

Local Government Act 1995

City of Joondalup

Amendment Local Law 2021

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Local Government Act 1995

City of Joondalup

Amendment Local Law 2021

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on (insert date) to make the following local law.

Part 1 - Preliminary

1.1 Citation

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

1.2 Commencement

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

1.3 Purpose and effect

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

Part 2 - Amendments – Animals Local Law 1999

2.1 City of Joondalup Animals Local Law 1999 amended

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

2.2 Clause 6 amended

In clause 6:

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

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

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

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

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

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

2.3 Clause 13 amended

Delete clause 13(3).

2.4 Clause 14 replaced

Delete clause 14 and insert:

Maximum number of dogs

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

2.5 Clause 15 amended

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

2.6 Clause 24 amended

Delete clause 24(2).

2.7 Clause 27 deleted

Delete clause 27.

2.8 Clause 28A inserted

After clause 28 insert:

Restrictions on pigeon and dove nesting or perching

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

2.9 Clause 30 replaced

Delete clause 30 and insert:

Adjoining owners to be consulted

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

2.10 Clause 34 amended

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

2.11 Part 6 replaced

Delete Part 6 and insert:

PART 6 – KEEPING OF BEES

Definitions

- 37 In this Part -

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

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

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

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

Limit on beehives

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

Application for a permit

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

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

Determining an application

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

Cancellation of a permit

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

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

General conditions for keeping beehives

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

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

Notice to remove

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

2.12 Clause 40 amended

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

2.13 Clause 41 amended

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

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

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

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

2.14 Clause 45 amended

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

2.15 Clause 46 deleted

Delete clause 46.

2.16 Clause 47 replaced

Delete clause 47 and insert:

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

2.17 Clause 48 amended

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

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

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

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

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

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

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

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

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

2.18 Clause 49 deleted

Delete clause 49.

2.19 Clause 50 deleted

Delete clause 50.

2.20 First Schedule replaced

Delete the First Schedule and insert:

FIRST SCHEDULE

CITY OF JOONDALUP

ANIMALS LOCAL LAW 1999

Offences and Modified Penalties

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

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

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

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

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

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

3.2 Clause 1.6 amended

In clause 1.6:

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

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

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

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

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

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

- (d) insert in alphabetical order:

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

- (e) insert in alphabetical order:

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

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

- (g) insert in alphabetical order:

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

3.3 Clause 2.8 amended

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

3.4 Clause 3.1 amended

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

3.5 Clause 5.1 amended

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

3.6 Clause 8.2 amended

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

3.7 Clause 8.6 amended

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

3.8 Clause 8.15 amended

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

3.9 Part 9 replaced

Delete Part 9 and insert:

Part 9 – Advertising signs on thoroughfares

9.1 Definitions

In this Part –

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

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

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

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

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

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

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

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

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

9.2 General prohibitions

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

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

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

9.3 Portable direction signs

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

9.4 Property disposal signs

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

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

9.5 Portable business signs

- (1) In this clause -

the business means a business or premises –

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

but does not include a home business or home occupation.

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

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

9.6 Permit for a community organisation

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

9.7 Advertising permit or exemption

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

9.8 Election or poll

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

9.9 Impounding of advertising signs

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

3.10 Clause 10.6 amended

In clause 10.6(2) delete '24' and insert '3'.

3.11 Schedule 1 amended

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

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

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

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

Part 4 - Amendments – Meeting Procedures Local Law 2013

4.1 City of Joondalup Meeting Procedures Local Law 2013 amended

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

4.2 Clause 1.4 amended

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

4.3 Clause 1.5 amended

In clause 1.5:

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

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

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

4.4 Clause 4.3 amended

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

4.5 Clause 4.6 amended

After clause 4.6(8) insert:

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

4.6 Clause 4.8 amended

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

4.7 Clause 5.7 amended

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

4.8 Clause 5.17 amended

Delete clause 5.17(2) and insert:

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

4.9 Clause 6.6 amended

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

4.10 Clause 9.12 amended

Delete subclause 9.12(1) and insert:

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

4.11 Clause 10.1 amended

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

4.12 Clause 10.5 amended

Delete clause 10.5 and insert:

10.5 Item be deferred – effect of motion

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

4.13 Clause 17.1 amended

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

Part 5 - Amendments – Parking Local Law 2013

5.1 City of Joondalup Parking Local Law 2013 amended

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

5.2 Clause 1.11 inserted

After clause 1.10 insert:

1.11 Alternative methods of payment for parking

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

5.3 Clause 2.4 amended

Delete clause 2.4(2).

5.4 Part 7 replaced

Delete Part 7 and insert:

PART 7 – PARKING PERMITS

7.1 Permitted persons

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

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

7.2 Annual parking permits

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

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

7.3 Annual parking permits not applicable

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

7.4 Permitted exemptions

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

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

7.5 Annual parking permits to be returned

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

7.6 Revoking annual parking permits

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

7.7 Fees for annual parking permits

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

Dated **xxx of xxxx**.

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

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

.....
JAMES PEARSON
CHIEF EXECUTIVE OFFICER