance payment to an employee where:

- an employee has, or proposes to, take action or make a claim under any relevant employment legislation; or
- where at the reasonable discretion of the Chief Executive Officer, the City elects to make a payment as part of a settlement with the employee; and
- any such decision will be made in accordance with Regulation 19A of the *Local Government (Administration) Regulations 1996* and *Workers Compensation and Injury Management Act 1981*.

Creation date: October 2005 (CJ206-10/05)

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Amendments: CJ035-03/13, CJ182-10/18

Last reviewed: October 2018 (CJ182-10/18)

Related documentation:

- Equal Opportunity Act 1984
- Fair Work Act 2009
- Local Government Act 1995

- Workers Compensation and Injury Management Act 1981
- Local Government (Administration) Regulations 1996

File reference: 00384



Freeman of the City of Joondalup Council Policy

Responsible directorate: Governance and Strategy

Objective: To enable the City to honour exceptional individuals who have made an outstanding contribution to the local and broader community.

1. Statement:

The City acknowledges the importance of recognising exceptional contributions by individuals within the community through the bestowing of an honorary award at the local level.

The Freeman of the City of Joondalup is an award used to honour individuals who, through their personal endeavours and commitment, have made an outstanding contribution to the local and broader community.

2. Details:

2.1. Award criteria:

A person may be nominated for the honorary award Freeman of the City of Joondalup under the following circumstances:

- a. Their exceptional service is a matter of public record.
- b. They have lived, worked or served in the City of Joondalup or its former entity for a significant number of years (20 or more).
- c. They have identifiable and long-standing connections with the community in the City of Joondalup or its former entity.
- d. Their endeavours have benefited the local and broader community.

2.2. Entitlements:

- a. Any person declared a Freeman of the City of Joondalup may designate themselves a Freeman of the City of Joondalup.
- b. A Freeman of the City of Joondalup will be invited to all civic events and functions.

- c. A Freeman of the City of Joondalup will be provided with a plaque to commemorate receipt of their award.
- d. A portrait of the Freeman will be hung in the Civic Centre.

2.3. Process of nomination:

Nominations will be considered as the need is identified by Council.

- a. A nomination must be sponsored by an Elected Member and supported in writing by at least three other Elected Members.
- b. A nomination may be submitted by any person at any time, provided that nomination is in writing and addresses the criteria for the award.
- c. A nominee must not be made aware of their nomination.
- d. Any nominations received will be validated and the findings presented at a Meeting of Council behind closed doors, with recommendations to approve/not approve a nominee for the award. The decision will be based on a Simple Majority vote.

2.4. Conference of award:

- a. Acceptance of the award must be determined prior to being conferred.
- b. Conferring the award upon an individual will take place at a meeting of Council or at a special event to be determined by Council.

Creation date: November 2006 (CJ210-11/06)

Formerly:

Amendments: CJ093-05/12, CJ230-12/18

Last reviewed: December 2018 (CJ230-12/18)

Related documentation: Nil

File reference: 89597



Honorary Freeman of the City of Joondalup Council Policy

Responsible directorate: Governance and Strategy

Objective: To enable the City to honour exceptional individuals who have made an outstanding contribution to the local and broader community.

1. Statement:

The City acknowledges the importance of recognising exceptional contributions by individuals within the community through the bestowing of an honorary award at the local level.

The "Honorary Freeman of the City of Joondalup" is an award used to honour individuals who, through their personal endeavours and commitment, have made an outstanding contribution to the local and broader community.

2. Details:

2.1. Award criteria:

A person may be nominated for the honorary award, Honorary Freeman of the City of Joondalup, under the following circumstances:

- a. Their exceptional service is a matter of public record.
- b. They have lived, worked or served in the City of Joondalup or its former entity for a significant number of years (20 or more).
- c. They have identifiable and long-standing connections with the community in the City of Joondalup or its former entity.
- d. Their endeavours have benefited the local and broader community.

2.2. Entitlements:

- a. Any person declared an Honorary Freeman of the City of Joondalup may designate themselves an "Honorary Freeman of the City of Joondalup".
- b. An Honorary Freeman of the City of Joondalup will be invited to all civic events and functions.

- c. An Honorary Freeman of the City of Joondalup will be provided with a plaque to commemorate receipt of their award.
- d. A portrait of the Honorary Freeman will be hung in the Civic Centre.

2.3. Process of nomination:

Nominations will be considered as the need is identified by Council.

- a. A nomination must be sponsored by an Elected Member and supported in writing by at least three other Elected Members.
- b. A nomination may be submitted by any person at any time, provided that nomination is in writing and addresses the criteria for the award.
- c. A nominee must not be made aware of their nomination.
- d. Any nominations received will be validated and the findings presented at a Meeting of Council behind closed doors, with recommendations to approve/not approve a nominee for the award. The decision will be based on a Simple Majority vote.

2.4. Conference of award:

- a. Acceptance of the award must be determined prior to being conferred.
- b. Conferring the award upon an individual will take place at a meeting of Council or at a special event to be determined by Council.

Creation date:	November 2006 (CJ210-11/06)
Formerly:	<u>Freeman of the City of Joondalup Council Policy</u>
Amendments:	CJ093-05/12, CJ230-12/18
Last reviewed:	December 2018 (CJ230-12/18)
Related documentation:	Nil
File reference:	89597

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

City of Joondalup

PEST PLANT LOCAL LAW 2012

Under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 20 November 2012 to make the following local law.

ARRANGEMENT

PART 1 - PRELIMINARY

- 1.1 Title
- 1.2 Commencement
- 1.3 Purpose
- 1.4 Effect
- 1.5 Application
- 1.6 Definitions

PART 2 - PRESCRIPTION OF PEST PLANTS

- 2.1 Prescription of Pest Plants

PART 3 - SERVING OF NOTICES

- 3.1 Serving of Notices

PART 4 - COMPLIANCE WITH NOTICE

- 4.1 Failure to comply with notice

SCHEDULE 1

Pest Plants

SCHEDULE 2

Notice

PART 1 - PRELIMINARY

1.1 Title

This local law may be referred to as the *City of Joondalup Pest Plant Local Law 2012*.

1.2 Commencement

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

1.3 Purpose

The purpose of this local law is to prescribe pest plants within the City of Joondalup district that, in the local government's opinion, are likely to adversely affect the value of property in the district or the health, comfort or convenience of the inhabitants of the district.

1.4 Effect

The effect of this local law is to require the owner or occupier of private land within the City of Joondalup district to destroy, eradicate or otherwise control pest plants on and in relation to that land in a manner and within a time specified in a notice given by the local government and served on the owner or occupier of the land.

1.5 Application

This local law applies throughout the district.

1.6 Definitions

In this local law unless the context requires otherwise:

“authorised person” means a person authorised in accordance with section 9.10 of the *Local Government Act 1995*;

“district” means the district of the local government;

“local government” means the City of Joondalup;

“occupier” is as defined by the *Local Government Act 1995*;

“owner” is as defined by the *Local Government Act 1995*;

“pest plant” means a plant prescribed as a pest plant under clause 2.1 of this local law.

PART 2 – PRESCRIPTION OF PEST PLANTS

2.1 Prescription of Pest Plants

Every plant described in Schedule 1 to this local law is prescribed as a pest plant.

PART 3 – SERVING OF NOTICES

3.1 Serving of Notices

- (a) The local government may serve on the owner or occupier of private land within the district a duly completed notice in the form of Schedule 2 to this local law requiring the destruction, eradication or otherwise control of any pest plant on that land.
- (b) A person served with a notice under sub clause (a) shall comply with that notice within the time and in the manner specified therein.

PART 4 – COMPLIANCE WITH NOTICE

4.1 Failure to comply with notice

- (a) Where a person fails to comply with a notice served under clause 3.1 of this local law, the local government may –
 - (i) without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be, any pest plant the destruction, eradication or control of which was required by the notice; and
 - (ii) recover in a court of competent jurisdiction from the person to whom the notice is directed, the amount of the expense of such destruction, eradication or control.

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

City of Joondalup

PEST PLANT LOCAL LAW 2012

SCHEDULE 1

PEST PLANTS

Common Name
Caltrop

Scientific Name
Tribulus terrestris

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

City of Joondalup

PEST PLANT LOCAL LAW 2012

SCHEDULE 2

NOTICE

No:.....

To
(Full Name)

of
(Address)

You are hereby given notice that under the *City of Joondalup Pest Plant Local Law 2012* you are required to

.....
(here specify whether required to destroy, eradicate or otherwise control)
the pest plant –

.....
(Common Name) (Scientific Name)

on
(here specify the land)

of which you are the
(owner or occupier)

This notice may be complied with by
.....

.....
(here specify the manner of achieving destruction, eradication or control)
Such measures shall be completed no later than
(date)

Upon failure to comply with this notice within the times specified, the local government may destroy, eradicate or control, as the case may be, any specified pest plant at your expense, and if necessary recover the same in a court of competent jurisdiction.

Date of service of notice

.....
Signature of authorised person

Dated 11 December 2012

The Common Seal of the City of Joondalup was affixed by authority of the resolution of the Council in the presence of –



T. PICKARD, Mayor.

G. HUNT, Chief Executive Officer.

Agriculture and Related Resources Protection Act 1976

Local Government Act 1995

City of Joondalup

Pest Plant Amendment Local Law 2023

Agriculture and Related Resources Protection Act 1976

Local Government Act 1995

City of Joondalup

Pest Plant Amendment Local Law 2023

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Agriculture and Related Resources Protection Act 1976

Local Government Act 1995

City of Joondalup

Pest Plant Amendment Local Law 2023

Under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Joondalup resolved on (insert date) to make the following local law.

Part 1 – Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Pest Plant Amendment Local Law 2023*.

1.2 Commencement

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

1.3 Purpose and effect

- (1) The purpose of this local law is to amend the *City of Joondalup Pest Plant Local Law 2012*.
- (2) The effect of this local law is to better clarify the provisions and requirements within the *City of Joondalup Pest Plant Local Law 2012*.

Part 2 – Amendments

2.1 City of Joondalup Pest Plant Local Law 2012 amended

This Part of the *City of Joondalup Pest Plant Amendment Local Law 2023* amends the *City of Joondalup Pest Plant Local Law 2012* as published in the Government Gazette on 18 December 2012.

2.2 Schedule 1 amended

In Schedule 1 insert the following:

Common Name	Scientific Name
-------------	-----------------

Golden Crownbeard	Verbesina encelioides
-------------------	-----------------------

Dated XXXX of XXXX.

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

.....
HON. ALBERT JACOB JP

MAYOR

.....
JAMES PEARON

CHIEF EXECUTIVE OFFICER



Recovery of Costs Awarded to the City Council Policy

Responsible directorate: Corporate Services

Objective: To obtain monies due to the City.

1. Application:

This Policy applies to situations where court action is taken against the City. It does not apply to ordinary operational situations where the City commences a prosecution for a breach of one of its Laws.

2. Statement:

The City will, as a general principle, seek to recover costs which are awarded to the City as a result of legal proceedings which have been taken against the City by another person, whether an individual or other entity-body. People involved in legal proceedings with the City should be made aware of ~~the~~ this Policy.

Creation date: February 2007 (CJ008-02/07)

Formerly:

Amendments: CJ093-05/12

Last reviewed: May 2012 (CJ093-05/12)

Related documentation: Nil

File reference: 101277



Rates Hardship Policy

Council Policy

Responsible Directorate: Corporate Services

Objective: This Policy is intended to ensure that the City offers fair, equitable, consistent, respectful and dignified support to ratepayers experiencing financial hardship.

1. Statement:

The City of Joondalup recognises that it has a responsibility to respond to the needs of ratepayers experiencing financial hardship due to a change in circumstances affecting their ability to meet their rates payment obligations.

2. Details:

2.1. Financial Hardship:

Financial hardship is considered to exist where a ratepayer is either unable to settle their rates obligations using normal payment options or cannot enter into payment arrangements without significantly affecting their ability to meet their, or their dependents', basic living needs.

Factors contributing to financial hardship may include, but are not limited to:

- Unemployment or underemployment.
- Loss of income.
- Serious illness or recovery from serious illness.
- Impact of natural disaster (e.g. fire, flood, etc).
- Other difficult circumstances.

2.2. Eligible ratepayers:

This policy applies to ratepayers who are individual persons and does not apply to corporate, non-profit, or other ratepayers who are not individual s-persons.

2.3. Process:

Following receipt of the annual rates notice, where ratepayers do not believe they are able to meet their rates payment obligations due to financial hardship either by:

- a. payment of the total amount in full by the due date stipulated in the rates notice;
- b. payment by the total amount by one of the instalment options provided in the rates notice; or
- c. payment of the total amount by entering into a weekly, fortnightly or monthly payment arrangement by 31 March of that rating year;

such ratepayers are invited to contact the City at the earliest, using the contact details provided in the rates notice or on the City's website.

When ratepayers contact the City to advise they are experiencing financial hardship and may not be able to meet their rates payment obligations using any of the standard payment options available, the City's standard approach is to:

- a. Work with the ratepayer to review-consider the ratepayer's financial position as advised.
- b. Offer payment arrangements that may extend payment timelines beyond 31 March of that rating year, including up to 30 June of the rating year.
- c. Where it may be necessary to offer-consider payment arrangements that extend beyond 30 June, the City may offer the ratepayer a payment arrangement that includes an appropriate estimate of the following year's rates and charges and extends the payment period well into the following rating year, up to 31 March of the following rating year. Depending on specific circumstances, the City may extend this even further.
- d. In some situations, the City may consider offering a payment arrangement with significantly reduced initial payments to accommodate the ratepayer's current financial position, and then review the situation regularly (every few weeks or 2-3 months, as appropriate) with the ratepayer. Where the ratepayer's situation subsequently improves, the City then works with the ratepayer to review-update the payment arrangement amounts to enable settlement of the dues on a more timely basis sooner, which may including-include consultation with a financial counsellor if the City considers this is warranted required.
- e. Refer the ratepayer, Where none of the offered payment options are suitable for the ratepayer, or if the ratepayer is experiencing severe hardship in their view, including where the ratepayer may have previously entered into payment arrangements with the City and repeatedly defaulted, the City will then request the ratepayer to visit meet an independent financial counsellor or counselling service that who is a member of the Financial Counsellors' Association of Western Australia (FCAWA). The City will provide the ratepayer with a list of such services to allow them to choose the one they consider most appropriate to their requirements.
- f. Receive from The financial counsellor will-an consider assessment of the ratepayer's financial position and thereafter provide an income and expenditure statement as well as a recommendation to the City as to what the ratepayer can afford.
- g. Following review and liaison with the financial counsellor, the City will then to then work with the ratepayer to structure a suitable payment arrangement that accommodates the financial constraints advised by the financial counsellor.

2.4. Exceptional circumstances:

In cases where the ratepayer may be experiencing circumstances of a particularly difficult character, such as the recent death of an immediate family member, the City may ~~choose~~ decide to defer recovery action, including payment reminder notices, for a period of time.

2.5. Administration charges and rates penalty interest:

Depending on the particular circumstances, the City may offer to waive or write off some or all payment arrangement administration charges and/or rates penalty interest accrued. If ~~accepted~~ so determined, such write-offs will be undertaken in accordance with the Write-Off of Monies delegation stated in the City's Register of Delegation of Authority.

Creation Date: May 2021 (CJ068-05/21)

Amendments:

Related Documentation: Payment of Rates and Charges Policy



Venue Hire Fees and Charges Policy

Council Policy

Responsible Directorate: Corporate Services

Objectives: To provide guidance on determining the fees and charges for the hire of City-managed venues.

1. Application:

This Policy shall apply to all groups and individuals hiring City-managed venues, excluding venues contained within the City of Joondalup Leisure Centres — Craigie.

2. Definitions:

“Category A user” means an organisation, group or individual hiring a venue as part of a business, for business purposes, and/or for financial benefit.

“Category B user” means a charity, an incorporated association or a community group, government department / agency or educational provider with an annual gross revenue of less than \$10 million and more than \$3 million, occupying the premises for non-commercial purposes.

“Category C user” means a charity, an incorporated association or a community group with annual revenue of less than \$3 million, or an individual hiring a venue for non-commercial purposes.

“educational provider” means a primary or secondary school, a tertiary institution or a registered training organisation.

“incorporated association” means a non-commercial organisation which is incorporated under the *Associations Incorporation Act 2015* (WA) or equivalent legislation from other states and territories.

“charity” means an organisation which is licensed under the *Charitable Collections Act 1946* (WA) or registered under the *Charities Act 2013* (Cth) and collects money or goods from the public for charitable purposes.

“financial hardship” means a temporary situation affecting a hirer where that hirer is willing, but unable to meet their payment obligations due to an unforeseen circumstance.

“financial records” means records pertaining to the management of the affairs of an incorporated association which are required under the *Associations Incorporation Act 2015* (WA).

“venue” means a City-owned or -managed property, part-property, facility or infrastructure which attracts a specific hire charge as per the City’s *Schedule of Fees and Charges* (e.g.: parks, gardens, sports fields, courts, rooms in community halls, clubrooms etc.).

3. Statement:

The City of Joondalup is committed to ensuring fees and charges for venue hire are set in a fair and equitable way that reflect the actual cost of operations and encourage maximum community usage. The City also acknowledges that its venues are primarily hired by non-commercial users and that many of these users play an important role in combating social exclusion and enhancing the economic, social and environmental wellbeing of the community. In recognition of this, the City will offer discounted fees and charges for City-managed venues to non-commercial users.

4. Details:

4.1. Fees and charges for venue hire:

- a. Fees and charges for venue hire will be set annually based on a cost contribution model and will be published in the City’s *Schedule of Fees and Charges*.
- b. Fees and charges for venue hire will be set at three different rates:
 - i. Category A rate — 500% of average hourly operating costs.
 - ii. Category B rate — 100% of average hourly operating costs.
 - iii. Category C rate — 50% of average hourly operating costs*.
- c. Fees and charges for venue hire will be applicable for use of venues where a booking has not been made.
- d. The City reserves the right that if a group is booking a facility at a category C rate and it is not being utilised it may charge that group for the unutilised booking of that facility at the category B rate.

4.2. Waiving of fees and charges:

- a. Category B and C users may request a waiver of fees and charges if:
 - i. They are an incorporated association and/or a charity.

AND

 - ii. They can demonstrate they are experiencing financial hardship and can substantiate this through the provision of appropriate financial records.
- b. Waivers will only be valid for the specific booking or booking period approved.
- c. All waiver recipients will be subject to terms and conditions as determined by the City.

- d. Once a decision has been made on whether to grant a waiver, that decision is final and will only be subject to further administrative review if new information is presented to the City.

4.3. Recognition of the City's cost contribution to fees and charges for venue hire

Category C users that have a regular or seasonal booking are required to acknowledge the City's cost contribution to fees and charges for venue hire.

4.4. Reporting to the community:

The City has a responsibility to all ratepayers to clearly identify the actual cost involved in waiving venue hire fees and charges. As such, the full details and cost of all waivers will be reported to the community on an annual basis in the City of Joondalup *Annual Report*.

**Category C rate will be set at 25% of average hourly operating costs from 1 January 2024 to 30 June 2025.*

Creation Date:	August 2022 Formerly: <ul style="list-style-type: none">• <i>Hire of Community Facilities and Venues Policy</i>• <i>Setting Fees and Charges Policy</i>• <i>Facility Hire Subsidy Policy</i>
Amendments:	CJ207-10/07, CJ225-10/09, CJ234-11/12, CJ243-12/14, CJ139-08/22
Related Documentation:	<ul style="list-style-type: none">• <i>Property Management Framework</i>• <i>Schedule of Fees and Charges</i>

Proposed Schedule of Fees and Charges Recreation Services

Description	Basis of Charge	Fees & Charges 1 January 2024 to 30 June 2025			Fees & Charges from 1 July 2025		
		Fee Excluding GST	GST	Gross Fee Included	Fee Excluding GST	GST	Gross Fee Included
Community Facility Hire - Category A							
Small Hall Capacity < 100	Per hour	\$25.81	\$2.58	\$28.39	\$25.81	\$2.58	\$28.39
Medium Hall Capacity > 100	Per hour	\$49.23	\$4.92	\$54.15	\$49.23	\$4.92	\$54.15
Large Hall Capacity > 200	Per hour	\$76.46	\$7.65	\$84.11	\$76.46	\$7.65	\$84.11
Storage Allocation	Per m2 per annum	\$90.00	\$9.00	\$99.00	\$90.00	\$9.00	\$99.00
Community Facility Hire - Category B							
Small Hall Capacity < 100	Per hour	\$5.16	\$0.52	\$5.68	\$5.16	\$0.52	\$5.68
Medium Hall Capacity > 100	Per hour	\$9.85	\$0.99	\$10.84	\$9.85	\$0.99	\$10.84
Large Hall Capacity > 200	Per hour	\$15.29	\$1.53	\$16.82	\$15.29	\$1.53	\$16.82
Storage Allocation	Per m2 per annum	\$18.00	\$1.80	\$19.80	\$18.00	\$1.80	\$19.80
Community Facility Hire - Category C							
Small Hall Capacity < 100	Per hour	\$1.29	\$0.13	\$1.42	\$2.58	\$0.26	\$2.84
Medium Hall Capacity > 100	Per hour	\$2.46	\$0.25	\$2.71	\$4.92	\$0.49	\$5.41
Large Hall Capacity > 200	Per hour	\$3.83	\$0.38	\$4.21	\$7.65	\$0.77	\$8.42
Storage Allocation	Per m2 per annum	\$4.50	\$0.45	\$4.95	\$9.00	\$0.90	\$9.90
Parks, Beaches and Open Spaces Hire - Category A							
Active Park	Per Hour	\$60.29	\$6.03	\$66.32	\$60.29	\$6.03	\$66.32
Passive Park	Per Hour	\$28.09	\$2.81	\$30.90	\$28.09	\$2.81	\$30.90
Parks, Beaches and Open Spaces Hire - Category B							
Active Park	Per Hour	\$12.06	\$1.21	\$13.27	\$12.06	\$1.21	\$13.27
Passive Park	Per Hour	\$5.62	\$0.56	\$6.18	\$5.62	\$0.56	\$6.18
Parks, Beaches and Open Spaces Hire - Category C							
Active Park	Per Hour	\$3.02	\$0.30	\$3.32	\$6.03	\$0.60	\$6.63
Passive Park	Per Hour	\$1.41	\$0.14	\$1.55	\$2.81	\$0.28	\$3.09
Tennis Court Hire - Category A							
Casual Hire - Before 6pm	Per hour	\$1.83	\$0.18	\$2.01	\$1.83	\$0.18	\$2.01
Casual Hire - After 6pm	Per hour	\$7.66	\$0.77	\$8.43	\$7.66	\$0.77	\$8.43
Tennis Court Hire - Category B							
Before 6pm	Per hour	\$0.37	\$0.04	\$0.41	\$0.37	\$0.04	\$0.41
After 6pm	Per hour	\$1.53	\$0.15	\$1.68	\$1.53	\$0.15	\$1.68
Tennis Court Hire - Category C							
Before 6pm	Per hour	\$0.09	\$0.01	\$0.10	\$0.18	\$0.02	\$0.20
After 6pm	Per hour	\$0.39	\$0.04	\$0.42	\$0.77	\$0.08	\$0.85
Sports Floodlights - Category A							
50 lux (large ball training)	Per hour	\$23.47	\$2.35	\$25.82	\$23.47	\$2.35	\$25.82
100 lux (large ball competition)	Per hour	\$46.95	\$4.70	\$51.65	\$46.95	\$4.70	\$51.65
250 lux (small ball training)	Per hour	\$67.93	\$6.79	\$74.72	\$67.93	\$6.79	\$74.72
350 lux (Percy Doyle pitch 1 NPL only)	Per hour	\$77.63	\$7.76	\$85.39	\$77.63	\$7.76	\$85.39
Sports Floodlights - Category B							
50 lux (large ball training)	Per hour	\$4.69	\$0.47	\$5.16	\$4.69	\$0.47	\$5.16
100 lux (large ball competition)	Per hour	\$9.39	\$0.94	\$10.33	\$9.39	\$0.94	\$10.33
250 lux (small ball training)	Per hour	\$13.59	\$1.36	\$14.95	\$13.59	\$1.36	\$14.95
350 lux (Percy Doyle pitch 1 NPL only)	Per hour	\$15.53	\$1.55	\$17.08	\$15.53	\$1.55	\$17.08
Sports Floodlights - Category C							
50 lux (large ball training)	Per hour	\$1.18	\$0.12	\$1.29	\$2.35	\$0.24	\$2.59
100 lux (large ball competition)	Per hour	\$2.35	\$0.24	\$2.59	\$4.70	\$0.47	\$5.17
250 lux (small ball training)	Per hour	\$3.40	\$0.34	\$3.73	\$6.79	\$0.68	\$7.47
350 lux (Percy Doyle pitch 1 NPL only)	Per hour	\$3.88	\$0.39	\$4.27	\$7.76	\$0.78	\$8.54



Community Funding Program Policy

City Policy

Responsible Directorate: Corporate Services

Objective: To support the delivery of community-initiated activities for the benefit of the City of Joondalup community.

1. Statement:

The City has a role to partner and support local community-based organisations to deliver programs, services and events which build community capacity, enrich quality of life for residents, deliver social, cultural, and environmental outcomes and strengthen the City of Joondalup community. The City therefore provides grants to eligible applicants to support these initiatives.

2. Details:

2.1. Community Funding Program:

Grants will be made available for programs, services and events which are in line with the following funding priorities:

- Strengthen community participation
- Encourage connected communities
- Promote healthy and active lifestyles
- Build resilient and sustainable communities.

The Community Funding Program is only available to incorporated community organisations that deliver activities for the benefit of the City of Joondalup community.

Successful grant recipients will be required to complete a grant acquittal (Project Completion Report) and acknowledge the City's financial support accordingly.

2.2. Funding Guidelines:

All community grant funding programs will be managed through specific guidelines that will include details on the following:

- Eligibility
- Funding criteria
- Terms of grants
- Application, assessment, and approval process
- Recognition requirements
- Acquittal process
- Audit and accountability procedures.

These funding guidelines will be determined from time to time in accordance with this policy at the discretion of the Chief Executive Officer.

2.3. Funding Approvals:

The Chief Executive Officer may approve applications for funding up to and including \$10,000 (excluding GST), while applications for funding greater than \$10,000 (excluding GST) will require the approval of Council.

Creation Date:	October 2005
	Formerly:
	<ul style="list-style-type: none">• <i>Junior and Disabled Sport and Recreation Donations Policy</i>• <i>Sports Development Program Policy</i>• <i>Community Funding Policy</i>
Amendments:	CJ170-08/12, CJ046-03/16, CJ127-08/21
Related Documentation:	<ul style="list-style-type: none">• <i>Arts Development Scheme Policy</i>• <i>Community Funding Procedures</i>• <i>Funding Guidelines</i>• <i>Register of Delegation of Authority</i>