



CITY of PERTH

MINUTES

FINANCE AND ADMINISTRATION COMMITTEE

25 OCTOBER 2016

THESE MINUTES ARE HEREBY CERTIFIED AS
CONFIRMED

PRESIDING MEMBER'S
SIGNATURE

F. E. Davidson.

DATE: 6/12/16

FINANCE AND ADMINISTRATION COMMITTEE

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FA228/16 QUESTION TIME FOR THE PUBLIC

Nil

FA229/16 CONFIRMATION OF MINUTES

Moved by Cr Harley, seconded by Cr Chen

That the minutes of the meeting of the Finance and Administration Committee held on 4 October 2016 be confirmed as a true and correct record.

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

FA230/16 CORRESPONDENCE

Nil

FA231/16 DISCLOSURE OF MEMBERS' INTERESTS

| Member / Officer | Minute No. | Item Title. | Nature / Extent of Interest |
|----------------------------|-------------------|---|--|
| Cr Harley (TRIM 189580/16) | FA236/16 | Annual Budget 2016/17 – Budget Adjustment for the Impact of the City Of Perth Act | Impartiality Interest: Cr Harley owns property within the area affected by the budget adjustment decision. |
| Cr Harley (TRIM 189579/16) | FA238/16 | Heritage Perth Incorporated – Revised Three Year Funding Agreement and Request for Additional Operating Funding | Impartiality Interest: Cr Harley is a director on the Heritage Perth Inc. |

**FA232/16 MATTERS FOR WHICH THE MEETING MAY BE
CLOSED**

The Presiding Member advised that in accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting will be required to be closed to the public prior to discussion of the following:

| Schedule No. | Item No. and Title | Reason |
|------------------------------------|---|-----------------|
| Confidential Schedules 8, 9 and 10 | Item FA238/16 – Heritage Perth Incorporated – Revised Three Year Funding Agreement and Request for Additional Operating Funding | 5.23(2)(e)(iii) |

**FA233/16 PAYMENTS FROM MUNICIPAL AND TRUST FUNDS –
SEPTEMBER 2016**

BACKGROUND:

FILE REFERENCE: P1032265-58
REPORTING UNIT: Finance
RESPONSIBLE DIRECTORATE: Corporate Services
DATE: 7 October 2016
MAP / SCHEDULE: TRIM reference 181147/16 (Summary available on the Elected Members Portal)

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Council Four Year Priorities: Capable and Responsive Organisation
S18 Strengthen the capacity of the organisation.

COMMENTS:

Payments for the month of September 2016 included the following significant items:

- \$7,891,374.87 to the Department of Fire and Emergency Services for the emergency services levy first quarter contribution for 2016/17 and minor invoices in relation to call out fees.
- \$1,379,014.54 to the Western Australian Treasury Corporation for loan payments of \$541,200.68 for the Elder Street Carpark, \$560,574.81 for the

Perth Convention and Exhibition Centre Carpark, \$32,774.82 for the Goderich Street Carpark and \$244,464.23 for the Perth City Library and Public Plaza.

- \$286,717.20 to the Perth Convention Bureau for sponsorship funding in the 2016/17 period.

Moved by Cr Chen, seconded by Cr Harley

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 September 2016, be received and recorded in the Minutes of the Council, the summary of which is as follows:

| <i>FUND</i> | <i>PAID</i> |
|------------------------------|--------------------------------|
| <i>Municipal Fund</i> | <i>\$ 22,455,194.20</i> |
| <i>Trust Fund</i> | <i>\$ 167,444.38</i> |
| <i>TOTAL:</i> | <i>\$22,622,638.58</i> |

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

FA234/16 INVESTMENTS AND INVESTMENT RETURNS FOR THE PERIOD ENDED 30 SEPTEMBER 2016

BACKGROUND:

| | |
|--------------------------|---|
| FILE REFERENCE: | P1032980-5 |
| REPORTING UNIT: | Finance |
| RESPONSIBLE DIRECTORATE: | Corporate Services |
| DATE: | 12 October 2016 |
| MAP / SCHEDULE: | Schedule 1 – Investment Report for the period ended 30 September 2016 Short Term Investments and Institution of Credit Rating |

Investments are made in accordance with Policy 9.3 – Management of Investments. The policy sets objectives and risk management guidelines for investing surplus and reserve funds not immediately required for any other purpose.

This report reviews the results for the month of September 2016.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.14 of the *Local Government Act 1995*
Regulation 19C of the *Local Government (Financial Management) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Council Four Year Priorities: Capable and Responsive Organisation
S18 Strengthen the capacity of the organisation

Policy

Policy No and Name: 9.3 – Management of Investments

DETAILS:

| | Actual \$ | Budget \$ | Variation \$ |
|-------------------|----------------------|----------------------|-------------------------|
| Interest Earnings | 413,059 | 390,911 | 22,148 |

| | |
|----------------|-------|
| Average Rate | 2.81% |
| Benchmark Rate | 1.74% |
| RBA Cash Rate | 1.50% |

*Figures exclude interest on rate arrears.

Call Accounts

| | |
|------------------------------------|----------------|
| Balance at 30 September 2016 | \$14.1 million |
| Interest Earned | \$28,023 |
| Rate for balances over \$2 million | 1.75% |

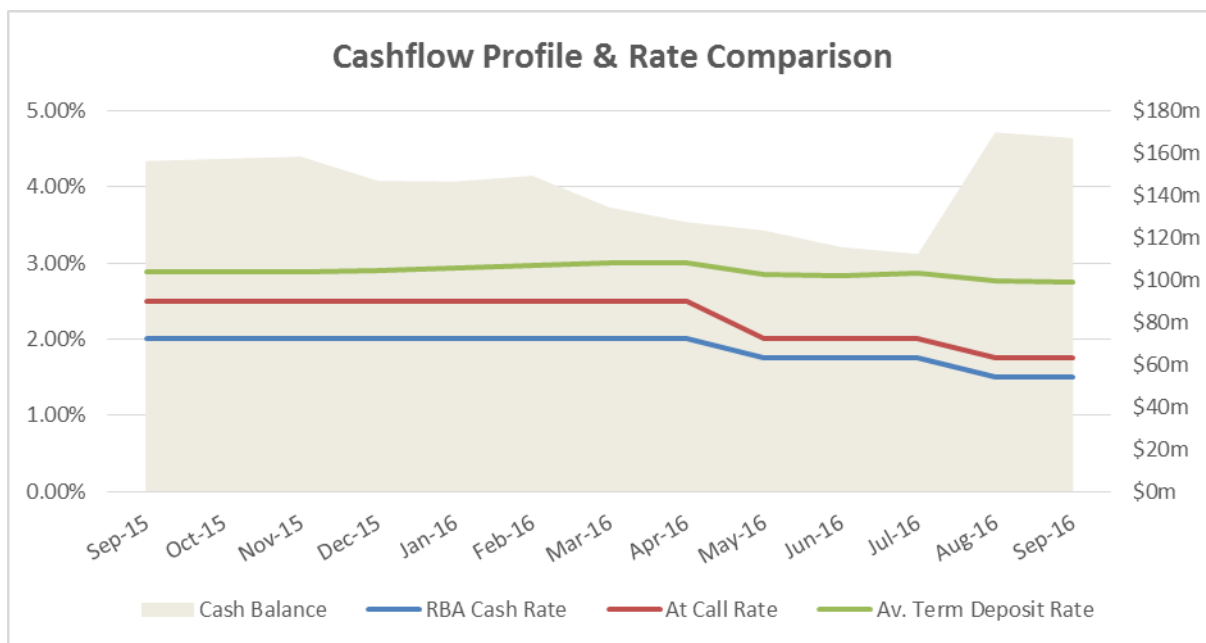
Term Deposits

| | |
|------------------------------------|-----------------|
| Balance at 30 September 2016 | \$152.6 million |
| Interest Earned | \$355,024 |
| Average Rate (Municipal funds) | 2.75% |
| Most Recent Rate (Municipal funds) | 2.55% |

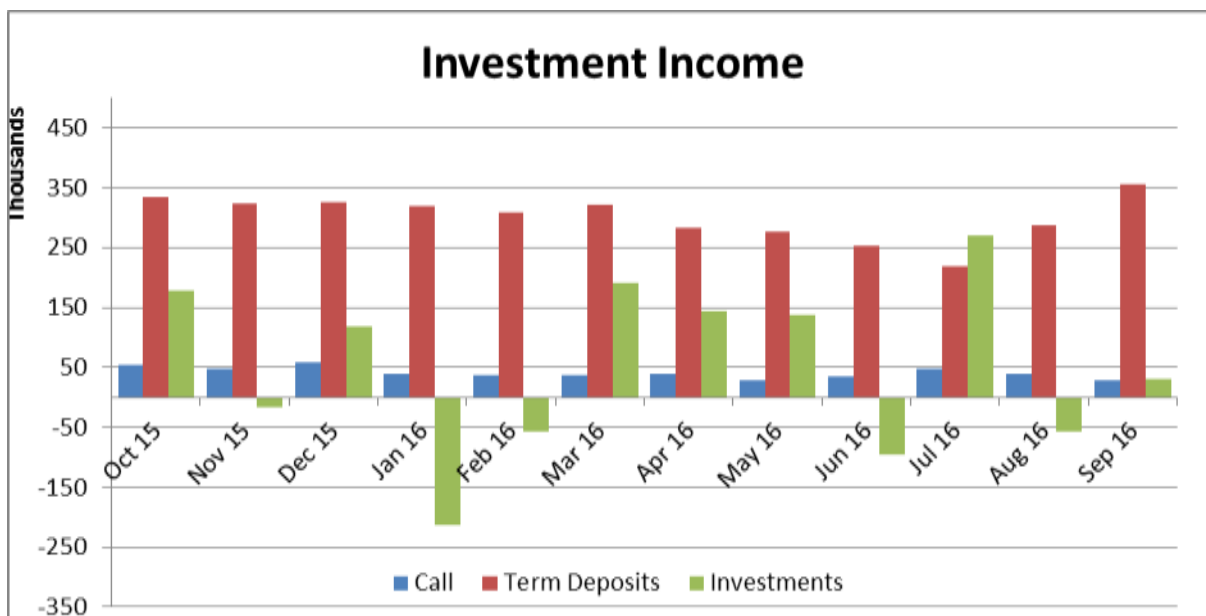
Other Investments

| | Interest Earned \$ | Interest Rate % |
|------------------------------------|-----------------------------------|--------------------------------|
| Emerald Mortgage Backed Security | 9,525 | 2.65 |
| Colonial Share Index Balanced Fund | 20,487 | N/A |

The ASX 200 closed at 5,433 at the end of September, slightly ahead of the start of the month. This was reflected in the performance of the Colonial Share Index balanced fund that produced a positive return of \$20,487 for the month.



The above chart shows the City's cash flow cycle reflecting the significant inflow of rates income in September. It also compares the average interest rates the City earns with the RBA cash rate.



Spread of Investments

The City's exposure to investment institutions is as follows:

| Institution | Credit Rating | Percentage | Percentage Allowed |
|--------------------|----------------------|-------------------|---------------------------|
| ANZ | A1+ | 4% | |
| Bankwest | A1+ | 9% | |
| NAB | A1+ | 28% | |
| | | 41% | |
| AMP | A1 | 6% | 100% |
| Suncorp Metway | A1 | 14% | |
| | | 20% | |
| Total A1+ and A1 | | 61% | |
| Bank of Queensland | A2 | 35% | 60% |
| Barclays | NR | 2% | 10% |
| Colonial | NR | 2% | |
| | | 4% | |

FINANCIAL IMPLICATIONS:

Reported investment earnings (excluding interest on rates arrears) at \$413,059 after Trust Account adjustments, were \$22,148 above budget in September 2016.

COMMENTS

The City continues to adhere to its policy of obtaining the best returns commensurate with risk and the constraints imposed by the State Government regulations.

Moved by Cr Harley, seconded by Cr Chen

That the Finance and Administration Committee receives the report detailing investments and investment returns for the period ended 30 September 2016, as detailed in Schedule 1.

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

**FA235/16 FINANCIAL STATEMENTS AND FINANCIAL ACTIVITY
STATEMENT FOR THE PERIOD ENDED 30
SEPTEMBER 2016**

BACKGROUND:

| | |
|--------------------------|---|
| FILE REFERENCE: | P1014149-25 |
| REPORTING UNIT: | Finance |
| RESPONSIBLE DIRECTORATE: | Corporate Services |
| DATE: | 14 October 2016 |
| MAP / SCHEDULE: | Schedule 2 – Financial Statements and Financial Activity Statement for the period ended 30 September 2016 |

LEGISLATION / STRATEGIC PLAN / POLICY:

| | |
|--------------------|---|
| Legislation | Section 6.4(1) and (2) of the <i>Local Government Act 1995</i> Regulation 34(1) of the <i>Local Government (Financial Management) Regulations 1996</i> |
|--------------------|---|

| | |
|---|---|
| Integrated Planning and Reporting Framework Implications | Strategic Community Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation. |
|---|---|

DETAILS:

The Financial Activity Statement is presented together with a commentary on variances from the revised budget.

FINANCIAL IMPLICATIONS:

There are no direct financial implications arising from this report.

COMMENTS:

The Financial Activity Statement commentary compares the actual results for the three months to 30 September 2016 with the Annual Budget 2016/17 approved by Council at its meeting held on **28 June 2016** and budget adjustments adopted by Council at its meeting held on **30 August 2016**.

Moved by Cr Chen, seconded by Cr Harley

That Council approves the Financial Statements and the Financial Activity Statement for the period ended 30 September 2016 as detailed in Schedule 2.

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

FA236/16 ANNUAL BUDGET 2016/17 – BUDGET ADJUSTMENT FOR THE IMPACT OF THE CITY OF PERTH ACT

BACKGROUND:

| | |
|--------------------------|--|
| FILE REFERENCE: | P1032338 |
| REPORTING UNIT: | Financial Services |
| RESPONSIBLE DIRECTORATE: | Corporate Services |
| DATE: | 14 October 2016 |
| MAP / SCHEDULE: | Schedule 3 – Request for Budget Adjustment |

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 6.8 of the *Local Government Act 1995*

| | |
|---|---|
| Integrated Planning and Reporting Framework Implications | Corporate Business Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation |
|---|---|

Policy

Policy No and Name: 9.6 – Budget Variations

DETAILS:

The *City of Perth Act 2016* (the Act) came into effect on 1 July 2016. The Act expanded the City of Perth's boundaries resulting in the transfer of over 1,100 ratepayers from the Crawley/Nedlands area of Subiaco. The financial impact of the boundary change was not included in the approved 2016/17 Annual Budget due to the timing of the budget process.

Budgeting for the impact of the *City of Perth Act 2016*

The purpose of the budget adjustment is to reflect the initial impact of the Council boundary changes whilst still ensuring that the City of Perth's budget is accurate and relevant. When calculating the budget adjustment, the following issues were considered:

- The uncertainty in the cost of servicing the Crawley/Nedlands area after only three months of operation and the collection of relevant data;
- The City of Perth's performance against budget for the first three months of the financial year. The City's operating expenditure was significantly under budget;
- The timing of the City of Perth's budget review in January 2017; and
- The extent of expected capital expenditure is yet to be determined.

It was found that some approved operating budgets were sufficient to service the expanded City of Perth without the need for a budget adjustment. This was due to an under-spend on the approved budget for the year to date and efficiencies found within current operations. Other budgets where the proposed changes will be held over until the budget review to allow time to better understand the cost of servicing the South Ward.

The budget adjustment detailed in this report has therefore been prepared on the following basis:

- Rates and waste collection fees budgets have increased to reflect the rates notices issued to Crawley/Nedlands ratepayers;
- On street parking fees and parking fines budgets have not been adjusted due the uncertainty in accurately forecasting based on limited data. Actual revenue for the year to date for parking fees and fines has also been trending below budget and as a result no adjustment for the Crawley/Nedlands area will be made at this time. It total, these two income items will be adjusted down at the January budget review after incorporating the additional revenue earned in the Crawley/Nedlands area;
- The salaries and wages budget has been adjusted to reflect the increased headcount required to service the Crawley/Nedlands area. Contract labour increases have also been reflected;
- The maintenance budget has not been adjusted as actual expenditure in this area is trending below budget and so there is sufficient budget available to incorporate servicing of the Crawley/Nedlands area;
- Other operating costs have only been adjusted where there is no available budget for a specific item; and
- A budget adjustment has been made for the program of Capital works identified as urgent priorities.

It should be noted that the servicing of some assets in the area transferred are below the service level normally associated with the City of Perth. As a result of this, it is

expected that maintenance expenditure and capital expenditure will increase in future years as these assets are fully incorporated into the City of Perth's Asset Management Planning and they are maintained at a levels appropriate for the City or replaced.

FINANCIAL IMPLICATIONS:

The impact to the adopted 2016/17 budget is as follows are as follows:

| | |
|-----------------------|-------------|
| Revenue | \$2,279,855 |
| Operating Expenditure | \$ 626,370 |
| Capital Expenditure | \$1,001,848 |

Refer to Schedule 3 for the budget adjustments required.

In addition to the above, the City of Perth has agreed to reimburse the City of Subiaco for the outstanding rates balances of the ratepayers being transferred. The balance amounts to \$49,643 of which \$20,680 relates to deferred rates balance. The outstanding rates balances will be collected as part of the City of Perth's rates recovery activities.

COMMENTS:

The budget adjustment does not reflect the full impact of the *City of Perth Act 2016*. At the end of September 2016, the City of Perth had underspent its operating budget and to increase the budget with the full cost of servicing the Crawley/Nedlands area is therefore not required at this time. The Crawley/Nedlands area now forms part of the City of Perth and when incorporating these budget adjustments a whole of City view has been adopted to ensure the accuracy and integrity of the budget.

In addition to the costs detailed in this report, the City of Perth is in negotiation with the City of Subiaco on a number of matters.

Moved by Cr Harley, seconded by Cr Chen

That Council APPROVES BY AN ABSOLUTE MAJORITY:

- 1. the adjustment to the adopted 2016/17 Annual Budget to reflect the impact of the City of Perth Act as detailed in this report titled "Annual Budget 2016/17 – Budget Adjustment for the Impact of the City of Perth Act" and Schedule 3; and***
- 2. the payment of \$49,643 to the City of Subiaco for outstanding rates balances transferred.***

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

**FA237/16 NEW LEASE – COLONNADE AT 815 HAY STREET,
PERTH – INTERCONTINENTAL HOTEL**

BACKGROUND:

| | |
|--------------------------|---|
| FILE REFERENCE: | P1021148 |
| REPORTING UNIT: | Properties |
| RESPONSIBLE DIRECTORATE: | Construction and Maintenance |
| DATE: | 12 September 2016 |
| MAP / SCHEDULE: | Schedule 4 – Lease Terms & Conditions Colonnade 815 Hay St, Perth Schedule 5 – Map – Aerial Colonnade Location Colonnade 815 Hay St, Perth Schedule 6 – Map – Lease Plan Colonnade 815 Hay St, Perth Schedule 7 – Map – Artist Impression Frontage Colonnade 815 Hay St, Perth |

LEGISLATION / STRATEGIC PLAN / POLICY:

| | |
|---|---|
| Legislation | Section 3.58 of the <i>Local Government Act 1995</i> |
| Integrated Planning and Reporting Framework Implications | Corporate Business Plan Council Four Year Priorities: Capable and Responsive Organization S18 Strengthen the capacity of the organization. IP33 Consider and develop opportunities for revenue diversification. |

At its meeting held on **21 February 2012**, Council agreed to enter into an alfresco Dining Lease Agreement with Glory Business Ltd trading as Rydges Hotel Perth.

Since 25 June 1996, the Rydges Hotel Alfresco along Hay Street has been allocated along the colonnade at 815 Hay Street fronting the building and a small section south into King Street.

The lease is due to expiry on 30 November 2016 and the Lessee is seeking a new term.

DETAILS:

At the time of the lease renewal in February 2012, there was much discussion regarding the placement of the alfresco area along the building edge due to apparent conflict with the *Disability Discrimination Act 1992*. This conflict was resolved with the then Lessee and since then no complaints have been received by the City of Perth as to the on-going operation of the alfresco area.

This site is currently being developed as the new Intercontinental Hotel, and the developers have requested that the City of Perth to enter into a new alfresco lease, under the Lease Terms and Conditions on Schedule 4.

The proposed new lease shows an increased area from 122.7 square metres to 133 square metres, extending the King Street section by approximately four metres. Therefore, the new lease will be subject to the Lessee proportionally extending the awning, without affecting the street trees, to a minimum of 2.5 metres for safe pedestrian thoroughfare, under the City's alfresco dining policy. The proposed area is shown on Schedule 6.

The Lessee is responsible for obtaining the building permit from the City of Perth, and providing the satisfactory completion of the awning extension by the City of Perth, as per the 2016/1065 development proposal plan.

All other Terms and Conditions of the proposed new Lease are the same as the current agreement with Rydges Hotel.

FINANCIAL IMPLICATIONS:

The 2016/17 budget shows a proposed rental for the colonnade of \$15,550.

The City of Perth holds a current valuation showing the market rental to be \$34,000. The Lessee has agreed to this rental.

All costs associated with the installation, including disability signage, and ongoing maintenance costs are to be borne by the Intercontinental Hotel.

Legal costs will be borne by the Lessee.

All figures quoted in this report are exclusive of GST.

COMMENTS:

The past alfresco area at this location has operated successfully for 20 years and has been a well utilised area by the public.

The new proposed alfresco to be incorporated into the Intercontinental Hotel will further enhance this part of the City.

The proposal is supported.

Moved by Cr Harley, seconded by Cr Chen

That Council:

- 1. agrees to enter into a new Lease with UNIR Hotels Pty Ltd, over part Colonnade Lot 18, Diagram 46552 at 815 Hay Street, Perth under the Terms & Conditions detailed in Schedule 4;***
- 2. agrees to the advertising under Section 3.58 of the Local Government Act 1995, of the proposed new Lease Agreement; and***
- 3. notes that in the event that no submissions are received, authorises the Chief Executive Officer to finalise the Lease Agreement.***

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

4.16pm The Manager Properties departed the meeting and did not return.

**FA238/16 HERITAGE PERTH INCORPORATED – REVISED
THREE YEAR FUNDING AGREEMENT AND REQUEST
FOR ADDITIONAL OPERATING FUNDING**

BACKGROUND:

| | |
|--------------------------|--|
| FILE REFERENCE: | P1024313 |
| REPORTING UNIT: | Art Culture and Heritage |
| RESPONSIBLE DIRECTORATE: | Economic Development and Activation |
| DATE: | 8 April 2016 |
| MAP / SCHEDULE: | Confidential Schedule 8 – Funding Agreement between the City of Perth and Heritage Perth (22 April 2015) Confidential Schedule 9 – Employment Costs Breakdown Confidential Schedule 10 – Acquittal Document 2015/2016 and Audited Accounts |

(Confidential schedules have been distributed to Elected Members under separate cover)

Heritage Perth was incorporated on 19 January 2009 under the *Associations Incorporation Act 1987*. It is an independent, constituted and not-for-profit incorporated association whose primary objective is to support the conservation and interpretation of Perth's heritage and encourage a culture that values and celebrates this.

Since the incorporation of Heritage Perth, the City of Perth has provided significant funding to assist the association in the fulfilment of its objective. Recently, this has occurred through the City's annual budget process as shown in Table 1 below.

On 22 April 2015, the City of Perth and Heritage Perth entered into a Funding Agreement (the Agreement) for the period 22 April 2015 to 21 April 2018 (refer to Confidential Schedule 8).

It is noted that Heritage Perth may also apply for funding for additional projects and initiatives (such as Heritage Days), which are now managed through the City of Perth's Business Support and Sponsorship unit and negotiated under separate sponsorship agreements.

The annual review of the Agreement, as part of the acquittal process (refer to Confidential Schedule 10), has identified the opportunity to bring together into one agreement all elements of the City's core funding of Heritage Perth Incorporated, as well as to amend some anomalies in the agreement in line with recent legal advice.

Additionally, on 7 April 2016, Heritage Perth wrote to the City of Perth requesting additional funding and for Heritage Perth staff employment contracts to be extended to align with the period of the Agreement. It is noted that requests such as these would ordinarily have been addressed through the City of Perth's annual budget process and not currently in the Funding Agreement.

LEGISLATION / STRATEGIC PLAN / POLICY:

| | |
|---|--|
| Legislation | <i>Local Government Act 1995</i> <i>Associations Incorporated Act 1987</i> |
| Integrated Planning and Reporting Framework Implications | Strategic Community Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation. |

DETAILS:

The Funding Agreement outlines the City of Perth's financial commitment to Heritage Perth Incorporated in the form of salaries and other benefits for Heritage Perth's Executive Director and the Executive Officer. The Agreement also identifies projects that meet the City of Perth's priorities as identified in the adopted Heritage Perth Business Plan.

The Agreement also provides clear governance structures between the two organisations. It currently does not include annual administration costs, which to date have been provided via the budget process, as a portion of Heritage Perth's total Annual Funding, and shown in Table 2 below.

The expiry of the Executive Officer's employment contract, and the annual review of the Agreement as part of the acquittal process, have identified an opportunity to combine into one agreement all elements of the City of Perth's core funding of Heritage Perth Incorporated to reflect the full and correct value of the partnership (excluding annual project funding as stated above), as well as to amend some anomalies in the Agreement in line with recent legal advice obtained by the City of Perth.

This is consistent with direction provided by Council that the full and true value of partnerships of this nature is made fully transparent through the Council reporting process.

On 7 April 2016, Heritage Perth Executive Director wrote to the City requesting increased funding to support Heritage Perth's operational costs, consumer price index changes and staff professional development costs, and reiterated the request for Heritage Perth staff employment contracts to be extended to align with the period of the Agreement.

The City of Perth is moving in a new strategic direction and is revaluating its vision and objectives for arts, culture and heritage in Perth as a capital city. A key element of this new direction is working more collaboratively and transparently with all partners and stakeholders, including Heritage Perth.

Officers have worked through the details of Heritage Perth's salary and operating funding request sent on 7 April 2016 and has clarified the true and correct value of the partnership. Details are outlined in Table 3 below.

Officers have also obtained recent legal advice to do with adjustments to the employment, acquittal, program and project clauses of the Agreement. These amendments will help to clarify the relationship between the two parties, particularly within the context of the City of Perth's strategic direction, and Heritage Perth's abovementioned requests.

The key driver of reviewing the Agreement is not only to clarify funding and employment arrangements for the next two years, but also to foster more effective collaboration and sharing of resources moving forward, while still honouring the autonomy of Heritage Perth as an independent, constituted, not-for-profit incorporated association.

Table 1 – *Total Annual Funding provided through the annual budget process*

| Financial Year | Amount |
|-----------------------|---------------|
| 2012/13 | \$437,577 |
| 2013/14 | \$437,577 |
| 2014/15 | \$570,910 |

Of which, the following has been allocated to operational and administration costs:

Table 2 – *Funding provided to cover operational and administration costs (also through the annual budget process)*

| Financial Year | City Contribution | Mechanism |
|-----------------------|--------------------------|---|
| 2010/11 | \$28,617 | City paid supplier invoices on behalf of Heritage Perth |
| 2011/12 | \$21,978 | City paid supplier invoices on behalf of Heritage Perth |
| 2012/13 | \$26,481 | City paid supplier invoices on behalf of Heritage Perth |
| 2013/14 | \$26,192 | City paid supplier invoices on behalf of Heritage Perth |
| 2014/15 | \$28,008 | Lump sum funding from the City to Heritage Perth |
| 2015/16 | \$30,000 | Lump sum funding from the City to Heritage Perth |

Table 3 – *Funding Under Current Agreement, including proposed revisions*

| Current/ Revised Funding | Purpose for which City's Funding is to be provided | Amount |
|---|---|--|
| Current | Salary and benefits for Executive Officer for a 12 month period commencing on the Executive Officer's first day of employment | *Confidential (refer to Confidential Schedule 8) |
| Current | Salary and benefits for the Executive Director for the period commencing 29 October 2014 and ending on 30 June 2015 | *Confidential (refer to Confidential Schedule 8) |
| Current | Smartphone Application Project | \$70,000 |
| Current | Education Portal Project | \$50,000 |
| Current | Printed Education Material Project | \$40,000 |
| Current | Market Research Project | \$25,000 |
| Current | Contingency | \$15,000 |
| Current | SUBTOTAL (Current Agreement) | \$398,000 |

| Current/ Revised Funding | Purpose for which City's Funding is to be provided | Amount |
|--|--|--|
| Revised | Salary and benefits for Executive Officer from 1 July 2016 – 30 June 2018 | *Confidential to (refer Confidential Schedule 9) |
| Revised | Salary and benefits for Executive Director from 1 July 2015 – 30 June 2018 | *Confidential to (refer Confidential Schedule 9) |
| Revised | Administrative costs from 1 July 2016 - 30 June 2018 | \$60,000 |
| Revised | Additional Funding Request (Administrative costs, and staff professional development costs) from 1 July 2016 - 30 June 2018 | \$22,000 |
| Revised | Office accommodation, printer access, computer, internet access and telephone access for Heritage Perth Staff for the period commencing 22 April 2015 and ending 30 June 2018. | (in-kind value approx. \$30,000) |
| Revised | SUBTOTAL (Proposed Revised Agreement) | \$563,300 (excluding in-kind) |
| | SUBTOTAL (Proposed Revised Agreement) | \$593,300 (including in-kind) |
| TOTAL FUNDING 2015-2018 (excluding in-kind) | | \$961,300 |
| TOTAL FUNDING 2015-2018 (including in-kind) | | \$991,300 |

FINANCIAL IMPLICATIONS:

ACCOUNT NO: CL 15A86000
 BUDGET ITEM: Heritage Perth
 BUDGET PAGE NUMBER: TBC
 ORIGINAL BUDGETED AMOUNT: \$428,000 (2015/16 financial year)
 AMOUNT SPENT TO DATE: \$398,000 (29 October 2014 to date)
 PROPOSED ADDITIONAL COST: \$563,300 (over two year period 2016 to 2018)
 TOTAL NEW BUDGETED AMOUNT: \$961,300 (over three year period 2015 to 2018)

All figures quoted in this report are exclusive of GST.

It is noted that additional projects that the City of Perth has approved funding for are not detailed in the funding agreement, including the City of Perth's annual funding

contribution of \$100,000 to Heritage Perth Days, and \$200,000 for the up-lighting of His Majesty's Theatre. These projects have had separate funding agreements in the past and will be handled through separate sponsorship grants distributed via Business Support and Sponsorship moving forward.

COMMENTS:

The majority of additional funding is in salaries for the Executive Director and Executive Officer of Heritage Perth, which are intrinsically committed to in the body of the Agreement, but not explicitly committed to in the funding schedule of the Agreement.

A full review of the funding Agreement, and discussions about funding beyond End of Financial Year 2018, will commence no later than June 2017, to ensure a robust, sustainable and mutually beneficial arrangement is reached.

The recommendation and funding request is based on the annual review of the Funding Agreement and Acquittal, and is an outcome of the City of Perth Administration's commitment to continuous improvement of its business practices.

Moved by Davidson, seconded by Chen

That Council:

- 1. approves Heritage Perth Incorporated's request for confirmation of the annual operating budget from the City of Perth of \$30,000 per annum normally allocated through the City of Perth annual budget process;***
- 2. approves Heritage Perth Incorporated's request for an additional contribution of \$11,000 per annum for staff increments and professional development;***
- 3. revises the existing Funding Agreement between the City of Perth and Heritage Perth Incorporated, as detailed in Confidential Schedule 8, dated 22 April 2015 as follows:***
 - 3.1 to expire at the end of the 2017/18 financial year, for ease of financial acquittal;***
 - 3.2 to extend the employment of the Executive Director and Executive Officer to the end of the current Funding Agreement, and to state the full and correct value of employment costs associated with the partnership, detailed in Confidential Schedule 9;***

(Cont'd)

- 3.3 to amend the employment, acquittal, program and project clauses as proposed; and**
- 3.4 to reflect the additional funding approved under part 1 above, with the following conditions:**
- a. the revised Funding Agreement must require Heritage Perth Incorporated to provide an acquittal report at the end of each financial year outlining expenditure;**
 - b. the additional funding approved in part 1 above must not be provided until the revised Funding Agreement required under part 2 above has been executed by both the City of Perth and Heritage Perth Incorporated;**
- 4. authorises the Chief Executive Officer to:**
- 4.1 finalise the details of the revised Funding Agreement as noted in part 2 above;**
 - 4.2 in accordance with Section 9.49A of the Local Government Act 1995, sign the revised Funding Agreement with Heritage Perth Incorporated on behalf of the City of Perth; and**
- 5. notes that the Chief Executive Officer will present the final draft agreement to the Elected Members for information prior to execution.**

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

4.18pm The Manager Arts, Culture and Heritage departed the meeting and did not return.

**FA239/16 MINDARIE REGIONAL COUNCIL – PROPOSED
AMENDMENTS TO CONSTITUTION**

BACKGROUND:

FILE REFERENCE: P1011112-32
REPORTING UNIT: Waste and Cleansing
RESPONSIBLE DIRECTORATE: Construction & Maintenance
DATE: 21 June 2016
MAP / SCHEDULE: Schedule 11 – Correspondence from the Mindarie Regional Council dated 29 April 2016

The Waste Authority released its new waste strategy entitled “Western Australian Waste Strategy ‘Creating the Right Environment’” (the Strategy) in March 2012. The Strategy placed obligations on local government to reduce its reliance on landfill as a solution for Municipal Solid Waste (MSW) and set targets for it to do so as follows:

“Municipal Solid Waste Sector Targets

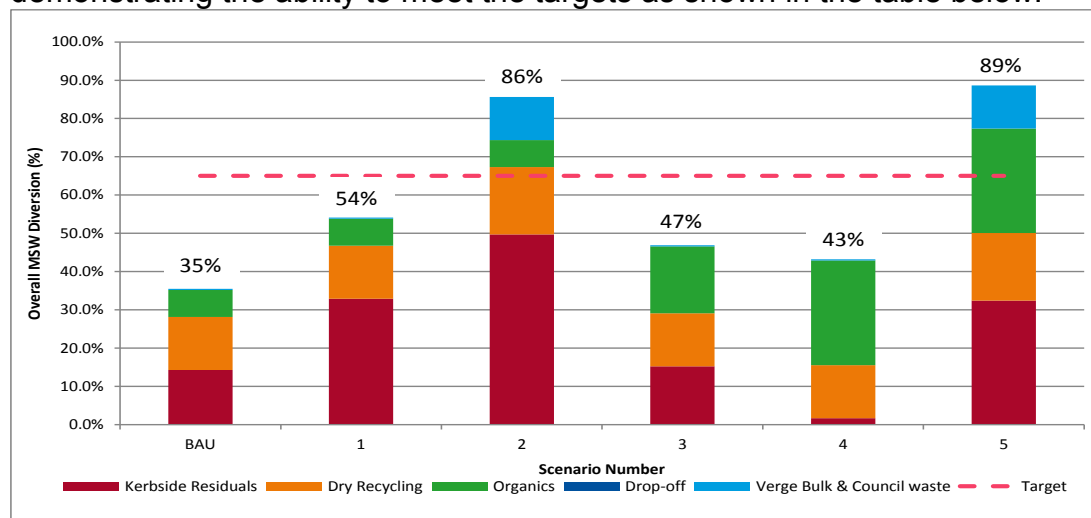
- *50% diversion from landfill of material presented for collection in the metropolitan region by 30 June 2015 (metropolitan region recovery in 2009/10 was 36%)*
- *65% diversion from landfill of material presented for collection in the metropolitan region by 30 June 2020.”*

Together with the Mindarie Regional Council (MRC) the member councils engaged consultants, Hyder Consulting Pty Ltd, to develop a study of alternative waste management solutions that would ensure that the diversion rates set by the Waste Authority were met. Hyder prepared a report entitled “Infrastructure Options Assessment” (the Report) that has been generally accepted by the MRC and its member councils. Part 4 of the report addresses different models to manage MSW as detailed in the following table:

| Scenario | Description |
|--|--|
| Business as usual | Existing arrangements regarding Neerabup RRF and landfill continue, with Stirling & Cambridge’s garden organics (GO) sent to a separate compost facility, and residual waste from any processing is sent to landfill |
| Scenario 1 2 bin system, second MBT | Collection systems as in BAU, all general waste goes to MBT – either Neerabup RRF or a second MBT, only residuals from the MBT’s go to landfill |
| Scenario 2 2 bin, EfW | Collection systems as in BAU, existing flows of general waste to Neerabup RRF continue and remainder goes to an EfW facility (including bulk waste, MBT and MRF residuals) |

| Scenario | Description |
|---|---|
| Scenario 3 - 3 bin – residual to Neerabup, GO separately | All councils implement a greenwaste bin, with collected material open-windrow composted. All general waste would be processed via Neerabup RRF. Remaining material would go to landfill. |
| Scenario 4 3 bin – residual to LF | All councils have a third bin, Stirling for greenwaste only, all other councils collect all organics (including garden, food, nappies, contaminated paper etc) in the third bin for processing at Neerabup RRF and residuals go to landfill. |
| Scenario 5 3 bin residuals to EfW | All councils have a third bin, Stirling greenwaste only, all other councils collect all organics (including garden, food, nappies, contaminated paper, etc) in the third bin to be processed at Neerabup RRF with all residuals to energy from waste (including bulk waste and MRF residuals) |

Each of the scenarios were tested against the Waste Authority's targets with only two demonstrating the ability to meet the targets as shown in the table below.



The MRC and the member councils have developed the scenarios further and the MRC has formally endorsed the concept of a Waste Precinct. The Waste Precinct includes the development of a sorting shed (for bulk verge waste), municipal recycling facility (yellow top bin) and a waste to energy facility (for the green and/or red top bins). It is likely that the facilities will be constructed in close proximity to the existing Resource Recovery Facility in the Neerabup Industrial Estate in the City of Wanneroo.

LEGISLATION / STRATEGIC PLAN / POLICY:

| | |
|---|---|
| Legislation | Part XXIX - Regional Councils of the <i>Local Government Act 1960</i> (Repealed) Schedule 9.3; Division 1; Clause 10 of the <i>Local Government Act 1995</i> (Transitional Provisions) |
| Integrated Planning and Reporting Framework Implications | Strategic Community Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation |

DETAILS:

The MRC has endorsed the Hyder Report and the concept of the Waste Precinct and has set aside funding in its 2016/17 draft budget for the initial stages of various projects associated with the Waste Precinct.

The MRC intends to fully test the market by openly tendering each of the projects.

The Eastern Metropolitan Regional Council (EMRC) has issued a tender for Waste to Energy services and has opened the tender up to the MRC. This invitation allows the MRC member council to participate in two ways.

1. Commit to the tender as a participant, but not commit any waste; or
2. Commit to the tender as a participant and commit the specified waste stream.

The City of Perth collects between 13,000 and 14,000 tonnes of general/landfill waste per annum. 60% of these volumes are from Commercial collections.

The EMRC tender is for 20 years and with the changing dynamics of the commercial market it is considered not viable to commit any waste volumes.

The tender will be flexible so as to obtain the strongest responses possible from the market. It is possible that the locations of facilities that are nominated by a tenderer could be outside the MRC Region.

In correspondence dated 29 April 2016 (refer to Schedule 11), the MRC indicated that, based on advice from its solicitors, the current constitution would potentially prevent the MRC from accepting tenders that responded with the facilities being on land the tenderers owned, the facility was non-MRC controlled and/or outside the MRC region.

Included in the correspondence was a proposed Deed of Variation to the Constitution that would resolve this issue. The Deed includes an amendment to clauses 5.1(a) and 5.1(b) as follows:

“Clause 5.1(a):

At the end of clause 5.1(a) insert the words ‘or such other building or place as agreed from time to time between the regional council and all municipalities’.

Clause 5.1(b):

At the end of clause 5.1(b), insert the words ‘or such other building or place as agreed from time to time by the parties to the contract’.

The correspondence goes on to request each of the member councils’ to support this minor amendment.

The existing Constitution was been established under the *Local Government Act 1960* and as such it is in need of replacement. The MRC is currently establishing a new Constitution Establishment Agreement that will be more effectively established under the current *Local Government Act 1995*.

FINANCIAL IMPLICATIONS:

There are no City of Perth financial implications associated with this report.

The MRC will be responsible for contributing to some costs for the EMRC tender preparation and presentation.

COMMENTS:

An amendment to the Constitution entitled “Regional District and Regional Council Constitution Agreement” requires agreement of seven local governments (constituent municipalities) to agree to the changes before being sent on to the Minister for Local Government for approval. The seven constituent municipalities are the Cities of Wanneroo, Joondalup, Stirling, Perth and Vincent and the Towns of Victoria Park and Cambridge.

Moved by Cr Harley, seconded by Cr Chen

That Council

- 1. endorses the amendments to the Mindarie Regional Councils “Regional District and Regional Council Constitution Agreement” as detailed within this report titled “Mindarie Regional Council – Proposed Amendments to Constitution”;***

(Cont’d)

- 2. endorses the City of Perth to be a participant of the Eastern Metropolitan Regional Council tender for the provision of Waste to Energy services, noting that the City of Perth does not commit any volumes of waste; and**
- 3. authorises the Lord Mayor and the Chief Executive Officer to apply the Common Seal of the City of Perth to the amended Constitution.**

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

4.19pm The Manager Waste and Cleansing departed the meeting and did not return.

FA240/16 LIBRARY BOARD OF WESTERN AUSTRALIA - CITY OF PERTH REPRESENTATIVE

BACKGROUND:

| | |
|--------------------------|--|
| FILE REFERENCE: | P1030366 and P1008671-2 |
| REPORTING UNIT: | Executive Support |
| RESPONSIBLE DIRECTORATE: | Chief Executive |
| DATE: | 5 October 2016 |
| MAP / SCHEDULE: | Schedule 12 – Correspondence from the State Library of Western Australia dated 16 September 2016 |

At its meeting held on **9 October 2012**, Council resolved to nominate Cr Janet Davidson (Cr Davidson) for consideration by the Minister for Culture and the Arts as the City of Perth Elected Member representative on the Library Board of Western Australia. Cr Davidson was subsequently appointed to the Board by the Minister. Cr Davidson is a former Chairman of the Board and has served as a member since 2001.

The State Library of Western Australia has advised in correspondence dated 16 September 2016 (refer to Schedule 12) that Cr Davidson's appointment to the Board is due to expire on 8 February 2017, however has requested advice from the City of Perth by 30 October 2016. The State Library has agreed to receive the City of Perth's nomination after consideration by the Council at its meeting scheduled to be held on **1 November 2016**.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Section 5 of the *Library Board of Western Australia Act 1951*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
Council Four Year Priorities: Living in Perth
S12 Provide facilities to cater for the growth of the residential community

Policy

Policy No and Name: 10.1 – Code of Conduct

DETAILS:

Section 5 of the *Library Board of Western Australia 1951* (the Act) provides that the Board shall consist of 13 members including City of Perth representation.

The Act prescribes the nomination process which requires the City of Perth to put forward a panel of three persons to be submitted to the Minister. The Minister then selects one of the persons to be the member of the Board for the purposes of representing the City of Perth.

Council Policy 10.1 – Code of Conduct includes specific guidance for Elected Members appointed to external organisations as representatives of the City as follows:

“5.9 Appointments to External Organisations

Elected Members representing the Council on external organisations are to ensure that they:

- (a) clearly understand the basis of their appointment;*
- (b) provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation; and*
- (c) represent the Council’s interests on all matters relating to that organisation, whilst maintaining the confidentiality requirements of the City.”*

FINANCIAL IMPLICATIONS:

There are no financial implications relating to this report.

COMMENTS:

Nomination of City of Perth representation to the Library Board of Western Australia is a statutory obligation for the City. Council is therefore required to put forward its nomination of three persons, noting that Cr Davidson is eligible for reappointment to the Board at the Minister’s discretion.

Moved by Cr Chen, seconded by Cr Harley

That Council nominate _____, _____, and _____ as the City of Perth Elected Member representatives for consideration by the Minister for Culture and the Arts for appointment to the Library Board of Western Australia for a period of four years with a term commencing 9 February 2017.

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

FA241/16 APPOINTMENT OF DOG EXERCISE AREAS – DOG ACT 1976

BACKGROUND:

| | |
|--------------------------|-----------------------------------|
| FILE REFERENCE: | P1032980-2 |
| REPORTING UNIT: | Community Amenity and Safety |
| RESPONSIBLE DIRECTORATE: | Community and Commercial Services |
| DATE: | 5 September 2016 |
| MAP / SCHEDULE: | Schedule 13 – Dog Exercise Areas |

The City of Perth has traditionally had dog exercise areas at Wellington Square and Totterdell Park. The use of these locations as dog exercise areas has caused no adverse concerns nor has there been any complaints received. Historically the City has also prohibited dogs on the south side of Heirisson Island within the boundaries of the kangaroo enclosure.

As a result of the *City of Perth Act 2016*, the City of Perth has acquired a new dog exercise area, being J H Abrahams Reserve in Nedlands. Also, as a result of recent changes to the *Dog Act 1976* the Council is required to formally declare land or a reserve under its care and control as a dog exercise area or as an area where dogs are prohibited at all times.

The *Dog Act 1976* makes provision that when in a public place a dog shall be under control and be held and, or, tethered. A dog is exempt from this provision if the dog is within a dog exercise area.

The purpose of this report is to obtain Council approval for the appointment of the three reserves within the City of Perth boundaries as designated dog exercise areas

and one portion of one reserve where dogs are prohibited at all times as a result of the *City of Perth Act 2016* and changes to the *Dog Act 1976*.

LEGISLATION / STRATEGIC PLAN / POLICY:

| | |
|---|--|
| Legislation | Section 31, Clause 3A of the <i>Dog Act 1976</i> ; and Section 31, Clause 2B(a) of the <i>Dog Act 1976</i> |
| Integrated Planning and Reporting Framework Implications | Strategic Community Plan Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation |

DETAILS:

To facilitate the changes to the *Dog Act 1976* the Council needs to agree by an absolute majority the three areas where dogs may be exercised off lead and one area where dogs are prohibited at all times as detailed in Schedule 13.

FINANCIAL IMPLICATIONS:

There are no direct financial implications as a result of this report.

Moved by Cr Harley, seconded by Cr Chen

That Council;

- 1. in accordance with Section 31, Clause 3A of the Dog Act 1976: approves by AN ABSOLUTE MAJORITY, that Wellington Square, Totterdell Park and J H Abrahams Reserve, detailed in Schedule 13, to be dog exercise areas;***
- 2. in accordance with Section 31, Clause (2B) (a) of the Dog Act 1976: approves by AN ABSOLUTE MAJORITY, that the south side of Heirisson Island inside the kangaroo enclosure, detailed in Schedule 13, be an area where dogs are prohibited at all times; and***
- 3. notes that Wellington Square, Totterdell Park and J H Abrahams Reserve and Heirisson Island are under the care, control and management of the City of Perth.***

The motion was put and carried

The votes were recorded as follows:

For: **Crs Davidson, Chen and Harley**

Against: **Nil**

Meeting Note: Cr Davidson queried approximately how many dogs there are within the city. The Acting Director Economic Development and Activation advised that this figure would be investigated and provided.

**FA242/16 REVIEW COMPLETED – CITY OF PERTH PARKING
LOCAL LAW 2010 (AMENDED 2015) – REPEAL AND
REPLACE**

BACKGROUND:

| | |
|--------------------------|--|
| FILE REFERENCE: | P1010030-6 |
| RESPONSIBLE UNIT: | Governance |
| RESPONSIBLE DIRECTORATE: | Corporate Services |
| DATE: | 5 October 2016 |
| MAP / SCHEDULE: | Schedule 14 – <i>City of Perth Parking Local Law 2010</i> (to be repealed) Schedule 15 – Comparison of changes Schedule 16 – Comparison of modified penalties Schedule 17– Proposed <i>City of Perth Parking Local Law 2016</i> |

At its meeting held on **14 December 2010**, Council resolved to make the *City of Perth Parking Local Law 2010* as follows:

“Purpose: To provide for the regulation, control and management of parking within the district;

Effect: To control parking within the city and ensure safe, fair and equitable use of parking facilities under control of the City of Perth”

The *City of Perth Parking Local Law* was published in the *Government Gazette* on 15 February 2011 and its subsequent commencement on 1 March 2011.

The following indicates the history of amendments to the local law:

- Council, at its meeting held on **27 April 2011**, approved the giving of undertakings raised by the Joint Standing Committee on Delegated Legislation (JSCDL) to address the issues in relation to the local law; otherwise the JSCDL would propose to move a disallowance motion in the Legislative Council.

- Subsequent to the above undertakings, correspondence received by the JSCDL requiring Council to provide further undertakings which was approved on **7 June 2011**.
- As a result, Council, at its meeting held on **6 December 2011**, resolved to make the *City of Perth Parking Amendment Local Law 2011* which gave effect to all the required undertakings.
- Council, at its meeting held on **6 August 2013** resolved to make the *City of Perth Parking Amendment Local Law 2013* to address minor drafting issues and increase modified penalties in regards to clearways.
- Council, at its meeting held on **24 February 2015**, resolved to make *the City of Perth Parking Amendment Local Law 2015*. This reflects amendments to the *Local Government (Parking for Disabled Persons) Regulations 2014* (effective from 1 December 2014) and amendments to the *Road Traffic Code 2000* in regards to parking for people with disabilities. This amendment also prescribed an increase to penalties in relation to parking offences which caused disruption to traffic flows and inconvenience to members of the public and an increase to all other penalties that had not been adjusted in 11 years.

The amendment local laws as indicated above, together with the originally made local law (*City of Perth Parking Local Law 2010*), constitute the Principal Local Law.

As part of the City's continuous review and improvement of local laws, there have been a number of factors identified within the Principal Local Law affecting its application and interpretation in the contemporary environment. This includes the recent introduction of the *City of Perth Act 2016* and the changes to the boundaries of the City of Perth and the City of Subiaco impacting on the enforcement of the City's local laws.

Advice received from the Department of Local Government and Communities (DLGC) has indicated that as the Principal Local Law is currently split into four pieces of legislation, Council should, upon its next review of the local law, consider repealing the Principal Local Law and replacing it with a new version.

Section 3.12 of the *Local Government Act 1995* details the procedure for making new local laws as follows:

- Council is to approve the giving of State-wide public notice of the intention to make a local law or to review an existing local law. The public notice is to include the purpose and effect of the local law, inspection details and advice regarding the six week public submission period;
- As soon as the public notice is given, the City is to provide a copy of the proposed local law to the Minister of Local Government and Communities, and any other relevant Ministers to which the local law relates and to any person requesting a copy;

- After the last day for submissions, Council is required to consider any submissions received and may resolve by an absolute majority decision to make the local law, or to make a local law that is not significantly different from the proposed local law as advertised;
- If adopted, the City will subsequently be required to undertake the following to finalise this process:
 - Publish the local law in the *Government Gazette*;
 - Provide a copy of the relevant document to the Joint Standing Committee on Delegated Legislation 10 days after its publication in the *Government Gazette*;
 - Provide a copy of the Gazette to the Minister for Local Government and Communities and any other relevant Minister; and
 - Publish a local public notice advising the title of the local law, its purpose and effect, the day on which it becomes effective and advising that it may be inspected at the local government's offices.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Sections 3.12 and 3.16 of the *Local Government Act 1995*
City of Perth Parking Local Law 2010

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Council Four Year Priorities: Capable and Responsive Organisation
S18 Strengthen the capacity of the organisation.

DETAILS:

On 16 May 2016, the City issued a state-wide notice for its intention to review the *City of Perth Parking Local Law 2010*. At the close of submissions on 1 July 2016, no submissions from the public had been received in regards to the review of *City of Perth Parking Local Law 2010*.

An internal review of the local law was also conducted that identified a number of required changes. The main drafting changes are outlined below:

- The interchangeable use of the terms "Council", "City" or "local government" have been addressed within the local law and it is proposed to use the term "local government" to address delegation permissions, (subject of advice from the DLGC and JSCDL) which will be applied consistently to all of the City of Perth local laws.
- The discrepancies between the *City of Perth's Parking local law 2010* and the *City of Subiaco's Parking Facilities Local Law 1999 (Amended 2016)* in regards to parking on any verge unless indicated by a sign.
- Amendments to re-order clauses so that they now align with the relevant parts within the local law.

- Amendments to a number of definitions to ensure they align with the *Road Traffic Code 2000* and updated legislation where applicable.
- The inclusion of “school zone” parking provisions to provide a higher deterrent for safety and congestion reasons within these areas.
- Inclusion of low clearance signs provisions as an appropriate deterrent for vehicles which are above the specified height requirements.

Legal advice was also sought in relation to the review of the Parking Local Law 2010, with this advice being considered as part of its development to avoid any risk of future disallowance by the JSCDL.

A detailed comparison of changes between the Principal Local Law and the proposed Parking Local Law 2016 is indicated in Schedule 15.

Modified Penalties

The majority of Modified Penalties detailed in “Schedule 2” of the Principal Local Law have been carried over into the proposed offences within the draft City of Perth Parking Local Law 2016. There are also proposed new penalties that align with new clauses in the local law and some existing penalties proposed for increases to ensure appropriate deterrents.

New penalties in relation to illegally parked vehicles within school zones during school hours, are proposed to provide greater deterrent with an emphasis on safety and reducing congestion. These penalties are all proposed to be \$25 more than similar penalties issued outside school zones.

A new penalty in relation to low clearance signs and vehicles driving through, or past, low clearance signs has been proposed to provide greater deterrent in relation to safety and property damage that occurs in relation to facilities with these signs.

A proposed increased penalty for the removal of vehicles in parking stations from \$100 to \$200 to provide greater deterrent for infringements related to safety and property damage.

The comparison between the Modified Penalties of the existing Principal Local Law and the proposed new local law is detailed in Schedule 16.

Risk Management Implications

It is noted that should the City of Perth not follow the local law creation process as detailed in the *Local Government Act 1995*, the local law may be disallowed by the JSCDL. The local law must also be cognisant of previous findings of the JSCDL, specifically with regard to provisions that the JSCDL has stated are outside the local law making power of local governments

FINANCIAL IMPLICATIONS:

Costs of approximately \$2,000 will be incurred for the Public Notice and gazettal of the local law. These costs will be met through existing operating budgets.

All amounts quoted in this report are exclusive of GST.

COMMENTS:

In accordance with Section 3.12(3) of the *Local Government Act 1995*, it is recommended that Council resolves to repeal the *City of Perth Parking Local Law 2010* and in accordance with Section 3.12(3) of the *Local Government Act 1995*, give state-wide public notice of its intention to make the proposed *City of Perth Parking Local Law 2016* as detailed in Schedule 17.

Moved by Cr Chen, seconded by Cr Harley

That Council:

- 1. in accordance with Section 3.16(3) of the Local Government Act 1995, notes that no submissions were received during the public submission period in response to the review of the City of Perth Parking Local Law 2010;***
- 2. in accordance with Section 3.16(4) of the Local Government Act 1995, receives this report to complete the review of the City of Perth Parking Local Law 2010 and determines, BY AN ABSOLUTE MAJORITY, to repeal this local law, as detailed in Schedule 14;***
- 3. approves in accordance with Section 3.12(3) of the Local Government Act 1995, the giving of State-wide public notice of the intention to make the City of Perth Parking Local Law 2016, as detailed in Schedule 17, with the purpose and effect being:***
 - 3.1 Purpose: The purpose of this local law is to provide for the management and regulation of parking within the district;***
 - 3.2 Effect: The effect of this local law is to manage parking throughout the district to ensure safe, fair and equitable use and access of parking facilities under the care and management of the local government.***

The motion was put and carried

The votes were recorded as follows:

For: Crs Davidson, Chen and Harley

Against: Nil

**FA243/16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN
GIVEN**

Nil

FA244/16 GENERAL BUSINESS

Responses to General Business from a Previous Meeting

Nil

New General Business

Nil

FA245/16 ITEMS FOR CONSIDERATION AT A FUTURE MEETING

Outstanding Items:

- Council Dining Room (raised FA30/09/14, updated 21/04/15 and 23/08/16).
- Audit of commercial buildings that are vacant / in disrepair (raised at Council 30/08/16).
- Air and land rights available to City of Perth for potential creation of affordable housing (raised at Council 30/08/16).
- Council Policy 10.6 – Elected Member Expense Reimbursements (raised at FA 04/10/16).
- Potential Revolving Heritage Fund (raised at FA 04/10/16).
- Potential Financial Opportunities and Shared Services across local governments (raised at FA 04/10/16).
- Council Policy 1.9 – Public Relations Policy – Media Statements and Press Releases (raised at FA 04/10/16).
- Taxis in the city (raised at FA 04/10/16).

- City of Perth Art collection (raised at FA 04/10/16).
- City of Perth property management (raised at FA 04/10/16).
- Land value capture opportunities (raised at FA 04/10/16).

FA246/16 CLOSE OF MEETING

4.30pm There being no further business the Presiding Member declared the meeting closed.

**SCHEDULES
FOR THE MINUTES OF THE
FINANCE AND
ADMINISTRATION
COMMITTEE MEETING
HELD ON
25 OCTOBER 2016**

SCHEDULE 1

30-Sep-16

| INSTITUTION AND CREDIT RATING | | | | |
|-------------------------------|-----------------------|-------------|---------------|------------|
| INSTITUTION | AMOUNT | PERCENTAGE | CREDIT RATING | MAX AMOUNT |
| ANZ | 7,243,856.88 | 4% | A1+ | OK |
| AMP | 10,142,237.84 | 6% | A1 | OK |
| ING | - | 0% | A2 | OK |
| BOQLD | 60,000,000.00 | 35% | A2 | OK |
| BANKWEST | 15,226,555.84 | 9% | A1+ | OK |
| BARCLAYS | 2,734,885.19 | 2% | NR | OK |
| C B A | - | 0% | A1+ | OK |
| BENDIGO | - | 0% | A2 | OK |
| MACQUARIE | 0.00 | 0% | A1 | OK |
| MEQUITY | 0.00 | 0% | A2 | OK |
| NAB | 49,086,146.59 | 28% | A1+ | OK |
| ST GEORGE | - | 0% | A1+ | OK |
| SUNCORP METWAY | 25,000,000.00 | 14% | A1 | OK |
| WESTPAC | - | 0% | A1+ | OK |
| COLONIAL | 4,350,391.83 | 3% | NR | OK |
| TOTAL | 173,784,074.17 | 100% | | |

| GLOBAL CREDIT EXPOSURE | | | |
|------------------------|-----------------------|-------------|-------------|
| INSTITUTION | AMOUNT | PERCENTAGE | MAX ALLOWED |
| A1+, A1, AA | 106,698,797.15 | 61% | 100% |
| A2 | 60,000,000.00 | 35% | 60% |
| A3 and Unrated | 7,085,277.02 | 4% | 10% |
| TOTAL | 173,784,074.17 | 100% | |

| | | |
|---------|-----|--|
| A1+ | 45% | INDIVIDUAL ADI EXPOSURE ALLOWED |
| A1 | 45% | |
| A2 | 40% | |
| A3 | 10% | |
| AAA | 45% | |
| AA | 45% | |
| Unrated | 10% | |

INVESTMENT REPORT

30-Sep-16

| | Market Value | Market Value | Cost & Impairment | % of | Interest Earned | Weighted Average Monthly | Interest Earned |
|--|---------------|---------------|-------------------|-------|-----------------|--------------------------|-----------------|
| | 31-Aug-16 | 30-Sep-16 | 30-Sep-16 | Class | Sep | Rate | YTD |
| Municipal | | | | | | | |
| Short term Direct Investments | | | | | | | |
| Call | \$14,993,117 | \$10,234,264 | \$10,234,264 | 6.0% | \$22,222 | 1.98% | \$97,293 |
| Term Deposits | \$82,500,000 | \$84,500,000 | \$84,500,000 | 49.9% | \$191,343 | 2.75% | \$339,244 |
| Short | \$97,493,117 | \$94,734,264 | \$94,734,264 | | \$213,565 | 2.67% | \$436,538 |
| Total Municipal - Cash Back Securities | \$97,493,117 | \$94,734,264 | \$94,734,264 | | \$213,565 | 2.67% | \$436,538 |
| Total Municipal Investments | \$97,493,117 | \$94,734,264 | \$94,734,264 | | \$213,565 | 2.67% | \$436,538 |
| Reserves | | | | | | | |
| Short term Direct Investments | | | | | | | |
| Call | \$2,516,630 | \$2,602,301 | \$2,602,301 | 1.5% | \$3,964 | 1.75% | \$12,795 |
| Term Deposits | \$62,000,000 | \$62,000,000 | \$62,000,000 | 36.6% | \$150,177 | 2.96% | \$478,427 |
| Total | \$64,516,630 | \$64,602,301 | \$64,602,301 | | \$154,140 | 2.93% | \$491,222 |
| Floating Rate Notes/ CLNs | | | | | | | |
| WPAC- Sub Debt -FRN | \$0 | \$0 | \$0 | 0.0% | \$0 | 0.00% | \$0 |
| Total | \$0 | \$0 | \$0 | | \$0 | 0.00% | \$0 |
| Medium term Direct Investments | | | | | | | |
| Barclays - Emerald-MBS | 2,736,660 | 2,736,660 | \$2,734,885 | 1.6% | \$9,525 | 2.65% | \$30,478 |
| Total | \$2,736,660 | \$2,736,660 | \$2,734,885 | | \$9,525 | 2.65% | \$30,478 |
| Total Reserve - Cash Back Securities | \$67,253,290 | \$67,338,961 | \$67,337,186 | | \$163,666 | 2.91% | \$521,701 |
| Balanced Funds | | | | | | | |
| Colonial Share Index | \$4,329,820 | \$4,350,392 | \$4,350,392 | 100% | \$20,487 | 6.22% | \$211,996 |
| Total | \$4,329,820 | \$4,350,392 | \$4,350,392 | | \$20,487 | 6.22% | \$211,996 |
| Total Reserve Investments | \$71,583,110 | \$71,689,353 | \$71,687,578 | | \$184,153 | 6.22% | \$733,696 |
| Trust | | | | | | | |
| Short term Direct Investments | | | | | | | |
| Call | \$1,293,121 | \$1,276,085 | \$1,276,085 | 0.8% | \$1,837 | 1.84% | \$5,714 |
| Term Deposits | \$6,080,588 | \$6,086,147 | \$6,086,147 | 3.6% | \$13,504 | 2.81% | \$43,353 |
| Total | \$7,373,709 | \$7,362,232 | \$7,362,232 | | \$15,341 | 2.69% | \$49,067 |
| Total Trust - Cash Back Securities | \$7,373,709 | \$7,362,232 | \$7,362,232 | | \$15,341 | 2.69% | \$49,067 |
| Total Investments-Cash Back Securities | \$172,120,116 | \$169,435,457 | \$169,433,682 | | \$392,572 | 2.78% | \$1,007,305 |
| Grand Total Investments | \$176,449,936 | \$173,785,849 | \$173,784,074 | | \$413,059 | 2.80% | \$1,219,301 |

INVESTMENT
RATES:

CASH RATE

1.50%

BENCHMARK

1.74%

AVERAGE excl.Trust

2.81%

CITY OF PERTH - SHORT TERM INVESTMENTS (Excluding Call) AS AT 30 SEPTEMBER 2016

| FUND | INSTITUTION | TYPE | AMOUNT | RATE | LODGED | MATURITY | Total Investment Days | TOTAL INTEREST individual outstanding investment |
|-------------------|-------------|---|--------------------------|-------|------------|------------|-----------------------------|--|
| MUNICIPAL | BANKWEST | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 2.60% | 9/08/2016 | 13/10/2016 | 65 | \$ 23,150.68 |
| MUNICIPAL | BANKWEST | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00 | 2.55% | 10/08/2016 | 31/10/2016 | 82 | \$ 17,186.30 |
| MUNICIPAL | BANKWEST | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00 | 2.55% | 30/09/2016 | 30/11/2016 | 61 | \$ 12,784.93 |
| MUNICIPAL | BANKWEST | Short Term Direct Investments TERM DEPOSITS | \$ 2,500,000.00 | 2.75% | 31/08/2016 | 28/02/2017 | 181 | \$ 34,092.47 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00 | 2.50% | 25/08/2016 | 15/12/2016 | 112 | \$ 23,013.70 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 2.80% | 9/08/2016 | 31/01/2017 | 175 | \$ 67,123.29 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 2.80% | 11/08/2016 | 16/02/2017 | 189 | \$ 72,493.15 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00 | 2.75% | 29/08/2016 | 23/02/2017 | 178 | \$ 40,232.88 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00 | 2.80% | 17/08/2016 | 23/02/2017 | 190 | \$ 43,726.03 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 2.78% | 12/08/2016 | 28/02/2017 | 200 | \$ 76,164.38 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 1,000,000.00 | 2.70% | 8/09/2016 | 9/03/2017 | 182 | \$ 13,463.01 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 1,000,000.00 | 2.70% | 14/09/2016 | 16/03/2017 | 183 | \$ 13,536.99 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 9,000,000.00 | 2.75% | 25/08/2016 | 16/03/2017 | 203 | \$ 137,650.68 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00 | 2.75% | 16/08/2016 | 16/03/2017 | 212 | \$ 47,917.81 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 2.80% | 17/08/2016 | 31/03/2017 | 226 | \$ 86,684.93 |
| MUNICIPAL | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00 | 2.70% | 25/08/2016 | 28/04/2017 | 246 | \$ 54,591.78 |
| MUNICIPAL | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 4,000,000.00 | 3.00% | 19/05/2016 | 17/11/2016 | 182 | \$ 59,835.62 |
| MUNICIPAL | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 2.78% | 9/08/2016 | 30/11/2016 | 113 | \$ 43,032.88 |
| MUNICIPAL | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 2.80% | 9/08/2016 | 15/12/2016 | 128 | \$ 49,095.89 |
| MUNICIPAL | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 2.80% | 9/08/2016 | 30/12/2016 | 143 | \$ 54,849.32 |
| MUNICIPAL | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 4,000,000.00 | 2.80% | 9/08/2016 | 12/01/2017 | 156 | \$ 47,868.49 |
| MUNICIPAL | SUNCORP | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00 | 2.62% | 9/09/2016 | 9/02/2017 | 153 | \$ 21,964.93 |
| | | | \$ 84,500,000.00 | | | | | |
| RESERVES | AMP | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 3.05% | 11/07/2016 | 5/01/2017 | 178 | \$ 74,369.86 |
| RESERVES | BANKWEST | Short Term Direct Investments TERM DEPOSITS | \$ 2,500,000.00 | 2.60% | 16/08/2016 | 20/10/2016 | 65 | \$ 11,575.34 |
| RESERVES | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 3.00% | 19/05/2016 | 17/11/2016 | 182 | \$ 74,794.52 |
| RESERVES | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 4,500,000.00 | 3.03% | 16/06/2016 | 12/01/2017 | 210 | \$ 78,447.95 |
| RESERVES | BQLD | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00 | 2.75% | 16/08/2016 | 16/03/2017 | 212 | \$ 31,945.21 |
| RESERVES | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 2,500,000.00 | 2.96% | 26/05/2016 | 24/11/2016 | 182 | \$ 36,898.63 |
| RESERVES | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00 | 2.80% | 4/08/2016 | 1/12/2016 | 119 | \$ 27,386.30 |
| RESERVES | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 1,000,000.00 | 2.97% | 16/06/2016 | 15/12/2016 | 182 | \$ 14,809.32 |
| RESERVES | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00 | 2.98% | 23/06/2016 | 22/12/2016 | 182 | \$ 29,718.36 |
| RESERVES | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 2,500,000.00 | 2.95% | 30/06/2016 | 5/01/2017 | 189 | \$ 38,188.36 |
| RESERVES | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 4,000,000.00 | 2.95% | 7/07/2016 | 12/01/2017 | 189 | \$ 61,101.37 |
| RESERVES | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 2.86% | 29/07/2016 | 23/02/2017 | 209 | \$ 81,882.19 |
| RESERVES | SUNCORP | Short Term Direct Investments TERM DEPOSITS | \$ 5,000,000.00 | 3.01% | 9/06/2016 | 8/12/2016 | 182 | \$ 75,043.84 |
| RESERVES | SUNCORP | Short Term Direct Investments TERM DEPOSITS | \$ 7,000,000.00 | 3.05% | 3/06/2016 | 8/12/2016 | 188 | \$ 109,967.12 |
| RESERVES | SUNCORP | Short Term Direct Investments TERM DEPOSITS | \$ 3,000,000.00 | 2.98% | 30/06/2016 | 5/01/2017 | 189 | \$ 46,292.05 |
| RESERVES | SUNCORP | Short Term Direct Investments TERM DEPOSITS | \$ 8,000,000.00 | 3.03% | 9/06/2016 | 5/01/2017 | 210 | \$ 139,463.01 |
| | | | \$ 62,000,000.00 | | | | | |
| ROD EVANS | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 316,998.76 | 2.66% | 18/08/2016 | 17/11/2016 | 91 | \$ 2,102.27 |
| TRUST | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 1,000,000.00 | 2.66% | 18/08/2016 | 17/11/2016 | 91 | \$ 6,631.78 |
| TRUST | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00 | 2.90% | 21/07/2016 | 19/01/2017 | 182 | \$ 28,920.55 |
| TRUST | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 2,000,000.00 | 2.86% | 28/07/2016 | 23/02/2017 | 210 | \$ 32,909.59 |
| TRUST | NAB | Short Term Direct Investments TERM DEPOSITS | \$ 769,147.83 | 2.63% | 8/09/2016 | 8/06/2017 | 273 | \$ 15,129.88 |
| | | | \$ 6,086,146.59 | | | | | |
| TOTAL investments | | | \$ 152,586,146.59 | | | | | \$ 2,058,037.62 |

SCHEDULE 2

FINANCIAL ACTIVITY STATEMENT FOR THE THREE MONTHS TO 30 SEPTEMBER 2016

REPORT OF VARIANCES TO BUDGET

This report compares the actual performance for the three months to 30 September 2016 compared to the adopted 2016/17 Budget and budget adjustments adopted by Council on 30 August 2016.

Operating Revenue

- Parking revenue for the first three months of the year was \$18.3 million, which was \$(1,073,000) below budget. An office market report from the Property Council of Australia found office vacancies in the Perth City Business District rose from 19.6% to 21.8% in the six months to July 2016. The office vacancy rate directly impacts the level of patronage of the City's carparks. The performance of each of the three months to September 2016 has been below budget, however the variance to budget has been diminishing from 8.2% in July to 5.5% in September.

The variance consisted of \$(1,087,000) for Undercover Car Parks, \$(90,000) for Open Air Car Parks, partly offset by a positive variance of \$104,000 for Kerbside Parking.

The main variances for Undercover Car Parks were His Majesty's \$(206,000), the Convention Centre Carpark \$(148,000) and Alexander Library \$(127,000) below the budget.

- Fines and Costs were lower than budget by \$(327,000). Of this variance 97% related to less than expected revenue generated from parking fines. Fewer parking bays were available owing to ongoing construction activity or reservation for events within the City.
- Investment income was above budget by \$85,000. This was mostly due to the performance of the Colonial Share Index fund. The performance of this fund is directly linked to the performance of the ASX 200.
- Rubbish collection yielded \$483,000 more than expected compared to the original budget. The majority of this variance relates to rubbish charges raised for residents formerly of the City of Subiaco. With the City of Perth Act coming into effect from 1 July 2016, a report will be presented to Council to adjust the budget 2016/17 for major income and expenditure items and any necessary capital works.
- Recurrent Grants were below budget by \$(324,000). To date \$280,000 was collected mainly for Government funding grants. This is a timing variance only.
- Other Income was \$(111,000) below budget with smaller variances spread throughout the City's accounts.

**FINANCIAL ACTIVITY STATEMENT FOR THE THREE MONTHS TO
30 SEPTEMBER 2016**

REPORT OF VARIANCES TO BUDGET

Operating Expenditure

- Employee costs ended the month on \$918,000 below budget mainly due to vacant positions in the approved Workforce Plan.
- Materials and Contracts were \$3,564,000 below budget. During September \$3.5 million was spent resulting in 18% of the full year budget spent to date. In comparison, 24% of the full year budget was forecast to be spent in the first quarter of the financial year. The variance is expected to be a timing variance only due to the phasing of the budget.
- Utilities were below budget by \$171,000 mainly due to lower than expected spend on power.
- Depreciation was \$91,000 over budget. The year-end process for June 2016 and capitalisation of prior year projects has been completed. Depreciation is dependent on the timing of capitalisation of completed works and purchases of assets. It is expected that actuals will align closely to budget as the year progresses.
- Loss on disposal of assets was \$514,000 above budget. As part of the capitalisation process of new assets, other relevant obsolete assets are written off. The finalisation of the year end process resulted in a loss of \$899,000 for infrastructure assets during September. This is a timing variance.
- Other Expenditure was \$630,000 below budget at the end of the month. Of this variance 74% or \$507,000 relates to the timing of Donations and Sponsorships.

Investing Activities

- Capital Grants were \$(1,073,000) below budget mainly due to slower than anticipated delivery of capital projects.
- Capital expenditure for 2016/17 was increased by \$3.2 million to reflect the revised carry forward of unspent capital expenditure for 2015/16. The program of project works has progressed slower than anticipated resulting in a significant variance of \$9.4 million to date. The actual capital expenditure does not however reflect committed expenditure on projects which have commenced. An extraordinary review of the Capital Expenditure program will be undertaken in October 2016, which will result in the reprioritisation of some projects and adjustments to the total value of the program which will be reflected in the January budget review.

**FINANCIAL ACTIVITY STATEMENT FOR THE THREE MONTHS TO
30 SEPTEMBER 2016**

REPORT OF VARIANCES TO BUDGET

Financing Activities

- Transfers to Reserves were \$247,000 below budget. Utilisation of reserve funds was lower than expected, this being a timing variance.
- Transfers from Reserves were below budget by \$(1.0 million). This is due to slower than anticipated progress on capital expenditure.

Amounts sourced from Rates

- Rates revenue raised was \$3.4 million above budget. This was due to rates issued to former City of Subiaco residents and the 2016/17 impact of interim rates from the final months of the prior financial year, which were identified after completion of the 2016/17 budget. A report will be presented to Council to adjust the budget 2016/17 for major income and expenditure resulting from the City of Perth Act coming into effect from 1 July 2016.

CITY OF PERTH

FINANCIAL ACTIVITY STATEMENT - for the period ended 30 September 2016

| | Budget 2016/17 \$ | Budget YTD 30-Sep-16 \$ | Actual YTD 30-Sep-16 \$ | Variance YTD 30-Sep-16 \$ |
|--|-------------------------|-------------------------------|-------------------------------|---------------------------------|
| Proceeds from Operating Activities | | | | |
| Operating Revenue | | | | |
| <i>Nature of Income</i> | | | | |
| Parking Fees | 76,973,664 | 19,375,252 | 18,302,263 | (1,072,989) |
| Fines and Costs | 10,610,604 | 2,520,513 | 2,193,303 | (327,210) |
| Investment Income and Interest | 4,672,819 | 1,535,185 | 1,619,734 | 84,548 |
| Community Service Fees | 1,577,941 | 385,416 | 364,648 | (20,768) |
| Rubbish Collection | 8,071,814 | 7,779,718 | 8,262,602 | 482,885 |
| Rentals and Hire Charges | 5,251,214 | 1,327,508 | 1,274,882 | (52,626) |
| Recurrent Grants | 1,514,031 | 603,023 | 279,269 | (323,754) |
| Contributions, Donations and Reimbursements | 585,576 | 140,144 | 135,586 | (4,558) |
| Other Income | 4,681,208 | 1,862,809 | 1,751,895 | (110,913) |
| Distribution from TPRC | 1,000,000 | - | - | - |
| | 114,938,870 | 35,529,568 | 34,184,183 | (1,345,385) |
| Less: Operating Expenditure | | | | |
| <i>Nature of Expenditure</i> | | | | |
| Employee Costs | 77,205,326 | 19,368,667 | 18,450,330 | 918,336 |
| Materials and Contracts | 53,092,971 | 12,879,099 | 9,314,686 | 3,564,413 |
| Utilities | 3,596,588 | 892,616 | 721,244 | 171,372 |
| Insurance Expenditure | 1,197,885 | 298,287 | 264,494 | 33,792 |
| Depreciation and Amortisation | 33,144,020 | 8,286,005 | 8,377,234 | (91,229) |
| Interest Expenses | 1,562,208 | 403,830 | 486,396 | (82,566) |
| Expense Provisions | 998,010 | 243,168 | 230,124 | 13,044 |
| Loss on Disposal of Assets | 1,437,448 | 359,362 | 873,431 | (514,069) |
| Other Expenditure | 25,085,422 | 6,552,207 | 5,921,938 | 630,269 |
| | 197,319,879 | 49,283,240 | 44,639,878 | 4,643,362 |
| Add back Depreciation | (33,144,020) | (8,286,005) | (8,377,234) | 91,229 |
| (Loss) / Profit on Disposals | (1,437,448) | (359,362) | (873,431) | 514,069 |
| | 162,738,411 | 40,637,873 | 35,389,213 | 5,248,661 |
| Net Surplus/(Deficit) from Operations | (47,799,540) | (5,108,305) | (1,205,029) | 3,903,276 |
| Investing Activities | | | | |
| Capital Grants | 5,768,315 | 1,442,079 | 368,590 | (1,073,489) |
| Capital Expenditure | (65,961,257) | (12,893,796) | (3,528,298) | 9,365,498 |
| Proceeds from Disposal of Assets/Investments | 1,280,000 | 217,425 | 260,701 | 43,276 |
| | (58,912,942) | (11,234,293) | (2,899,007) | 8,335,286 |
| Financing Activities | | | | |
| Repayment of Borrowings | (6,111,896) | (2,128,144) | (2,128,144) | - |
| Transfers to Reserves | (27,749,200) | (2,432,807) | (2,185,463) | 247,344 |
| Transfer from Reserves | 34,665,203 | 18,731,196 | 17,678,347 | (1,052,849) |
| | 804,106 | 14,170,245 | 13,364,740 | (805,505) |
| Add: Opening Funds | 27,795,809 | 27,795,809 | 11,117,208 | (16,678,601) |
| Net Surplus/(Deficit) before Rates | (78,112,568) | 25,623,456 | 20,377,912 | (5,245,544) |
| Amount Sourced from Rates | 85,143,608 | 84,523,188 | 87,941,429 | 3,418,241 |
| Closing Funds | 7,031,041 | 110,146,644 | 108,319,341 | (1,827,304) |

| | | | | |
|----------------------------------|--------------------|--------------------|--------------------|------------------|
| Net Cash on Hand | | | | |
| Cash On Hand | 5,928,176 | 5,528,745 | 4,799,951 | (728,794) |
| Money Market Investments | 102,924,170 | 156,034,010 | 156,515,417 | 481,407 |
| Funds on Hand | 108,852,346 | 161,562,755 | 161,315,368 | (247,387) |
| Analysis of Funds on Hand | | | | |
| Reserves | 79,211,467 | 69,278,614 | 68,620,149 | (658,465) |
| Provisions | 12,379,102 | 12,301,768 | 10,993,281 | (1,308,487) |
| General Funds | 17,261,777 | 79,982,373 | 81,701,938 | 1,719,564 |
| Funds on Hand | 108,852,346 | 161,562,755 | 161,315,368 | (247,387) |

CITY OF PERTH

CURRENT POSITION AS AT THE END OF THE PERIOD 30 SEPTEMBER 2016

| | 2016/17 Budget \$ | 2016/17 Budget YTD \$ | 2016/17 Actual YTD \$ | 2016/17 Variance \$ |
|---|-------------------------|-----------------------------|-----------------------------|---------------------------|
| Current Assets | | | | |
| Cash and Cash Equivalents | 5,928,176 | 5,528,745 | 4,799,951 | (728,794) |
| Deposits and Prepayments | 446,730 | 16,231,156 | 15,279,283 | (951,873) |
| Money Market Investments - Municipal Funds | 23,712,703 | 86,755,396 | 87,895,268 | 1,139,871 |
| Money Market Investments - Restricted Funds | 79,211,467 | 69,278,614 | 68,620,149 | (658,465) |
| Trade and Other Receivables | 4,020,574 | 40,187,549 | 39,622,602 | (564,947) |
| Inventories | 972,964 | 1,051,096 | 998,014 | (53,082) |
| Total Current Assets | 114,292,614 | 219,032,556 | 217,215,267 | (1,817,289) |
| Current Liabilities | | | | |
| Trade and Other Payables | 26,646,668 | 27,305,530 | 28,668,504 | 1,362,974 |
| Employee Entitlements | 12,379,102 | 11,943,886 | 10,993,281 | (950,605) |
| Provisions | 400,750 | 357,882 | 613,992 | 256,110 |
| Borrowings | 7,083,366 | 5,721,401 | 5,721,401 | 0 |
| Total Current Liabilities | 46,509,886 | 45,328,699 | 45,997,178 | 668,479 |
| Working Capital Position Brought Forward | 67,782,728 | 173,703,857 | 171,218,089 | (2,485,768) |
| Deduct Restricted Cash Holdings | (79,211,467) | (69,278,614) | (68,620,149) | 658,465 |
| Add Current Borrowings | 7,083,366 | 5,721,401 | 5,721,401 | 0 |
| Current Funds Position Brought Forward | (4,345,372) | 110,146,644 | 108,319,341 | (1,827,304) |

EXPLANATORY NOTES – FINANCIAL ACTIVITY STATEMENT

BACKGROUND

- Regulation 34 of the Local Government (Financial Management) Regulations 1996 was amended effective from 1 July 2005.
- The amendment prescribes a monthly Financial Activity Statement (FAS) reporting the sources and application of funds, as set out in the Rate Setting Statement which is included in the Annual Budget.

PURPOSE

- The FAS reports the actual financial performance of the City in relation to its adopted budget, which has been structured on financial viability and sustainability principles.
- The FAS is intended to act as a guide to Council of the impact of financial activities and the reasons for major variances to the annual budget estimates.

PRESENTATION

- Regulation 34 prescribes the minimum detail to be included in the FAS. These are listed below.
 - Annual Budget estimates, and approved revisions to these, are to be included for comparison purposes.
 - Actual amounts of income and expenditure to the end of the month of the FAS.
 - Material variances between the comparable amounts and commentary on reasons for these.
 - The net current assets at the end of the month to which the FAS relates.
- An explanation of the composition of the net current assets at the end of the month to which the FAS relates; less committed and restricted assets.
- Councils are given the option of adopting a format which is considered most appropriate to their needs. These options are listed below.
 - According to nature and type classification,
 - by program, or
 - by business unit.
- It is recommended that while the information presented by cost objects (programs and activities) or by cost centres (business units) are useful for expense allocation and cost centre accountability purposes, they are less informative and difficult to comprehend in matters of disclosure and less effective in cost management and control.
- The FAS has therefore been presented in the format using nature and type classification as the most meaningful disclosure to the Council and public.

FORMAT

- The FAS is formatted to align with the Rate Setting Statement.
- The first part deals with operating income and expenditure, excluding rate revenue.
- The next classification is the amount spent on capital expenditure and debt repayments.
- The classification 'Financing Activities' provides a statement of sources of funds other than from operating or rates revenue, which are usually associated with capital expenditure.
- Attached to the FAS is a statement of 'Net Current Assets' for the budget and actual expenditure to the end of the month to which the FAS relates.
- Opening and closing funds represent the balance of 'Net Current Assets', not including any funds which are committed or restricted.
- "Committed assets" means revenue unspent but set aside under the annual budget for a specific purpose.
- "Restricted assets" means those assets the uses of which are restricted, wholly or partially, by regulations or other externally imposed requirements", e.g. reserves set aside for specific purposes.
- To avoid duplication in calculating 'Closing Funds on hand', certain balances, such as provisions and borrowings, are also deducted.
- The total Closing Funds on hand are to be taken into account when calculating the amount to be raised by rates each year.
- The classification "Net Cash on Hand" represents the balances of funds held in cash or invested and the analysis into those funds reserved, carried forward or remaining unspent at the end of the month to which the FAS relates.



CITY of PERTH

CITY of PERTH

Financial Statements

For the 3 months ended 30 September 2016

**CITY OF PERTH
MUNICIPAL**

Statement of Comprehensive Income for the 3 months ended 30 September 2016

(By Program)

| | <i>Note</i> | Budget 2016/2017 | Revised Budget YTD | Actual YTD 30/09/2016 | YTD Variance | |
|--|-------------|---------------------|-----------------------|--------------------------|--------------|---------|
| OPERATING REVENUE | | \$ | \$ | \$ | \$ | % |
| General Purpose Funding Rates | | 86,075,041 | 85,380,533 | 88,700,663 | 3,320,130 | 3.9% |
| General Purpose Funding Other | | 5,038,022 | 1,610,318 | 1,410,610 | (199,708) | -12.4% |
| Law, Order, Public Safety | | 23,178 | 5,525 | 12,514 | 6,989 | 126.5% |
| Health | | 780,345 | 626,656 | 654,782 | 28,126 | 4.5% |
| Education and Welfare | | 2,105,728 | 553,472 | 501,768 | (51,704) | -9.3% |
| Housing | | 781,872 | 195,468 | 181,966 | (13,502) | -6.9% |
| Community Amenities | | 10,789,799 | 8,440,220 | 8,912,628 | 472,408 | 5.6% |
| Recreation and Culture | | 1,732,910 | 301,940 | 255,526 | (46,414) | -15.4% |
| Transport | | 90,120,021 | 22,521,989 | 21,062,188 | (1,459,801) | -6.5% |
| Economic Services | | 831,710 | 215,671 | 247,276 | 31,605 | 14.7% |
| Other Property and Services | | 803,852 | 200,963 | 185,691 | (15,272) | -7.6% |
| Total Operating Income | | 199,082,478 | 120,052,755 | 122,125,612 | 2,072,857 | 1.7% |
| OPERATING EXPENDITURE | | | | | | |
| Governance | | 10,394,320 | 2,842,125 | 2,807,525 | 34,600 | 1.2% |
| General Purpose Funding | | 6,128,645 | 1,620,591 | 972,483 | 648,108 | 40.0% |
| Law, Order, Public Safety | | 3,758,622 | 926,761 | 878,475 | 48,286 | 5.2% |
| Health | | 4,603,806 | 1,166,198 | 697,345 | 468,853 | 40.2% |
| Education and Welfare | | 3,688,491 | 919,865 | 914,837 | 5,028 | 0.5% |
| Housing | | 554,156 | 138,384 | 136,413 | 1,971 | 1.4% |
| Community Amenities | | 30,384,835 | 7,787,635 | 6,878,371 | 909,264 | 11.7% |
| Recreation and Culture | | 35,350,738 | 8,393,569 | 7,313,051 | 1,080,518 | 12.9% |
| Transport | | 85,682,324 | 21,346,468 | 18,912,390 | 2,434,078 | 11.4% |
| Economic Services | | 10,316,035 | 2,518,207 | 2,407,163 | 111,044 | 4.4% |
| Other Property and Services | | 5,020,459 | 1,264,074 | 1,744,657 | (480,583) | -38.0% |
| Total Operating Expenditure | | 195,882,431 | 48,923,878 | 43,662,710 | 5,261,168 | 10.8% |
| NET FROM OPERATIONS | | 3,200,047 | 71,128,877 | 78,462,902 | 7,334,025 | 10.3% |
| GRANTS/CONTRIBUTIONS | | | | | | |
| For the Development of Assets | | | | | | |
| - Law ,Order,Public Safety | | 240,150 | 60,038 | - | (60,038) | -100.0% |
| - Recreation and Culture | | 2,693,400 | 673,350 | - | (673,350) | -100.0% |
| - Transport | | 2,834,765 | 708,691 | 248,005 | (460,686) | -65.0% |
| Total Grants/Contributions | | 5,768,315 | 1,442,079 | 368,590 | (1,073,489) | -74.4% |
| DISPOSAL/WRITE OFF OF ASSETS | | | | | | |
| Gain/(Loss) on Disposal of Assets | 2 | (1,437,448) | (359,361) | (873,432) | (514,071) | 143.1% |
| Change in net assets resulting from operations before significant items | | 7,530,914 | 72,211,595 | 77,958,060 | 5,746,465 | 8.0% |
| SIGNIFICANT ITEMS | | | | | | |
| Distribution from TPRC | | 1,000,000 | - | - | - | 0.0% |
| Change in net assets resulting from operations after significant items | | 8,530,914 | 72,211,595 | 77,958,060 | 5,746,465 | 8.0% |

**CITY OF PERTH
MUNICIPAL**

*Statement of Comprehensive Income for the 3 months ended 30 September 2016
(By Nature)*

| | <i>Note</i> | Budget 2016/2017 | Revised Budget YTD | Actual YTD 30/09/2016 | YTD Variance | |
|---|-------------|-----------------------------|-------------------------------|----------------------------------|---------------------|----------|
| OPERATING REVENUE | | \$ | \$ | \$ | \$ | % |
| Rates | | 85,143,608 | 84,523,188 | 87,941,429 | 3,418,241 | 4.0% |
| Grants and Contributions for Non Capital Purposes | | 1,514,031 | 603,023 | 279,269 | (323,754) | -53.7% |
| Donations and Reimbursements | | 585,576 | 140,144 | 135,586 | (4,558) | -3.3% |
| Fees and Charges | | 105,213,130 | 32,872,646 | 31,773,202 | (1,099,444) | -3.3% |
| Interest and Investment Income | | 4,672,819 | 1,535,185 | 1,619,734 | 84,549 | 5.5% |
| Other Revenue | | 1,953,314 | 378,569 | 376,393 | (2,176) | -0.6% |
| Total Revenue from Operating Activities | | 199,082,478 | 120,052,755 | 122,125,612 | 2,072,857 | 1.7% |
| OPERATING EXPENDITURE | | | | | | |
| Employee Costs | | 77,205,335 | 19,368,667 | 18,450,330 | 918,337 | 4.7% |
| Materials and Contracts | | 53,092,963 | 12,879,099 | 9,314,686 | 3,564,413 | 27.7% |
| Utilities | | 3,596,588 | 892,616 | 721,244 | 171,372 | 19.2% |
| Depreciation and Amortisation | | 33,144,020 | 8,286,005 | 8,377,236 | (91,231) | -1.1% |
| Interest | | 1,562,208 | 403,830 | 486,396 | (82,566) | -20.4% |
| Insurance | | 1,197,885 | 298,287 | 264,494 | 33,793 | 11.3% |
| Expenses Provision | | 998,010 | 243,168 | 230,123 | 13,045 | 5.4% |
| Other Expenses from Ordinary Activities | | 25,085,422 | 6,552,207 | 5,818,201 | 734,007 | 11.2% |
| Total Expenses from Ordinary Activities | | 195,882,431 | 48,923,878 | 43,662,710 | 5,261,169 | 10.8% |
| Change in Net Assets from Ordinary Activities before Capital Amounts | | 3,200,047 | 71,128,877 | 78,462,902 | 7,334,025 | 10.3% |
| GRANTS/CONTRIBUTIONS | | | | | | |
| Grants and Contributions- Capital | | 5,768,315 | 1,442,079 | 368,590 | (1,073,489) | -74.4% |
| NET OPERATING SURPLUS | | 8,968,362 | 72,570,956 | 78,831,492 | 6,260,537 | 8.6% |
| DISPOSAL/WRITE OFF OF ASSETS | 2 | (1,437,448) | (359,361) | (873,432) | (514,071) | 143.1% |
| SIGNIFICANT ITEMS | | | | | | |
| Distribution from TPRC | | 1,000,000 | - | - | - | 0.0% |
| <i>Change in net assets resulting from operations after capital amounts and significant items</i> | | 8,530,914 | 72,211,595 | 77,958,060 | 5,746,466 | 8.0% |

**CITY OF PERTH
MUNICIPAL**

Statement of Financial Position as at 30 September 2016

| | Note | 30/09/2016 | 30/06/2016 |
|--------------------------------------|-------|------------------------|------------------------|
| CURRENT ASSETS | | \$ | \$ |
| Cash and Cash Equivalents | 11 | 4,799,951 | 10,063,697 |
| Deposits/Prepayments | 4 | 15,279,283 | 1,246,983 |
| Investments | 3, 11 | 156,515,417 | 100,249,402 |
| Trade and Other Receivables | 5 | 15,589,467 | 10,022,460 |
| Rates Receivable | 1 | 24,033,135 | 190,815 |
| Inventories | | 998,014 | 1,016,223 |
| TOTAL CURRENT ASSETS | | 217,215,267 | 122,789,580 |
| NON CURRENT ASSETS | | | |
| Investments | 3 | 7,305,786 | 7,162,072 |
| Trade and Other Receivables | 5 | 51,977 | 32,434 |
| Property, Plant and Equipment | 8 | 690,008,814 | 694,573,987 |
| Infrastructure | 8 | 481,979,596 | 485,179,495 |
| Capital Work in Progress | 8 | 34,115,077 | 32,151,366 |
| TOTAL NON CURRENT ASSETS | | 1,213,461,250 | 1,219,099,354 |
| TOTAL ASSETS | | 1,430,676,517 | 1,341,888,934 |
| CURRENT LIABILITIES | | | |
| Trade and Other Payables | 6 | 28,668,504 | 15,973,970 |
| Employee Benefits | 7 | 10,993,281 | 11,051,588 |
| Provisions | 7 | 613,992 | 390,015 |
| Loan Liability | 9 | 5,721,401 | 6,772,073 |
| TOTAL CURRENT LIABILITIES | | 45,997,178 | 34,187,646 |
| NON CURRENT LIABILITIES | | | |
| Employee Benefits | 7 | 1,762,097 | 1,762,097 |
| Provisions | 7 | 4,356,942 | 4,259,487 |
| Loan Liability | 9 | 28,477,457 | 29,554,929 |
| TOTAL NON CURRENT LIABILITIES | | 34,596,496 | 35,576,513 |
| TOTAL LIABILITIES | | 80,593,674 | 69,764,159 |
| NET ASSETS | | \$1,350,082,843 | \$1,272,124,775 |
| EQUITY | | | |
| Accumulated Surplus | | 718,692,101 | 623,860,830 |
| Asset Revaluation Reserve | 10 | 560,035,698 | 560,035,698 |
| Reserves | 10 | 71,355,044 | 88,228,247 |
| TOTAL EQUITY | | \$1,350,082,843 | \$1,272,124,775 |

**CITY OF PERTH
MUNICIPAL**

Statement of Changes in Equity for the 3 months ended 30 September 2016

| | Accumulated Surplus | Asset Revaluation Reserve | Cash Backed Reserves | Total Equity |
|---|------------------------|---------------------------------|-------------------------|------------------------|
| Balance at 1 July 2015 | \$ | \$ | \$ | \$ |
| Change in net assets resulting from operations | 612,108,629 | 560,795,095 | 87,574,492 | 1,260,478,216 |
| Transfer to Cash Backed Reserves | 11,646,560 | - | - | 11,646,560 |
| Transfers to Asset Revaluation Reserve | (24,631,265) | - | 24,631,265 | - |
| Transfers from Asset Revaluation Reserve | (3,047,888) | 3,047,888 | - | - |
| Transfer from Cash Backed Reserves | 3,807,285 | (3,807,285) | - | - |
| Balance at 30 June 2016 | 23,977,510 | - | (23,977,510) | - |
| | \$623,860,831 | \$560,035,698 | \$88,228,247 | \$1,272,124,776 |
| Balance at 1 July 2016 | \$ | \$ | \$ | \$ |
| Change in net assets resulting from operations | 623,860,831 | 560,035,698 | 88,228,247 | 1,272,124,776 |
| Transfer to Cash Backed Reserves | 77,958,060 | - | - | 77,958,060 |
| Transfers to Asset Revaluation Reserve | (805,134) | - | 805,134 | - |
| Transfers from Asset Revaluation Reserve | - | - | - | - |
| Transfer from Cash Backed Reserves | 17,678,347 | - | (17,678,347) | - |
| Balance at the end of the reporting period | \$718,692,103 | \$560,035,698 | \$71,355,034 | \$1,350,082,836 |

**CITY OF PERTH
MUNICIPAL**

Statement of Cash Flows for the 3 months ended 30 September 2016

| | Note | Budget 2016/2017 | YTD Actual 30/09/2016 | YTD Variation | |
|---|------|---------------------|--------------------------|---------------|---------|
| | | \$ | \$ | \$ | % |
| Cash Flows from Operating Activities | | | | | |
| Receipts | | | | | |
| Rates | | 85,150,558 | 56,934,639 | (28,215,919) | -33.1% |
| Fees and Charges | | 110,473,787 | 33,646,599 | (76,827,188) | -69.5% |
| Interest | | 4,672,819 | 1,313,058 | (3,359,761) | -71.9% |
| Other | | 2,000,854 | 438,260 | (1,562,594) | -78.1% |
| | | 202,298,018 | 92,332,556 | (109,965,462) | -54.4% |
| Payments | | | | | |
| Employee Costs | | (76,246,522) | (19,540,950) | 56,705,572 | 74.4% |
| Materials and Contracts | | (45,634,268) | (9,656,779) | 35,977,489 | 78.8% |
| Interest | | (1,546,536) | (523,486) | 1,023,050 | 66.2% |
| Other | | (31,117,629) | (6,934,912) | 24,182,717 | 77.7% |
| | | (154,544,955) | (36,656,127) | 117,888,828 | 76.3% |
| Net Cash Flows from Operating Activities | 12 | 47,753,063 | 55,676,429 | 7,923,367 | -16.6% |
| Cash Flows from Investing Activities | | | | | |
| Receipts | | | | | |
| Distribution from TPRC | | 1,000,000 | - | (1,000,000) | -100.0% |
| Proceeds from Disposal of Assets | | 1,280,000 | 404,415 | (875,585) | -68.4% |
| Proceeds from Disposal of Investments(Non Current) | | - | (143,714) | (143,714) | 0.0% |
| Payments | | | | | |
| Purchase Land and Buildings | | (14,005,532) | - | 14,005,532 | -100.0% |
| Purchase Infrastructure Assets | | (29,412,097) | (60,450) | 29,351,647 | -99.8% |
| Purchase Plant and Mobile Equipment | | (17,160,028) | (466,230) | 16,693,798 | 97.3% |
| Purchase Office Furniture and Equipment | | (2,153,478) | - | 2,153,478 | -100.0% |
| Work in Progress | | - | (3,001,618) | (3,001,618) | 0.0% |
| | | (62,731,135) | (3,528,298) | 59,202,837 | 94.4% |
| Net Cash Flows from Investing Activities | | (60,451,135) | (3,267,597) | 57,183,538 | 94.6% |
| Cash Flows from Financing Activities | | | | | |
| Repayment of Borrowings | | (6,111,896) | (2,128,144) | 3,983,752 | 65.2% |
| | | (6,111,896) | (2,128,144) | 3,983,752 | 65.2% |
| Cash Flows from Government and Other Parties | | | | | |
| Receipts from Appropriations/Grants | | | | | |
| Recurrent | | 4,414,618 | 352,988 | (4,061,630) | -92.0% |
| Capital | | 5,768,315 | 368,590 | (5,399,725) | -93.6% |
| | | 10,182,933 | 721,578 | (9,461,355) | -92.9% |
| Net Increase (Decrease) in Cash Held | | (8,627,035) | 51,002,266 | 59,629,302 | -691.2% |
| Cash at 1 July 2016 | | 117,479,382 | 110,313,099 | (7,166,283) | -6.1% |
| Cash at 30 September 2016 | 11 | 108,852,347 | 161,315,368 | 52,463,021 | 48.2% |

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Notes to the Balance Sheet for the 3 months ended 30 September 2016

1 Rates Receivable

| | Actual YTD 30/09/2016 | 2015/16 YTD 30/09/2015 |
|---|--------------------------|---------------------------|
| | \$ | \$ |
| Outstanding Amount at 30 June 2016 | 190,816 | 64,096 |
| Rates Levied for the Year | 87,856,238 | 80,439,829 |
| Late Payment Penalties | 73,356 | 66,242 |
| Ex Gratia Rates | 17,741 | 17,464 |
| Rates Administration Fee | 298,844 | 263,588 |
| Rates Instalment Interest | 367,755 | 340,531 |
| Back Rates | 67,449 | (77,825) |
| Bins Levy | 504,498 | 453,501 |
| | 89,376,697 | 81,567,426 |
| Amount Received during the Period | 65,343,562 | 62,088,910 |
| Outstanding Amount at 30 September 2016 | \$24,033,135 | \$19,478,516 |

2 Gain/(Loss) on Disposal/Write off of Assets

| | Annual Budget | Actual YTD 30/09/2016 |
|--|----------------------|--------------------------|
| | \$ | \$ |
| Land and Buildings | | |
| Proceeds on Disposal | - | - |
| Less: Carrying amount of assets sold/written off | - | - |
| (Loss) on Disposal/Write Off | - | - |
| Infrastructure | | |
| Proceeds on Disposal | - | - |
| Less: Carrying amount of assets written off | 1,640,250 | 905,259 |
| (Loss) on Write Off | (1,640,250) | (905,259) |
| Plant and Mobile Equipment | | |
| Proceeds on Disposal | 1,280,000 | 404,415 |
| Less: Carrying amount of assets sold/written off | 1,077,198 | 372,588 |
| Profit on Disposal/Write Off | 202,802 | 31,827 |
| Furniture and Equipment | | |
| Proceeds on Disposal | - | - |
| Less: Carrying amount of assets sold /written off | - | - |
| (Loss) on Disposal/Write Off | - | - |
| Gain/(Loss) on Disposal/Write off of Assets | (\$1,437,448) | (\$873,432) |

3 Investments

| Current | 30/09/2016 | 30/06/2016 |
|--------------------------------------|----------------------|----------------------|
| Short Term Cash Investments * | \$ | \$ |
| Call Funds | 5,665,025 | 12,111,382 |
| Bank/Term Deposits | 146,500,000 | 84,000,000 |
| Managed Funds | 4,350,392 | 4,138,020 |
| Total Current Investments | \$156,515,417 | \$100,249,402 |

* Short Term Cash Investments as stated in Note 11.

| Non Current Investments | 30/09/2016 | 30/06/2016 |
|--|--------------------|--------------------|
| | \$ | \$ |
| Mortgage Backed Securities (MBS) | 2,734,885 | 2,743,759 |
| | 2,734,885 | 2,743,759 |
| Equity in Local Government House | 10,000 | 10,000 |
| Equity in Mindarie Regional Council | 420,412 | 420,412 |
| Equity in Tamala Park Regional Council | 4,140,489 | 3,987,901 |
| | \$7,305,786 | \$7,162,072 |

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Notes to the Balance Sheet for the 3 months ended 30 September 2016

4 Deposits/Prepayments

| | 30/09/2016 | 30/06/2016 |
|----------------------------------|---------------------|--------------------|
| | \$ | \$ |
| Prepaid Insurance | 730,663 | - |
| Prepaid Parking Bay Licence Fees | 12,931,692 | - |
| Other | 1,616,928 | 1,246,983 |
| | \$15,279,283 | \$1,246,983 |

5 Trade And Other Receivables

| | 30/09/2016 | 30/06/2016 |
|---|---------------------|---------------------|
| Current | \$ | \$ |
| Emergency Services Levy (ESL) | 7,669,651 | 36,912 |
| Accrued Interest and Investment Income | 843,345 | 536,669 |
| Accrued Income | 1,436,773 | 1,445,677 |
| Modified Penalties/Fines and Costs | 7,667,091 | 7,468,902 |
| Debtors - General | | |
| Australian Taxation Office - GST Refundable | - | 177,492 |
| Works and Services | 51,013 | 35,731 |
| Other Debtors | 1,356,573 | 3,744,857 |
| | 19,024,446 | 13,446,240 |
| Less: Provision for Doubtful Debts | (3,434,979) | (3,423,780) |
| | \$15,589,467 | \$10,022,460 |
| Non Current | | |
| Pensioners' Rates Deferred | 51,977 | 32,434 |
| | \$51,977 | \$32,434 |

6 Trade And Other Payables

| | 30/09/2016 | 30/06/2016 |
|--|---------------------|---------------------|
| Current | \$ | \$ |
| Trade Creditors | 4,370,338 | 10,591,073 |
| Emergency Services Levy | 18,544,985 | - |
| Interest Payable on Loans | 162,758 | 199,848 |
| Accrued Expenses - Operating | 2,494,392 | 2,293,106 |
| Accrued Expenses - Capital | 337,952 | 10,837 |
| Advances Received for Recoverable Works | 41,896 | 40,635 |
| Income Received / Raised in Advance | 827,707 | 1,008,030 |
| Australian Taxation Office - GST Payable | 109,837 | - |
| Other Creditors | 1,778,639 | 1,830,441 |
| | \$28,668,504 | \$15,973,970 |

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Notes to the Balance Sheet for the 3 months ended 30 September 2016

7 Employee Benefits

| | 30/09/2016 | 30/06/2016 |
|---|---------------------|---------------------|
| Current | \$ | \$ |
| Leave Entitlements | | |
| Annual Leave | 4,462,614 | 4,454,492 |
| Self Funded Leave | 212,281 | 238,785 |
| Long Service Leave | 6,182,699 | 6,222,059 |
| Recognition of Employees- Presentations | 135,687 | 136,252 |
| | \$10,993,281 | \$11,051,588 |
| Non Current | | |
| Annual Leave | 629,989 | 629,989 |
| Long Service Leave | 1,132,108 | 1,132,108 |
| | \$1,762,097 | \$1,762,097 |

Provisions

| | 30/09/2016 | 30/06/2016 |
|--|--------------------|--------------------|
| Current | \$ | \$ |
| Workers Compensation | 613,992 | 390,015 |
| | \$613,992 | \$390,015 |
| Non Current | | |
| Provision for Equipment Replacement PCEC | 4,356,942 | 4,259,487 |
| | \$4,356,942 | \$4,259,487 |

8 Property, Plant and Equipment and Work in Progress

| | 30/09/2016 | 30/06/2016 |
|---|------------------------|------------------------|
| | \$ | \$ |
| Land and Air Rights - at cost/fair value | 380,133,677 | 380,133,678 |
| Less: Accumulated Depreciation | (3,277,466) | (3,135,072) |
| | 376,856,211 | 376,998,606 |
| Buildings - at fair value | 378,864,742 | 378,864,743 |
| Less: Accumulated Depreciation | (156,043,232) | (154,004,183) |
| | 222,821,510 | 224,860,560 |
| Improvements - at fair value | 52,659,660 | 52,659,661 |
| Less: Accumulated Depreciation | (6,113,058) | (5,565,355) |
| | 46,546,602 | 47,094,306 |
| Infrastructure Assets - at cost/fair value | 754,771,940 | 755,794,940 |
| Less: Accumulated Depreciation | (272,792,344) | (270,615,444) |
| | 481,979,596 | 485,179,496 |
| Plant and Mobile Equipment - at cost/fair value | 47,101,839 | 47,541,666 |
| Less: Accumulated Depreciation | (30,063,829) | (29,432,643) |
| | 17,038,010 | 18,109,023 |
| Office Furniture and Equipment - at cost/fair value | 41,871,404 | 41,871,404 |
| Less: Accumulated Depreciation | (15,920,194) | (15,155,180) |
| | 25,951,210 | 26,716,224 |
| Agricultural - at cost | 795,271 | 795,271 |
| Less: Accumulated Depreciation | - | - |
| | 795,271 | 795,271 |
| Property, Plant and Equipment | 1,171,988,410 | 1,179,753,486 |
| Work in Progress - at cost | 34,115,077 | 32,151,366 |
| | 34,115,077 | 32,151,366 |
| Total Property, Plant and Equipment and Work in Progress | \$1,206,103,487 | \$1,211,904,848 |

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Notes to the Balance Sheet for the 3 months ended 30 September 2016

8 Property, Plant and Equipment and Work in Progress - Movement at Cost

| | Balance 30/06/2016 | Acquisitions Actual YTD 30/09/2016 | Transfers Actual YTD 30/09/2016 | Disposals/ Write off/ Actual YTD 30/09/2016 | Revaluation Actual YTD 30/09/2016 | Balance 30/09/2016 |
|--------------------------------|------------------------|--|---------------------------------------|--|---|------------------------|
| | \$ | \$ | \$ | \$ | | \$ |
| Land and Air Rights | 380,133,678 | - | - | - | - | 380,133,678 |
| Buildings | 378,864,743 | - | - | - | - | 378,864,743 |
| Improvements | 52,659,661 | - | - | - | - | 52,659,661 |
| Infrastructure Assets | 755,794,940 | 60,450 | 1,363,331 | (2,446,780) | - | 754,771,941 |
| Plant and Mobile Equipment | 47,541,666 | 466,230 | - | (906,057) | - | 47,101,839 |
| Office Furniture and Equipment | 41,871,404 | - | - | - | - | 41,871,404 |
| Agricultural | 795,271 | - | - | - | - | 795,271 |
| Work in Progress | 32,151,366 | 3,328,733 | (1,365,022) | - | - | 34,115,077 |
| | \$1,689,812,729 | \$3,855,413 | (1,691) | (3,352,837) | - | \$1,690,313,614 |

9 Loan Liability

| | 30/09/2016 | 30/06/2016 |
|---|------------|------------|
| Current | \$ | \$ |
| Loans - Western Australian Treasury Corporation | 5,721,401 | 6,772,073 |
| Non Current | | |
| Loans - Western Australian Treasury Corporation | 28,477,457 | 29,554,929 |

10 Reserve Funds

| Purpose of Reserve Fund | Balance 30/06/2016 | Transfer from Accumulated Surplus | Transfer to Accumulated Surplus | Balance 30/09/2016 |
|---|-----------------------|---|---------------------------------------|-----------------------|
| | \$ | \$ | \$ | \$ |
| Refuse Disposal and Treatment | 2,935,851 | 30,783 | - | 2,966,634 |
| Concert Hall - Refurbishment and Maint. | 4,835,978 | 49,096 | - | 4,885,074 |
| Asset Enhancement | 26,232,133 | 266,053 | (233,531) | 26,264,655 |
| Street Furniture Replacement | 371,375 | 6,208 | (4,694) | 372,889 |
| Parking Levy | 18,160,738 | 9,055 | (17,278,906) | 890,887 |
| Art Acquisition | 374,845 | 3,733 | - | 378,578 |
| Heritage Incentive | 618,109 | 6,205 | - | 624,314 |
| Parking Facilities Development | 23,671,273 | 240,350 | (161,216) | 23,750,407 |
| Employee Entitlements | 1,762,097 | 18,890 | - | 1,780,987 |
| David Jones Bridge | 292,381 | 2,926 | - | 295,307 |
| Bonus Plot Ratio | 613,783 | 6,231 | - | 620,014 |
| PCEC Fixed Plant Replacement | 4,244,225 | 123,823 | - | 4,368,048 |
| Enterprise and Initiative | 3,915,439 | 39,750 | - | 3,955,189 |
| Public Art | 200,017 | 2,031 | - | 202,048 |
| | 88,228,244 | 805,134 | (17,678,347) | 71,355,031 |
| * Asset Revaluation | 560,035,698 | - | - | 560,035,698 |
| | \$648,263,942 | \$805,134 | (\$17,678,347) | \$631,390,729 |

* The Asset Revaluation Reserve is a non cash backed reserve and cannot be used ,except for adjustments to fixed assets on their revaluation, disposal or write off

MUNICIPAL

Notes to the Balance Sheet for the 3 months ended 30 September 2016

11 Cash Reconciliation

| | 30/09/2016 | 30/06/2016 |
|-----------------------------|----------------------|----------------------|
| | \$ | \$ |
| Cash and Cash Equivalents | 4,799,951 | 10,063,697 |
| Short Term Cash Investments | 156,515,417 | 100,249,402 |
| | \$161,315,368 | \$110,313,099 |

12 Reconciliation of Net Cash Provided By Operating Activities to Operating Surplus

| | 30/09/2016 | 30/06/2016 |
|---|---------------------|---------------------|
| | \$ | \$ |
| Change in Net Assets Resulting from Operations | 77,958,060 | 13,793,738 |
| Adjustment for items not involving the movement of Funds: | | |
| Depreciation | 8,377,236 | 31,545,687 |
| Doubtful Debts | 11,199 | 369,586 |
| Non Capitalised Work in Progress | 1,691 | (4,620,525) |
| (Gain)/Loss on Disposal/Write off/Contribution of Assets | 873,432 | 1,569,290 |
| | 87,221,618 | 42,657,776 |
| Revenues Provided By : | | |
| Government Grants | (721,578) | (6,812,016) |
| Contribution from Other Parties | - | (49,890) |
| | (721,578) | (6,861,906) |
| Change in Operating Assets and Liabilities | | |
| Add Back | | |
| Decrease in Inventories | 18,209 | 377,978 |
| Decrease in Deposits and Prepayments | - | 92,261 |
| Decrease in Accrued Interest and Dividend Income | - | 63,628 |
| Decrease in Deferred Debtors | - | 7,133 |
| Decrease in Accrued Income | 8,904 | - |
| Increase in Income Received /Raised in Advance | - | 99,641 |
| Increase in Accrued Expenses | 201,286 | - |
| Increase in Provisions | 263,125 | - |
| Increase in Trade and Other Payables | 12,382,285 | - |
| Deduct | | |
| Decrease in Trade and Other Payables | - | (2,565,858) |
| Decrease in Income Received /Raised in Advance | (179,062) | - |
| Decrease in Accrued Interest Payable | (37,090) | (41,167) |
| Increases in Deferred Debtors | (19,543) | - |
| Decrease in Provisions | - | (407,068) |
| Decrease in Accrued Expenses | - | (324,459) |
| Increase in Trade and Other Receivables | (29,122,754) | (2,033,367) |
| Increase in Prepayments | (14,032,300) | - |
| Increase in Accrued Income | - | (193,777) |
| Increase in Accrued Interest and Investment Income | (306,676) | - |
| | (30,823,616) | (4,925,055) |
| Net Cash Provided by Operating Activities | \$55,676,427 | \$30,870,815 |

MUNICIPAL

Notes to the Balance Sheet for the 3 months ended 30 September 2016

13 Ratios

| | 30/09/2016 | 30/06/2016 |
|--|------------|------------|
| 1 Current Ratio | | |
| <u>Current Assets minus Restricted Assets</u> | | |
| <u>Current Liabilities minus Liabilities associated with Restricted Assets</u> | 3.23 | 1.09 |
| 2 Debt Ratio | | |
| <u>Total Liabilities</u> | | |
| <u>Total Assets</u> | 5.63% | 5.20% |
| 3 Debt Service Ratio | | |
| <u>Debt Service Cost</u> | | |
| <u>Available Operating Revenue</u> | 2.14% | 4.44% |
| 4 Rate Coverage Ratio | | |
| <u>Net Rate Revenue</u> | | |
| <u>Operating Revenue</u> | 72.63% | 43.96% |
| 5 Outstanding Rates Ratio | | |
| <u>Rates Outstanding</u> | | |
| <u>Rates Collectable</u> | 26.89% | 0.23% |
| 6 Untied Cash to Unpaid Creditors Ratio | | |
| <u>Untied Cash</u> | | |
| <u>Unpaid Trade Creditors</u> | 21.21 | 2.34 |
| 7 Gross Debt to Revenue Ratio | | |
| <u>Gross Debt</u> | | |
| <u>Total Revenue</u> | 28.00% | 18.99% |
| 8 Gross Debt to Economically Realisable Assets Ratio | | |
| <u>Gross Debt</u> | | |
| <u>Economically Realisable Assets</u> | 3.60% | 4.24% |

Restricted Assets includes reserve funds and tied contributions not utilised at 30.09.2016

SCHEDULE 3

| CITY OF PERTH | |
|---|--------------------------|
| Budget 2016/17 - Request for Adjustments | |
| Unit / Description | Adjustment Amount |
| OPERATING REVENUE | |
| Rates | 1,770,506 |
| Rubbish Collection Fees | 509,349 |
| TOTAL OPERATING REVENUE | 2,279,855 |
| | |
| OPERATING EXPENDITURE | |
| | |
| Parking Services | |
| 4 x Parking Information Officers Band 3A | 301,231 |
| Parking Signage | 40,000 |
| | 341,231 |
| | |
| Community Amenity and Safety | |
| 2 x Rangers Band 4A | 158,759 |
| Consultancy - Bushfire Management | 25,000 |
| | 183,759 |
| | |
| Community Services | |
| Cost of the Delivery of HACC Services | 22,000 |
| | |
| Commercial Parking | |
| Parking Technician | 79,380 |
| | |
| TOTAL OPERATING EXPENDITURE | 626,370 |
| Capital Expenditure | |
| Planning and Development Directorate | 130,000 |
| Bicycle Plan - Consultancy (design) | 70,000 |
| Intersection Designs and Road Improvement Initiatives | 60,000 |
| Construction and Maintenance Directorate | 771,000 |
| Vehicle - Sanitation - House Hold Refuse | 405,000 |
| Vehicle - Other Law, Order and Public Safety | 50,000 |
| Vehicle - Parking Facilities | 56,000 |
| Park Furniture | 10,000 |
| Removal and replacement of existing play equipment | 250,000 |
| Community and Commercial Services Directorate | 100,848 |
| Parking Officer Equipment | 25,848 |
| Upgrade of Cale ticket machines | 40,000 |
| Lighting install at J H Abrahams car park | 35,000 |
| TOTAL CAPITAL | 1,001,848 |
| | |
| Payment to Subiaco | 49,643 |
| Rates debtors transferred | 49,643 |

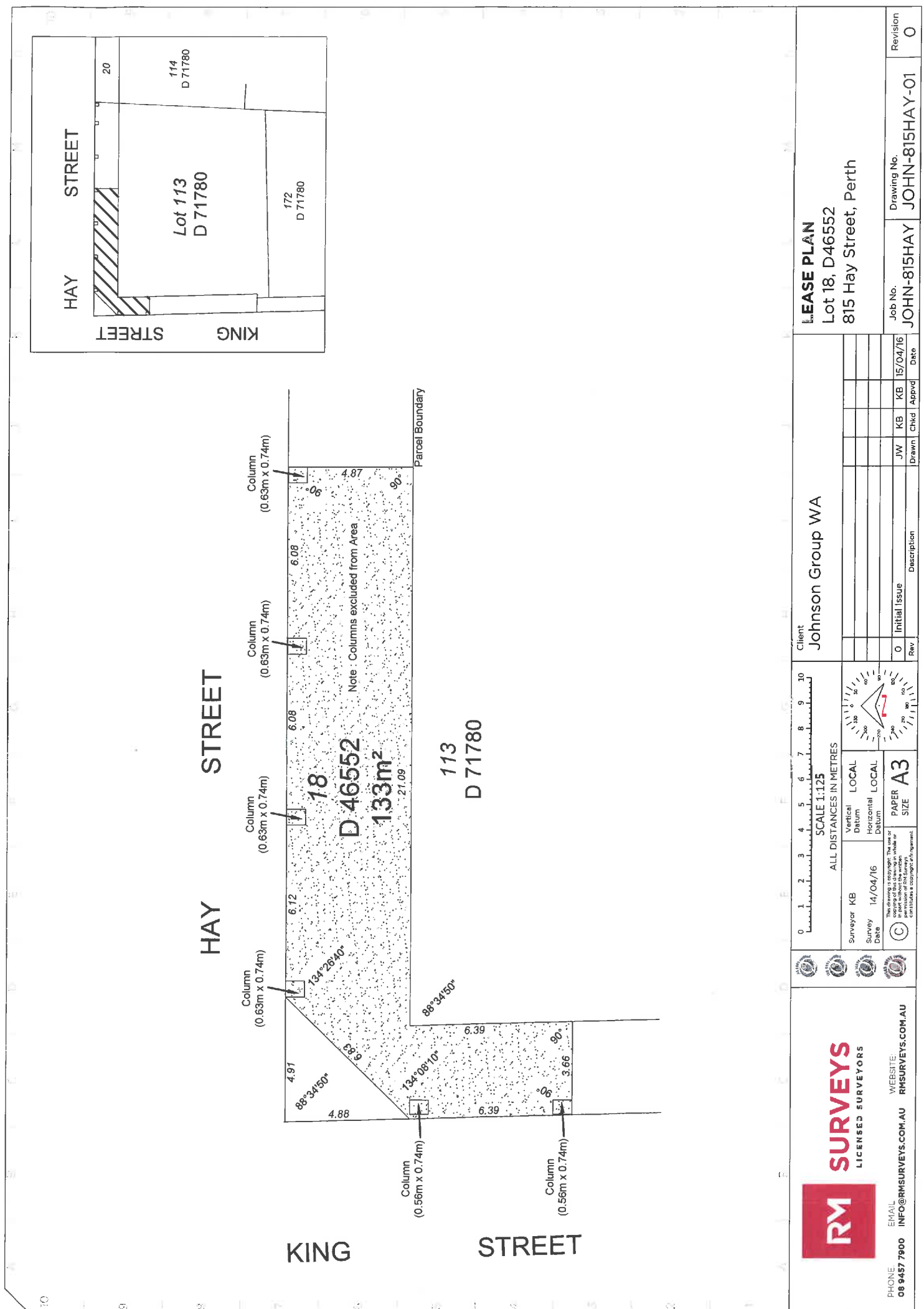
SCHEDULE 4

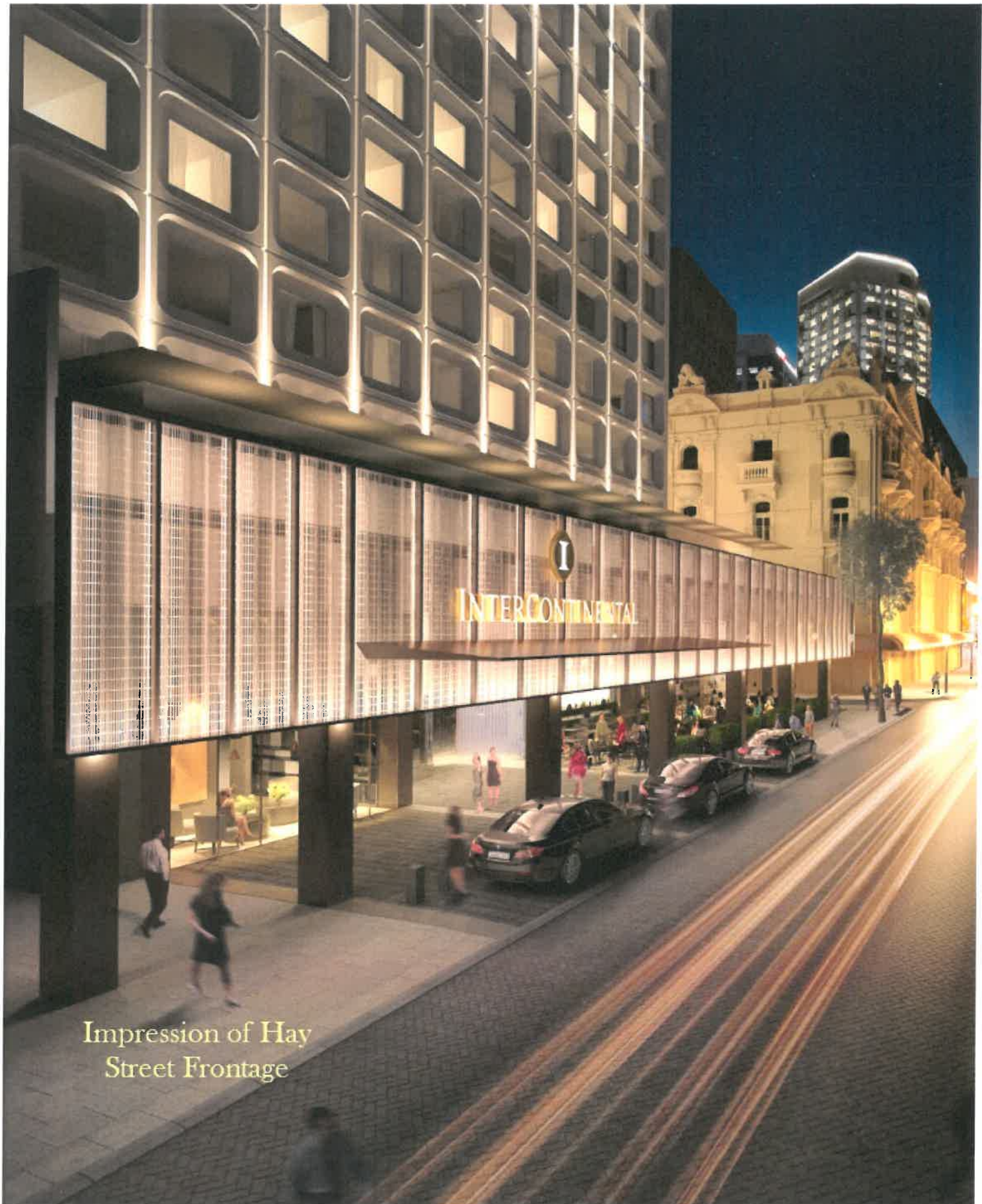
Lease Terms and Conditions – 815 Hay Street, Perth

| | |
|--------------------|---|
| Lessor | City of Perth |
| Lessee | UNIR Hotels Pty Ltd |
| Premises | That part of the land having a lettable area of approximately 133 square metres and situated within Lot 18 on Diagram 46552 (815 Hay Street, Perth). |
| Permitted Use | Alfresco dining |
| Commencement | 1 December 2016 – Carry Forward with the Lease End date for the Rydges Hotel at the 30/11/2016. |
| Term | 5 Years |
| Option | 5 +5 + 5 Years |
| Rent | \$34,000 per annum + GST |
| Outgoings | N/A |
| Payment Date | Quarterly from Lease commencement date |
| Reviews | Annually to CPI and to market on renewal of option |
| Insurance | Public Liability not less than \$20,000,000 |
| Special Conditions | <ol style="list-style-type: none"> Disability Discrimination Act: The Tenant will, at its own cost, install and implement any necessary measures to ensure that the Premises complies with the requirements of the <i>Disability Discrimination Act 1992</i>. For the avoidance of any doubt, any works carried out by the Tenant under this special condition are subject to the requirements in clause 8 of this Lease |

| | |
|-------|--|
| | <p>2. The Lease is subject for the completion of the pedestrian thoroughsafe awning extension to the City's satisfaction, with the following minimum requirements under the City's alfresco dining policy:</p> <p>2.1. not affecting the street trees</p> <p>2.2. having a minimum of 2.5m</p> <p>The Lessee is responsible for all costs associated with the awning extension and the correspondent development plan proposal with the City of Perth, under the reference number 2016/1065.</p> |
| Costs | The costs associated with the preparation of this Lease will be to the Lessee's account. |

The map shows a grid of streets and buildings. Key streets include Wolf Lane, Wainster Lane, St Georges Tce, and King St. Buildings labeled include The Atrium, Rydges Hotel, His Majesty's Theatre, and Harpers Building. A red arrow points to the site location at 815-823, which is highlighted in red. Other addresses shown include 810-824, 804-808, 800, 778-788, 772-776, 750-770, 741, 739-745, 738-745, 737-744, 736-744, 735-744, 734-744, 733-744, 732-744, 731-744, 730-744, 729-744, 728-744, 727-744, 726-744, 725-744, 724-744, 723-744, 722-744, 721-744, 720-744, 719-744, 718-744, 717-744, 716-744, 715-744, 714-744, 713-744, 712-744, 711-744, 710-744, 709-744, 708-744, 707-744, 706-744, 705-744, 704-744, 703-744, 702-744, 701-744, 700-744, 699-744, 698-744, 697-744, 696-744, 695-744, 694-744, 693-744, 692-744, 691-744, 690-744, 689-744, 688-744, 687-744, 686-744, 685-744, 684-744, 683-744, 682-744, 681-744, 680-744, 679-744, 678-744, 677-744, 676-744, 675-744, 674-744, 673-744, 672-744, 671-744, 670-744, 669-744, 668-744, 667-744, 666-744, 665-744, 664-744, 663-744, 662-744, 661-744, 660-744, 659-744, 658-744, 657-744, 656-744, 655-744, 654-744, 653-744, 652-744, 651-744, 650-744, 649-744, 648-744, 647-744, 646-744, 645-744, 644-744, 643-744, 642-744, 641-744, 640-744, 639-744, 638-744, 637-744, 636-744, 635-744, 634-744, 633-744, 632-744, 631-744, 630-744, 629-744, 628-744, 627-744, 626-744, 625-744, 624-744, 623-744, 622-744, 621-744, 620-744, 619-744, 618-744, 617-744, 616-744, 615-744, 614-744, 613-744, 612-744, 611-744, 610-744, 609-744, 608-744, 607-744, 606-744, 605-744, 604-744, 603-744, 602-744, 601-744, 600-744, 599-744, 598-744, 597-744, 596-744, 595-744, 594-744, 593-744, 592-744, 591-744, 590-744, 589-744, 588-744, 587-744, 586-744, 585-744, 584-744, 583-744, 582-744, 581-744, 580-744, 579-744, 578-744, 577-744, 576-744, 575-744, 574-744, 573-744, 572-744, 571-744, 570-744, 569-744, 568-744, 567-744, 566-744, 565-744, 564-744, 563-744, 562-744, 561-744, 560-744, 559-744, 558-744, 557-744, 556-744, 555-744, 554-744, 553-744, 552-744, 551-744, 550-744, 549-744, 548-744, 547-744, 546-744, 545-744, 544-744, 543-744, 542-744, 541-744, 540-744, 539-744, 538-744, 537-744, 536-744, 535-744, 534-744, 533-744, 532-744, 531-744, 530-744, 529-744, 528-744, 527-744, 526-744, 525-744, 524-744, 523-744, 522-744, 521-744, 520-744, 519-744, 518-744, 517-744, 516-744, 515-744, 514-744, 513-744, 512-744, 511-744, 510-744, 509-744, 508-744, 507-744, 506-744, 505-744, 504-744, 503-744, 502-744, 501-744, 500-744, 499-744, 498-744, 497-744, 496-744, 495-744, 494-744, 493-744, 492-744, 491-744, 490-744, 489-744, 488-744, 487-744, 486-744, 485-744, 484-744, 483-744, 482-744, 481-744, 480-744, 479-744, 478-744, 477-744, 476-744, 475-744, 474-744, 473-744, 472-744, 471-744, 470-744, 469-744, 468-744, 467-744, 466-744, 465-744, 464-744, 463-744, 462-744, 461-744, 460-744, 459-744, 458-744, 457-744, 456-744, 455-744, 454-744, 453-744, 452-744, 451-744, 450-744, 449-744, 448-744, 447-744, 446-744, 445-744, 444-744, 443-744, 442-744, 441-744, 440-744, 439-744, 438-744, 437-744, 436-744, 435-744, 434-744, 433-744, 432-744, 431-744, 430-744, 429-744, 428-744, 427-744, 426-744, 425-744, 424-744, 423-744, 422-744, 421-744, 420-744, 419-744, 418-744, 417-744, 416-744, 415-744, 414-744, 413-744, 412-744, 411-744, 410-744, 409-744, 408-744, 407-744, 406-744, 405-744, 404-744, 403-744, 402-744, 401-744, 400-744, 399-744, 398-744, 397-744, 396-744, 395-744, 394-744, 393-744, 392-744, 391-744, 390-744, 389-744, 388-744, 387-744, 386-744, 385-744, 384-744, 383-744, 382-744, 381-744, 380-744, 379-744, 378-744, 377-744, 376-744, 375-744, 374-744, 373-744, 372-744, 371-744, 370-744, 369-744, 368-744, 367-744, 366-744, 365-744, 364-744, 363-744, 362-744, 361-744, 360-744, 359-744, 358-744, 357-744, 356-744, 355-744, 354-744, 353-744, 352-744, 351-744, 350-744, 349-744, 348-744, 347-744, 346-744, 345-744, 344-744, 343-744, 342-744, 341-744, 340-744, 339-744, 338-744, 337-744, 336-744, 335-744, 334-744, 333-744, 332-744, 331-744, 330-744, 329-744, 328-744, 327-744, 326-744, 325-744, 324-744, 323-744, 322-744, 321-744, 320-744, 319-744, 318-744, 317-744, 316-744, 315-744, 314-744, 313-744, 312-744





Impression of Hay
Street Frontage

Finance and Administration Committee
Confidential Schedules 8, 9 & 10
(Minute FA238/16 refers)

Distributed to Elected Members under separate cover

Bound in Consolidated Committee
Confidential Minute Book
Volume 1 2016



Our Ref: WST/211 : D/16/1623

29 April 2016

Mr Martin Mileham
City Perth
Council House
27 St George's Terrace
PERTH WA

Dear Martin

RE: PROPOSED AMENDMENTS TO THE CURRENT CONSTITUTION

A report entitled "Mindarie Regional Council Strategic Action Plan – Waste Precinct Planning" was presented to the Council at its meeting on 14 April 2016. The report recommended the development of a Waste Precinct in close proximity to the existing Resource Recovery Facility at the Neerabup Industrial Estate and/or the Energy Precinct located in the City of Wanneroo. The Waste Precinct includes the development of a Sorting Shed (bulk verge waste), Municipal Recycling Facility (yellow top bin) and a Waste to Energy Facility (green and red top bins).

The report also identifies that the current Constitution would limit, if not prevent, the MRC from procuring some of the goods and/or services required for the development of the Waste Precinct and indicated that the Member Councils should either approve, in a timely manner, the final draft of the new Establishment Agreement (EA) or the minor amendments required to the current Constitution. The EA was previously distributed to the Member Council CEO's in correspondence dated 15 February 2016 for approval. The Council of the MRC resolved, inter alia, the following:

"That the Council:

- 4. write to the Member Councils informing them of its decision to support the development of the Waste Precinct and impress on them the need to either;*
 - i) approve, in a timely manner, the draft Establishment Agreement as presented to them in correspondence, from the MRC, dated 15 February 2016; or*
 - ii) adopt amendments to the current Constitution.*

as the changes are required to enable the MRC to enter into negotiations and contracts associated with the infrastructure required for the Waste Precinct."



Based on discussions with the member councils it is evident that there is a will to approve the new EA, however it is clear that further work is required on its "Exemption" clause, which is likely to cause a delay in obtaining the necessary approvals.

In line with the Council's resolution our solicitor, Castledine Gregory has drafted a deed entitled 'Deed of Variation - Constitution Agreement of the Mindarie Regional Council' (the Deed) that seeks to amend the current Constitution to enable the MRC to purchase the goods and/or services required to facilitate the Waste Precinct. The solicitors have indicated that the Constitutional amendments required would be minor, as follows:

"Clause 5.1(a)

In clause 5.1(a), delete the words 'delivered to a building or place provided, managed or controlled for those purposes by the regional council'.

Clause 5.1(b)

In clause 5.1(b), delete the words 'which is delivered to a building or place provided, managed or controlled for those purposes by the regional council'."

Given the amendments to the current Constitution are minor the MRC is seeking the Member Councils formal consideration of the attached Deed in a timely manner. If all of the Member Council's approve the amendments to the Constitution the MRC will have the Deed duly signed and sent on to the Minister for Local Government for his approval.

The MRC will continue to work with the Member Councils on the finalisation of the EA as it is contemporary, setting the processes required to accommodate MRC's new service model and protect the Member Councils.

If you require any further clarification on the above deed or the processes associated with the implementation of the Waste Precinct please do not hesitate in contacting me on 9306 6302.

Yours faithfully



BRIAN CALLANDER
CHIEF EXECUTIVE OFFICER
Encl.

bc/ln

Deed of Variation

Constitution Agreement of the Mandarie Regional Council

Between

Town of Cambridge

City of Joondalup

City of Perth

City of Stirling

Town of Victoria Park

City of Vincent

City of Wanneroo

(the Participants)

THIS DEED dated

BETWEEN TOWN OF CAMBRIDGE of 1 Bold Park Drive, Floreat, Western Australia
AND CITY OF JOONDALUP of Boas Avenue, Joondalup, Western Australia
AND CITY OF PERTH of Council House, 27 St George's Terrace, Perth, Western Australia
AND CITY OF STIRLING of 25 Cedric Street, Stirling, Western Australia
AND TOWN OF VICTORIA PARK of 99 Shepparton Road, Victoria Park, Western Australia
AND CITY OF VINCENT of 244 Vincent Street, Leederville, Western Australia
AND CITY OF WANNEROO of 23 Dundobar Road, Wanneroo, Western Australia
(together, the **Participants**)

Background

- A. By the Original Constitution Agreement and the Order of the Governor made on 22 December 1987, a regional district comprising the districts of the City of Perth, City of Stirling and City of Wanneroo was constituted pursuant to section 697 of the *Local Government Act 1960 (WA)*. The name of the regional district is the Mindarie Regional District and the name of its council is the Mindarie Regional Council.
- B. By the *Deed of Variation of Constitution* dated 1996 between the City of Perth, City of Stirling and City of Wanneroo, the Original Constitution Agreement was amended in the manner set out in that document.
- C. By the *Deed of Variation of Constitution Admitting New Municipalities* dated 25 November 1996 made between the Town of Cambridge, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo, the Original Constitution Agreement was further amended in the manner set out in that document, admitting the Town of Cambridge, Town of Victoria Park and Town of Vincent as constituent municipalities of the Mindarie Regional Council.
- D. By the *Deed of Amendment of Constitution Agreement* dated 20 October 1999, made between the Town of Cambridge, City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo, the Original Constitution Agreement was further amended in the manner set out in that document.
- E. By the *Deed of Variation of Constitution Agreement of Mindarie Regional Council* dated 2004, made between the Town of Cambridge, City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo, the Original Constitution Agreement was further amended in the manner set out in that document.

- F. By virtue of the transitional provisions of the Act, the Mindarie Regional Council continues as a regional local government as if it had been constituted as a regional local government under the Act.
- G. The Participants have resolved on the dates referred to in Schedule 1 to amend the Current Constitution Agreement in the manner set out in this Deed, and to submit this Deed to the Minister for Local Government for approval under section 3.61 of the Act.

Agreed terms

1. Definitions and interpretation

1.1 Definitions

In this Deed the following words have the following meanings, unless the contrary intention appears:

Act means the *Local Government Act 1995 (WA)*.

Commencement Date means the date upon which the Minister for Local Government approves this Deed under section 3.61 of the Act.

Current Constitution Agreement means the Original Constitution Agreement, as amended by:

- (i) *Deed of Variation of Constitution* dated 1996 between the City of Perth, City of Stirling and City of Wanneroo;
- (ii) *Deed of Variation of Constitution Admitting New Municipalities* dated 25 November 1996 between the Town of Cambridge, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo;
- (iii) *Deed of Amendment of Constitution Agreement* dated 20 October 1999 between the Town of Cambridge, City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo; and
- (iv) *Deed of Variation of Constitution Agreement of Mindarie Regional Council* dated 2004 between the Town of Cambridge, City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo.

Original Constitution Agreement means the *Regional District and Regional Council Constitution Agreement* dated 1987 between the City of Perth, City of Stirling and the City of Wanneroo.

1.2 Interpretation

The rules of interpretation set out in the Current Constitution Agreement are repeated in this Deed with any necessary modifications.

2. Variations

As from the Commencement Date, the Participants agree to vary the Current Constitution Agreement as follows:

2.1 Clause 5.1(a)

In clause 5.1(a), delete the words 'delivered to a building or place provided, managed or controlled for those purposes by the regional council'.

2.2 Clause 5.1(b)

In clause 5.1(b), delete the words 'which is delivered to a building or place provided, managed or controlled for those purposes by the regional council'.

3. Confirmation

Except as expressly provided otherwise in this Deed, the terms of the Current Constitution Agreement continue to apply.

4. General

4.1 Governing law and jurisdiction

- (a) The Deed is governed by the law applicable in the State of Western Australia.
- (b) Each Participant irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Western Australia.

4.2 Further action

Each Participant must use its best efforts to do all things necessary or desirable to give full effect to the Deed and the matters contemplated by it.

4.3 Counterparts

This Deed may be executed in any number of counterparts and all counterparts shall together constitute one instrument.

4.4 Costs

Each Participant is to bear its own costs of, and incidental to, the preparation and execution of this Deed.

SCHEDULE 1

| Participant | Date of resolution of Participant to enter into this Deed of Variation |
|-----------------------|---|
| Town of Cambridge | |
| City of Joondalup | |
| City of Perth | |
| City of Stirling | |
| Town of Victoria Park | |
| City of Vincent | |
| City of Wanneroo | |

DRAFT

EXECUTED as a Deed

THE COMMON SEAL of the **TOWN OF**)
CAMBRIDGE was affixed hereto in the)
presence of:)

Date of affixing seal: _____

Mayor (signature) ←

Chief Executive Officer (signature) ←

Mayor (print full name)

Chief Executive Officer (print full name)

THE COMMON SEAL of the **CITY OF**)
JOONDALUP was affixed hereto in the)
presence of:)

Date of affixing seal: _____

Mayor (signature) ←

Chief Executive Officer (signature) ←

Mayor (print full name)

Chief Executive Officer (print full name)

**THE COMMON SEAL of the CITY OF
PERTH** was affixed hereto in the presence
of:

)
)
)

Date of affixing seal: _____

Mayor (signature)

Chief Executive Officer (signature)

Mayor (print full name)

Chief Executive Officer (print full name)

**THE COMMON SEAL of the CITY OF
STIRLING** was affixed hereto in the
presence of:

)
)
)

Date of affixing seal: _____

Mayor (signature)

Chief Executive Officer (signature)

Mayor (print full name)

Chief Executive Officer (print full name)

**THE COMMON SEAL of the TOWN OF
VICTORIA PARK** was affixed hereto in
the presence of:

)
)
)

Date of affixing seal: _____

Mayor (signature)

Chief Executive Officer (signature)

Mayor (print full name)

Chief Executive Officer (print full name)

THE COMMON SEAL of the **CITY OF VINCENT** was affixed hereto in the presence of:

)
)
)

Date of affixing seal: _____

Mayor (signature)

Chief Executive Officer (signature)

Mayor (print full name)

Chief Executive Officer (print full name)

THE COMMON SEAL of the **CITY OF WANNEROO** was affixed hereto in the presence of:

)
)
)

Date of affixing seal: _____

Mayor (signature)

Chief Executive Officer (signature)

Mayor (print full name)

Chief Executive Officer (print full name)



State Library
OF WESTERN AUSTRALIA

Mr Martin Mileham
Chief Executive Officer
City of Perth
GPO Box C120
PERTH WA 6839

16 September 2016

Dear Mr Mileham

Library Board of Western Australia Representative

The term on the Library Board, as representative for the City of Perth, of Cr Janet Davidson OAM JP will expire on 8 February 2017.

The *Library Board of Western Australia Act 1951* (the Act) provides for the appointment to the Library Board of a member representing the City of Perth.

The Act specifies that a panel of 3 names is to be provided for submission to the Minister for Culture and the Arts for consideration as the City of Perth representative.

To enable the Minister and Cabinet to assess the particular expertise of each person, could you please ensure that the three candidates' names are accompanied by relevant curriculum vitae – template attached.

Nominees should have the capacity to contribute to the Board at the strategic level and across a range of areas including financial and risk management, policy and governance matters as well areas of professional knowledge and interest.

So that I may proceed with the process, leading to the reappointment or appointment of a successor for Cr Davidson, I would be grateful if you would provide three names as soon as practical, but no later than 30 October 2016.

Yours sincerely,

Margaret Allen
CEO and State Librarian



Perth Cultural Centre, 25 Francis St, Perth WA 6000

T +61 8 9427 3111 1800 198 107 (WA Country Callers Only) F +61 8 9427 3256

E info@slwa.wa.gov.au W slwa.wa.gov.au

Curriculum Vitae

Title

Full Name

Postal Address

Contact Telephone Number

Email Address

Current employer and position

Work history relevant to board position

Voluntary involvement relevant to board position –

Qualifications/training –

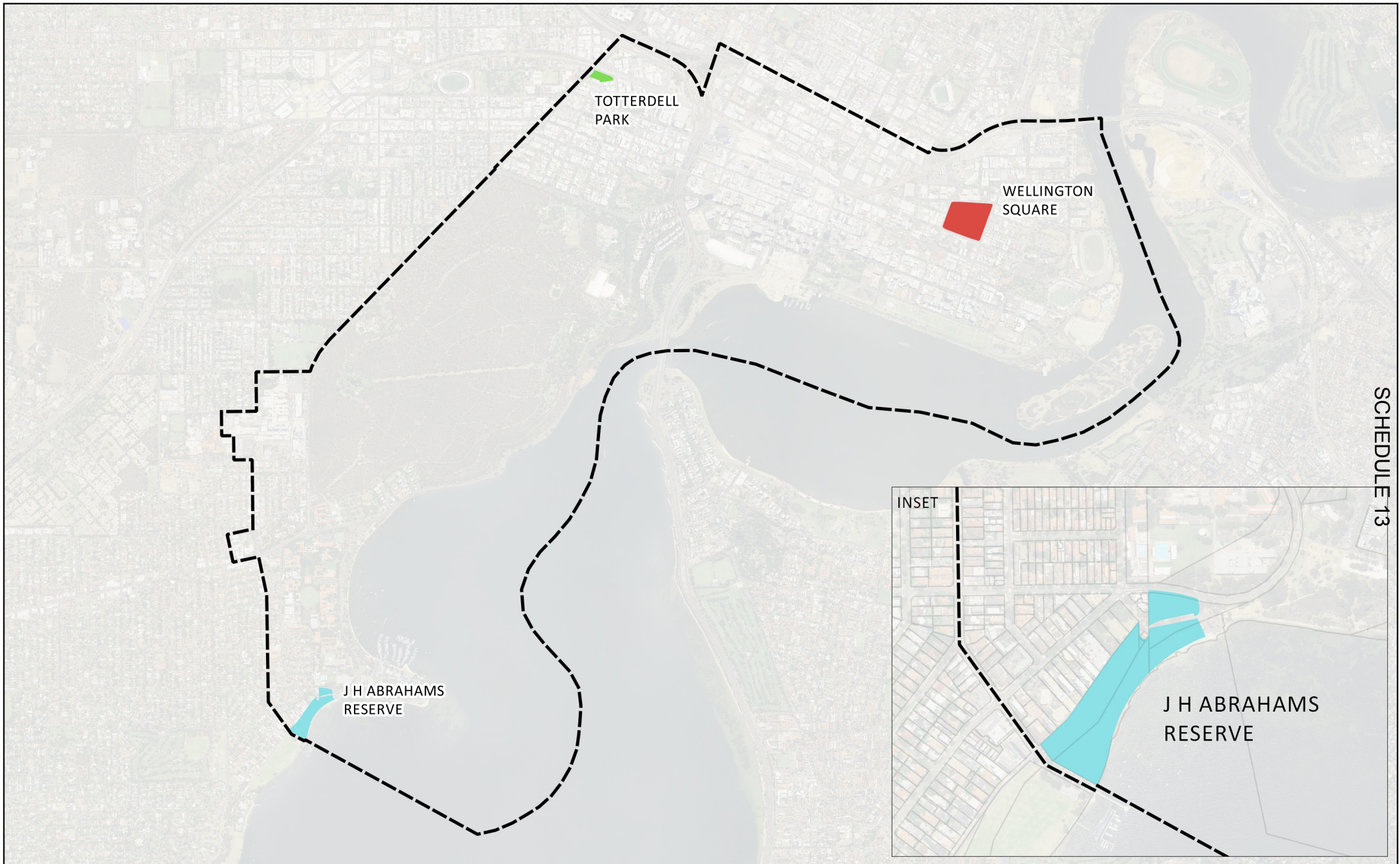
Other board experience (list all current positions) –.

Current contact details of two (2) referees –

The following information is optional and provides us with important data on the diversity of our board membership across government and helps us assess how well we are achieving these outcomes.

Date of Birth

| | | |
|--|----------|------------------------|
| Aboriginal | Yes / No | |
| Torres Strait Islander | Yes / No | |
| Country of Birth – Australian | Yes / No | If no, please specify |
| Language other than English spoken at home | Yes / No | If yes, please specify |
| Person with a disability or special needs | Yes / No | If yes, please specify |

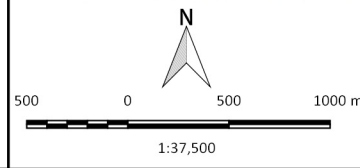


APPOINTMENT OF DOG EXERCISE AREAS – DOG ACT 1976 - SCHEDULE X

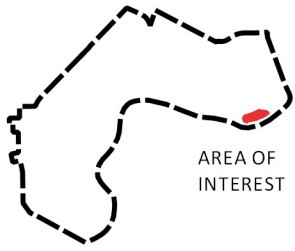
GIS Task: T0236/A Date: 19/10/2016

| | | | |
|---------------|---------------------------|--|---|
| LEGEND | | | |
| | CITY OF PERTH BOUNDARY | | DOG EXERCISE AREAS J H ABRAHAMS RESERVE |
| | TOTTERRDELL PARK | | WELLINGTON SQUARE |

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INSET



HEIRISSON ISLAND
KANGAROO ENCLOSURE
DOGS PROHIBITED AT ALL TIMES

APPOINTMENT OF DOG EXERCISE AREAS – DOG ACT 1976 - SCHEDULE Y

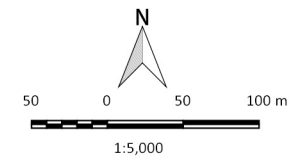
GIS Task: T0236/A Date: 19/10/2016

LEGEND

 CITY OF PERTH
BOUNDARY

 HEIRISSON ISLAND
KANGAROO ENCLOSURE

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CITY of PERTH

LOCAL GOVERNMENT ACT 1995**CITY OF PERTH
PARKING LOCAL LAW 2010**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on **14 December 2010** to make the following local law, as set out below.

PART 1 - PRELIMINARY**1.1 Citation**

This local law may be cited as the *City of Perth Parking Local Law 2010*.

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 Repeal

The *City of Perth Parking Local Law 1999* published in the *Government Gazette* on 17 December 1999 and all amendments thereto are hereby repealed on the day this local law comes into operation.

1.4 Definitions

In this local law unless the context otherwise requires -

“**Act**” means the *Local Government Act 1995*;

“**attended parking station**” means a parking station attended at times by an officer, agent, contractor or authorised person of the City;

“**authorised person**” means a person appointed by the City under section 9.10 of the Act to perform any function under this local law;

“**authorised vehicle**” means a vehicle authorised by the City or an authorised person to stop or park in a parking facility or any portion thereof;

“**bicycle**” includes any wheeled vehicle that is designed to be propelled solely by human power but does not include a pram, wheeled recreational device or wheelchair;

Amd
GG No. 31
27.02.2015

“bicycle crossing” means a portion of a carriageway upon which may be erected, on each side of the carriageway, bicycle crossing lights;

“bicycle crossing lights” means a device designed to show, at different times, a green, yellow or red bicycle crossing light;

“bicycle lane” has the meaning given to it in the Code;

“bicycle path” has the meaning given to it in the Code;

“bus” has the meaning given to “public bus” in the Code;

“bus embayment” has the meaning given to it in the Code;

“bus lane” has the meaning given to it in the Code;

“bus way” has the meaning given to it in the Code;

“bus zone” has the meaning given to it in the Code;

“caravan” means a vehicle that is fitted or designed to allow human habitation;

“carriageway” means a portion of road that is improved, designed or ordinarily used for vehicles and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

“centre” in relation to a carriageway means a line or a series of lines, marks or other indications placed at the middle of the carriageway or, in the absence of any such lines, marks or other indications, in 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 license issued under the *Transport Co-ordination Act 1966*, thereby licensed to undertake tour and/or charter work, but does not include a “public bus”.

“charter vehicle zone” means a parking bay or area designated for use by a charter vehicle;

“children’s crossing” has the meaning given to it in the Code;

“City” means City of Perth;

“clause” means a clause of this local law;

“Code” means the *Road Traffic Code 2000*;

“commercial vehicle” means a motor vehicle constructed, adapted or fitted for the conveyance of goods or merchandise, and for the purpose of this local law, includes a vehicle which is used primarily for the conveyance of goods or

merchandise and on which a business name as defined in the *Business Names Act 1962* or a Trade Mark as defined in the *Trade Marks Act 1995* is permanently affixed and readily legible to an authorised person

“Council” means the council of the City;

“Cross-over” 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 ingress and egress to and from the property.

“disability parking permit” has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

Amd
GG No. 31
27.02.2015

“district” means the district of the City;

“driver” means any person driving or in control of a vehicle;

“driveway” 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 ingress and egress to and from the property, and also includes the term cross-over;

“edge line”, for a carriageway, means a line marked along the carriageway at or near the far left or far right side of the carriageway;

“electronic parking detection device” means an electronic device placed in any 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;

Amd
GG No. 31
27.02.2015

“emergency vehicle” has the meaning given to it in the Code;

“entrance ticket” means a ticket or token issued by an entrance ticket machine;

“entrance ticket machine” means a machine installed at an entrance to a parking station (including attended parking station) and from which entrance tickets or tokens 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 upon the insertion of an entrance ticket and payment of the required fee, issues an exit ticket or token;

“fee paying zone” means a metered zone or a ticket machine zone;

“footpath” has the meaning given to it in the Code;

“GVM” (which stands for “gross vehicle mass”) has the meaning given to it in the Code;

“keep clear marking” means the words ‘keep clear’ marked across all or part of a carriageway, with or without continuous lines marked across all or part of the carriageway;

“kerb” means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

“length of carriageway” means the same side of the road between intersections on that side of the road;

“loading dock” means a parking facility or parking station owned or operated by the City for the purpose of loading or unloading goods;

“loading zone” means:

- (a) a parking facility 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 to it in the Code;

“local government property” has the meaning given to it in the Act;

“median strip” has the meaning given to it 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 any way to indicate where a vehicle may be parked on payment of a fee or charge;

“metered zone” means any road or reserve, or part of any road or reserve, in which parking meters regulate 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 the expression 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;

but does not include a power assisted pedal cycle;

“nature strip” means the portion of a road which lies between the boundary of a carriageway and the front boundary of adjacent land and includes a verge, but does not include a path;

“no parking area” means –

- (a) a portion of a carriageway –to which a “no parking” sign applies; or

(b) an area to which a “no parking” sign applies;

“**no parking sign**” has the meaning given to it in the Code;

“**no stopping area**” has the meaning given to it in the Code;

“**no stopping sign**” has the meaning given to it in the Code and the definition of “Sign” within this local law;

Amd
GG No. 31
27.02.2015

“**occupier**” has the meaning given to it in the Act;

“**owner**” –

(a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Act;

(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 give to it by the Act;

“**park**” means to permit a vehicle, whether attended or unattended, to remain stationary, except for the purpose of -

(a) avoiding conflict with other traffic;

(b) complying with any written law; or

(c) taking up or setting down persons or goods for a maximum of 2 minutes;

“**parking area**” has the meaning given to it in the Code;

“**parking bay**” means a section of a parking facility 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 same meaning given to it under the definition “parking bay” in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

Amd
GG No. 31
27.02.2015

“**parking control sign**” has the meaning given to it in the Code;

“**parking facility**” includes land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles, and signs, notices and facilities used in connection with the parking of vehicles;

“**parking permit**” means a permit issued by the City and includes both written and electronic permits;

Amd
GG No. 31
27.02.2015

“**parking region**” means the whole of the district of the City but excludes the following portions of the district:

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the City;

“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, and includes an attended parking station but does not include a road or reserve;

“parking ticket” means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle;

“path” includes a bicycle path, footpath, separated footpath and shared path;

“pedestrian crossing” has the meaning given to it in the Code;

“pedestrian mall” has the meaning given to it in the Code;

“permissive parking sign” has the meaning given to it by Clause 172 of the Code;

“postal vehicle” has the meaning given to it in the Code;

“property line” means the boundary between the land comprising a road and the land that abuts that road;

“public bus” means a bus operated by or on behalf of the State as a passenger vehicle, to carry passengers for hire or reward, whether in connection with a railway or not, but does not include a vehicle operative as a taxi using taxi plates issued under the *Taxi Act 1994* or licensed as a taxi-car under Part IIIB of the *Transport Coordination Act 1996*.

“public bus zone” means a parking bay designated for use by a public bus;

“reserve” includes any land -

- (a) owned by or vested in 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;

“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*;

“Schedule” means a Schedule to this local law;

“service vehicle” has the same meaning as given to it in the Code;

“service zone” means any part of a pedestrian mall designated for stopping or parking of service vehicles;

“shared zone” has the meaning given to it 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 to it in the Code and also includes any commercial vehicle owned by the City;

“stop” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of -

- (a) avoiding conflict with other traffic; or
- (b) complying with any written law;

“symbol” includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking;

“taxi” has the same meaning as “taxi” in section 3 of the *Taxi Act 1994*, or a “taxi-car” in section 47Z of the *Transport Coordination Act 1966*;

“taxi zone” has the meaning given to it in the Code;

“thoroughfare” has the meaning given to it in the Act;

“ticket” includes tokens;

“ticket issuing machine” means a machine or device which issues, as a result of money or other permitted form of payment being inserted into a machine, a ticket showing the period during which it is lawful to remain parked in the area to which the machine relates;

“ticket machine zone” means a parking facility 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;

“traffic” includes the passage of both vehicles and pedestrians;

“traffic island” has the meaning given to it in the Code;

“trailer” means any vehicle without motor 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;

“transit lane” has the meaning given to it 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” has the meaning given to it in the Code;

“unattended” means the driver has left the vehicle so that the driver is more than 3 meters from the closest point of the vehicle;

“unexpired parking ticket” means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

“vehicle” includes-

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels or tracks by any means; and
- (b) where the context permits, an animal being driven or ridden.

“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.

1.5 Interpretation

- (1) For the purposes of the interpretation 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 inscribed on a sign includes a reference to a symbol depicting that word or expression;
- (3) A reference to a “parking station” or “metered zone” includes a reference to part of the “parking station” or “metered zone”.
- (4) 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 otherwise requires, the term is to have the meaning given to it in the Road Traffic Act or the Code;

- (5) A reference to the wording of any sign in this Local Law shall also be deemed to be a reference to the corresponding symbol;
- (6) In this Local Law, unless the context requires otherwise, a reference to a “thoroughfare”, “parking station”, “parking facility” or “public reserve” includes a reference to, as the case may be, any part of the “thoroughfare”, “parking station”, “parking facility” or “public reserve”.
- (7) This Local Law (except for clause 2.4) applies to the whole of the parking region but not 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 the occupier of that parking station have agreed in writing that this local law will apply to that parking station.
- (8) The agreement referred to in sub-clause (1) may be made on such terms and conditions as the parties agree.

1.6 Sign erected by the Commissioner of Main Roads

A sign that -

- (a) was erected by the Commissioner of Main Roads prior to the coming into operation of this local law; and
- (b) relates to the stopping or parking of vehicles;

is taken to have been erected by the City under the authority of this local law.

1.7 Application of signs

- (1) Where under this local law the stopping or parking of vehicles on a road is controlled by a sign, the sign shall 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 thoroughfare nearest to that sign;
- (2) For the purposes of this Local Law a sign may prohibit or regulate parking or stopping by the use of any symbol;
- (3) A sign regulating the parking or stopping of vehicles is presumed to be, in the absence of evidence to the contrary, a sign placed, marked or erected under the authority of this local law;
- (4) 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 shall be deemed for the purposes of this local law to operate and have effect as if it also related to the parking of vehicles;

- (5) The first three letters of any day of the week when used on a sign indicate that day of the week;

1.8 Classes of vehicles

For the purpose of this Local Law, vehicles are divided into classes as follows-

- (a) public bus;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) taxis;
- (e) emergency vehicles;
- (f) special purpose vehicles
- (g) charter vehicles; and
- (h) all other vehicles.

PART 2 - STOPPING AND PARKING GENERALLY

2.1 Power to prohibit and regulate

Amd
GG No. 247
20.12.2011

The Council may prohibit or regulate by signs or otherwise the stopping and parking of any vehicle or class of person and vehicle, or both, but is to do so consistently with the provisions of this local law.

2.2 Determinations in relation to stopping and parking

Amd
GG No. 247
20.12.2011

The Council may establish, determine, or vary -

- (a) parking facilities;
- (b) permitted times and conditions of stopping and parking which may vary with the parking region;
- (c) permitted persons who may stop or park their vehicles;
- (d) permitted classes of vehicles which may stop or park; or
- (e) the manner of stopping or parking.

2.3 Stopping or parking generally

(1) A person must not stop or park a vehicle in a parking facility -

- (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 2.15 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*;

Amd
GG No. 247
20.12.2011

Amd
GG No. 31
27.02.2015

- (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces unless a motor vehicle is too wide or long to fit completely within a single parking bay, in which case the vehicle shall be parked within the minimum number of parking bays needed to park that motor vehicle;
 - (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked; or
 - (g) which is designated by a sign as a loading dock unless a person is actively engaged in loading or unloading goods or materials used in any industry.
- (2) A person must not stop or park a vehicle –
- (a) in a no stopping area;
 - (b) at the side of a carriageway marked with a continuous yellow edged line;
 - (c) in an area of a carriageway signed or marked with a keep clear marking;
 - (d) in a bay marked “M/C” unless it is a motorcycle without a side;
 - (e) in a bus lane or bus way;
 - (f) in a transit lane;
 - (g) in a truck lane; or
 - (h) in a bicycle lane or on a bicycle path;

Unless, in the case of sub-clause 2(a)-(d) inclusive, the person is driving a public bus, or charter vehicle 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; and
 - (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.
- (4) A person must not stop a motorcycle in a parking bay or metered space unless
- (a) the bay or space is marked “M/C”; or
 - (b) a sign applying to the bay or space is inscribed “M/C”.
- (5) If there is no sign referable to a parking bay or metered space marked “M/C”, a person must not stop or park a vehicle for longer than the maximum period

during which a vehicle may stop or be parked in any adjacent parking bay or metered space.

- (6) Unless authorised by the City, a person must not stop or park a vehicle in an area designated by a sign inscribed "Authorised Vehicles Only".

2.4 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 clauses 1.5(7) and 1.5(8).
- (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.

Amd
GG No. 163
03.09.2013

2.5 DELETED

Amd
GG No. 31
27.02.2015

2.6 Parking positions

Where the signs referring to a parking area are not inscribed with the words "angle parking" then unless a sign referring to the parking area indicates, or marks on the carriageway indicate, that vehicles 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 that 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 marks on the carriageway.

2.8 Loading zone

- (1) A person must not stop or park a vehicle in a loading zone unless-
 - (a) the vehicle is a commercial vehicle or an authorised vehicle; and
 - (b) a person is continuously engaged in loading or unloading goods to or from that 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.

Amd
GG No. 31
27.02.2015

2.9 Parking Position in fee paying zone

- (1) A person must not stop or park a vehicle in a fee paying zone parallel to a kerb that has parking bays or metered spaces other than-
 - (a) parallel to the kerb;
 - (b) as close to the kerb as practicable;
 - (c) wholly within the parking bay or metered space; and
 - (d) headed in the direction of the movement of traffic on the part of the road on which the parking bay or metered space is situated;
- (2) A person must not stop or park a vehicle in a parking bay or metered space which is not parallel to a kerb other than wholly within the parking bay or metered space as the case may be.

2.10 Reserves

- (1) 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 his or her duties;
 - (b) is an authorised person; or
 - (c) has obtained the permission of the City or an authorised person.

2.11 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.

2.12 Payment for parking

A person must not insert into a ticket issuing machine, fee collection machine or parking meter anything other than the designations of coin or banknote or other permitted form of payment indicated by a sign on the ticket issuing machine, fee collection machine or parking meter and only in accordance with the instructions printed on the ticket issuing machine, fee collection machine or parking meter.

2.13 Operation of ticket issuing machines and fee collection machines

A person must not operate a ticket issuing machine, fee collection machine or parking meter except in accordance with the operating instructions appearing on the ticket issuing machine, fee collection machine or parking meter.

2.14 Alternative methods of payment for parking

- (1) In this local law, a reference to “alternative method of payment” includes a permit, invoice, ticket or pass.
- (2) The City may authorise a person to pay for parking in advance or in arrears by an alternative method of payment.

2.15 Parking facilities where permit required

- (1) Where a parking facility has been established, determined or varied under clause 2.2(c) so as to only permit certain persons to stop or park their vehicles or under clause 2.2(d) or so as to only permit certain classes of vehicles to stop or park, then an authorised person -
 - (a) may issue a written permit to the relevant persons or vehicles of the permitted class as the case may be; and
 - (b) may vary or revoke a permit at any time.
- (2) Where a written permit has been issued under sub-clause (1), a person must not stop or park a vehicle in the parking facility unless-
 - (a) the permit 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;
 - (b) the permit remains valid and has not expired; and
 - (c) the person or the vehicle's class as specified in the permit is also specified on the sign which relates to the parking facility.

2.16 Urgent, essential or official duties

- (1) Where a sign prohibits or permits the stopping or parking of a vehicle for a limited time in a parking facility, where a person needs to carry out any duties considered by an authorised person to be urgent, essential or official in nature that person may be permitted to stop or park a vehicle for longer than the permitted time.
- (2) Where permission is given under sub-clause (1) an authorised person may prohibit, for the duration of that permission, the use by any other vehicle of that portion of the parking facility to which the permission relates, provided such prohibition is indicated by a sign.
- (3) Permission issued under sub-clause (1) may -
 - (a) allow the stopping or parking of the vehicle continuously for a specified period or periods or 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 without giving rise to any liability on the part of the City for loss or damages arising from the revocation or suspension of the permission.
- (4) A person must not stop or park a vehicle in respect of which permission has been given under sub-clause (1) other than in accordance with the terms of that permission.

2.17 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.

2.18 Selling or hiring in a parking facility

A person must not sell, hire or give away any goods or thing or erect an advertisement in a parking facility without the written authorisation of the City.

2.19 Behaviour in a parking station

- (1) A person must not remain in a parking station after having been required to leave by a police officer or an authorised person.
- (2) A person must not loiter in a parking station.

2.20 Damage to parking facilities

A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

2.21 Event parking

For the purposes of this clause an “event” means a function or activity characterised by all or any of the following:-

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- a) formal organisation and preparation;
 - b) its occurrence is generally advertised or notified in writing to particular persons;
 - c) organisation by or on behalf of a club or a body corporate;
 - d) payment of a fee to attend it; and
 - e) systematic recurrence in relation to the day, time and place;
- (1) The City may by use of signs establish additional parking facilities on any reserve or local government property, for any period specified on the signs, for the parking of vehicles by persons attending an event.
 - (2) A person must not stop or park a vehicle on a reserve or local government property set aside under sub-clause (1) during the period for which it is set aside 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) such alternative method of payment for parking as may be authorised by the City is made.

2.22 Removal and impounding of vehicles

- (1) The impounding of vehicles and other goods shall be carried out in accordance with Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the Local Government (Functions and General) Regulations 1996.
- (2) An employee authorised specifically for the purposes of section 3.39. of the Act and this clause may remove and impound any vehicle that is involved in a contravention that can lead to impounding.
- (3) A person authorised to impound a vehicle in accordance with clause (2) may use reasonable force to exercise the power given by that clause.
- (4) The form of the notice referred to in section 3.42 of the Act is set out in Schedule 3.

2.23 Authorised Parking

A person shall 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 signs for the parking of authorised vehicles only.

2.24 Parking on Local Government property

A person must not stop or park a vehicle on or over any portion of a local government 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 clause 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 stopping 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 stopping or parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopping or parked on the opposite side of the carriageway;
- (d) so that it is more than 1.2 metres 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, traffic islands and paths

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, median strip, path or nature 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 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;
- (b) if that vehicle is not licensed under the Road Traffic Act or any corresponding law of another State or Territory or of the Commonwealth;
- (c) if that 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 a road.

3.4 Obstructions Generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space established by the City;

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- (2) Paragraphs (3) (b) and (d) 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 any road or thoroughfare so as to cause an obstruction on the road or thoroughfare unless it is a public bus stopping in a bus zone;
 - (b) obstructing any entrance, exit, carriageway, passage or thoroughfare in a parking facility.
 - (c) on an 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; or
 - (e) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearest edge of any intersecting carriageway, at an intersection 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 any 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; or
 - (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 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.

3.5 Double parking

- (1) Subject to sub-clause (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) Sub-clause (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.

3.6 Driveways

A person must not stop or park a vehicle on or across a driveway or other way of access for vehicles travelling to or from land adjacent to a road or thoroughfare, unless the person is immediately dropping off or picking up passengers.

3.7 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 1 metre of a fire hydrant, fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
- (b) within 3 metres of a public post box, unless the vehicle is a postal vehicle.

3.8 Bus stops, pedestrian, children and train crossings

(1) Subject to sub-clause (2), a person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of -

- (a) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a pedestrian crossing;
- (c) a children's crossing; or
- (d) the nearest rail of a railway level crossing.

(2) Subject to sub clause (3), a person must not stop a vehicle so that any portion of the vehicle is within 3 metres of the departure side, or within 10 metres of the approach side of;

- (a) a pedestrian crossing, that is not at an intersection;
- (b) a bicycle crossing equipped with bicycle crossing lights, that is not at an intersection;

(3) Sub-clause (1) does not apply if -

- (a) the vehicle is stopping or parked in a marked bay;

- (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
- (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

3.9 Movement of vehicles to avoid time limitation

- (1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along the same length of carriageway or return to that length of carriageway so that the total time of parking exceeds the maximum time permitted, unless -
 - (a) the vehicle has first been removed from the same length of carriageway for at least 1 hour.
- (2) Where the parking of vehicles in a parking station is permitted for a limited time, a person shall not move a vehicle within that parking station so that the total time of parking exceeds the maximum time allowed for parking in that parking station.

3.10 Pedestrian malls

A person must not stop or park a vehicle in a pedestrian mall unless the vehicle -

- (a) is, and is then being used as, an emergency vehicle;
- (b) is, and is then being used as, a special purpose vehicle;
- (c) is stopping or parked in accordance with a written authorisation by the City; or
- (d) is a service vehicle which -
 - (i) is in a service zone;
 - (ii) is in the pedestrian mall during a period when service vehicles are permitted;
 - (iii) is continuously being loaded or unloaded; and
 - (iv) is stopped or parked for a continuous period of less than thirty minutes or otherwise in accordance with any sign applicable to the service zone.

3.11 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) a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers; and

- (b) a charter vehicle must not stop or park in a charter vehicle bay, except to pick up or set down passengers and, in any event, for no more than 15 minutes.

3.12 Charter vehicle zones

A person must not stop or park a vehicle other than a charter vehicle in a parking bay set aside for use by a charter vehicle.

3.13 Stopping in a Taxi Zone

- (1) A person shall not stop a vehicle in a taxi zone, unless the person is driving a taxi.
- (2) A person driving a taxi shall not leave the taxi unattended whilst it is in a taxi zone.

3.14 Construction site vehicle parking

- (1) In this clause unless the context otherwise requires—

“**builder**” has the meaning given to it in the Building Regulations 1989;

“**construction site**” means any land subject to development;

“**construction site vehicle**” means a commercial vehicle or a heavy goods vehicle;

“**daily fee**” means the daily fee determined by the Council;

“**development**” means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;

“**eligible person**” means an owner or occupier of a construction site or any builder carrying out work on a construction site;

“**establishment fee**” means the fee determined by Council resolution from time to time;

“**heavy goods vehicle**” means a vehicle which is defined in the First Schedule of the Road Traffic Act as a tractor (prime mover type) or a tractor (other than prime mover type) and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle; and

“**work zone**” means any road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the City by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.

- (2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the City, which may approve or refuse the application.
- (3) Where the City approves an application, it is to give the applicant written notice specifying -
 - (a) the number and location of work zones the applicant may use;
 - (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone;
 - (c) the period for which the approval is valid;
 - (d) any conditions to which the approval of the City is subject; and
 - (e) the amount of the establishment fee.
- (4) The City is to set aside a work zone in accordance with the notice referred to in sub-clause (3) within 14 days from the date of payment of the establishment fee.
- (5) An eligible person must, in addition to the establishment fee, pay to the City a daily fee for each day that a work zone is set aside.
- (6) The daily fee is payable monthly in advance.
- (7) Where the City has approved an application to establish a work zone adjacent to a construction site, the City may cancel its approval by written notice to the applicant in the event that:
 - (a) the applicant or any person authorised by the applicant to use the work zone stops or parks a vehicle other than in accordance with:
 - (i) any condition stipulated in the notice issued to the applicant pursuant to sub-clause (3); or
 - (ii) any sign applicable to the work zone;
 - (b) the applicant fails to pay the daily fee as required pursuant to sub-clause (5); or
 - (c) if the City or a person authorised by the City requires access to or near the place where the work zone is situated, for the purposes of carrying out works in or near the vicinity of that place.
- (8) A person must not stop or park a vehicle in a work zone unless the person is driving a vehicle that is –
 - (a) engaged in construction work in or near the zone; or
 - (b) permitted to stop in the works zone in accordance with this local law.

3.15 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) the vehicle is dropping off, or picking up, passengers or goods; or
- (d) the vehicle is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage.

3.16 Stopping on a carriageway - heavy and long vehicles

- (1) A person 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 more than 7.5 metres in length or exceeds a GVM of 4.5 t -
 - (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) on a carriageway outside a built-up area, except on the shoulder of the carriageway or in a truck bay or other area set aside for the parking of goods vehicles.
- (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 Payment of fees

- (1) A person must not stop or park a vehicle in a metered space or a ticket machine zone unless the appropriate fee as indicated by a sign:
- (a) on the parking meter referable to the space in the case of a metered space; or
 - (b) on the ticket issuing machine referable to the zone for each parking bay in the case of a ticket machine zone;

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is inserted into the parking meter or ticket issuing machine as the case may be.

- (2) Subject to the provisions of this Part 4, the payment of the fee referred to in sub-clause (1) entitles a person to stop or park a vehicle in:
- (a) a metered space for the period shown on a sign referable to the space; or
 - (b) in a ticket machine 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 space or zone is prohibited under this local law or by a sign.

4.2 Expired meter, parking limit

Unless authorised by the City a person must not leave or permit a vehicle to remain stopped or parked in a metered space -

- (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired', a negative time or a series of red flashing lights;
- (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

4.3 Display of parking tickets and parking limits

- (1) A person must not stop or park a vehicle in a ticket machine zone during the period in which stopping or parking is permitted only upon the purchase of a parking ticket:
 - (a) unless an unexpired parking ticket issued by a ticket issuing machine in that ticket machine 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 that vehicle remains standing or parked in that zone.
- (2) Unless subclause (3) applies, where more than one 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 the aggregate of those periods providing that the aggregate does not exceed the maximum period of time a vehicle is permitted to park in that zone.
- (3) Where a trailer is attached to a vehicle, a parking ticket is to be displayed inside the vehicle for each occupied parking bay as permitted under this local law.

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4.4 Reserved Fee Paying Zones

Unless authorised by the City a person must not leave or permit a vehicle to remain stopped or parked in a fee paying space or zone if the parking meter or ticket machine is hooded with a covering bearing the words “No Parking”, “Reserved Parking”, “Temporary Bus Stop” or with an equivalent symbol depicting one of these purposes or any other words or symbols that indicate parking is not permitted within the space or zone.

4.5 Parking restrictions in fee paying zones

- (1) A person shall not stop or park a vehicle in a fee paying zone -
 - (a) except during the period stated on signs referable to the zone during which stopping or parking is permitted; and
 - (b) for longer than the maximum period permitted for continuous parking of a vehicle in the zone, as stated on signs referable to the zone.

PART 5 - PARKING STATIONS

5.1 Restrictions on entering a parking station

A person must not enter a parking station without first obtaining the authorisation of an authorised person if one is on duty or an entrance ticket or parking ticket unless:

- (a) permitted by signs applicable to that parking station; or
- (b) the person entering the parking station is -
 - (i) employed at the parking station and is in the course of his or her duties;
 - (ii) a police officer and is in the course of his or her duties; or
 - (iii) the driver of or a passenger in a vehicle stopping or parked in that station.

5.2 Stopping or parking in a parking station

- (1) A person must not stop or park a vehicle in -
 - (a) an attended parking station, unless the appropriate fee as indicated by a sign is paid when demanded; or
 - (b) a parking station with a ticket issuing machine, unless the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine and the person complies with the relevant provisions of Part 4 of this local law; or
 - (c) a parking station with a fee collection machine, unless the appropriate fee as indicated by a sign is inserted into the machine and the ticket is validated immediately prior to departure.

5.3 No entrance ticket

Where no entrance ticket is produced by the driver of a vehicle which is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station.

5.4 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, which shall be payable within 3 working days from the time of issue of the notice.

5.5 Maximum parking period in parking stations

Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a person must not stop or park a vehicle for a period exceeding the maximum time permitted, unless the vehicle has first been removed from that parking station for at least 1 hour.

5.6 Entering and Exiting Parking Facilities

A person must not enter or exit in a vehicle a parking facility other than through an authorised entry or exit designated as such by a sign.

5.7 Parking restrictions for vehicles with multiple occupants

- (1) The Council in respect of any period or time may, by the use of a sign, set aside any parking station where entry is prohibited by vehicles other than vehicles carrying in addition to the driver at least one other person.
- (2) A person must not stop or park a vehicle in any parking station which has been set aside under sub-clause (1) at the times or within the period specified under sub-clause (1) unless the vehicle is carrying at least one other person.
- (3) A person must not enter any parking station which has been set aside under sub-clause (1) at the times or within the period specified under sub-clause (1) unless that person is the driver of or passenger in a vehicle carrying at least one other person.
- (4) The fee payable, and the manner of payment, for the parking of a vehicle in any parking station which has been set aside under sub clause (1) and the manner of payment may be determined by Council resolution.

5.8 City may lock parking stations

- (1) At the expiration of the hours of operation of a parking station, an authorised person whether or not any vehicle remains parked in the parking station may lock the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.
- (2) The City is not responsible for any loss of or damage to a vehicle or its accessories or contents or for any other loss, claim or liability as a result of any action taken under sub-clause (1).

PART 6 – PARKING PERMITS

6.1 Application for parking permit

An application for a parking permit shall be made in the form and shall include payment of the fee determined by Council resolution.

6.2 Issue of parking permit

An authorised person may approve an application for a parking permit made pursuant to clause 6.1 provided that the application is consistent with the requirements of any policy applicable to residential parking that has been adopted by the Council.

6.3 Exemption for permit holders

- (1) Subject to sub-clauses (2) and (3), the holder of a valid parking permit is exempt from -
 - (a) a prohibition against the stopping or parking of vehicles on any part of a road for a specified period; and
 - (b) the requirement to have a parking ticket when parking a vehicle on any part of a road or metered zone where the maximum period during which continuous parking or stopping of a vehicle is permitted (as stated on the sign referable to the bay) exceeds 30 minutes.
- (2) The exemption conferred by sub-clause (1) applies only -
 - (a) to the part of a road or to the metered spaces or parking bays specified in the permit;
 - (b) where the permit displayed relates to a specified motor vehicle, to the motor vehicle specified in that permit;
 - (c) if the permit is displayed in the vehicle and is 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 permit relates; and
 - (d) if the permit is valid.
- (3) The exemption conferred by sub-clause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited in the road or the part of a road specified in the permit.

6.4 Validity of a permit

A parking permit ceases to be valid in accordance with the Residents On Street Parking Policy.

6.5 Use of counterfeit or altered parking permit

A person must not -

- (a) park a vehicle in a parking facility which requires a parking permit, if there is displayed in that vehicle so as to be visible from outside the vehicle, a parking permit which has been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking permit which has been counterfeited, altered, obliterated or interfered with.

6.6 Revoking a permit

The City may, at any time and in accordance with the Council's Resident On-Street Parking Policy, revoke a permit which has been issued.

6.7 Removal of a permit from vehicle

The holder of a parking permit must immediately upon the permit being revoked or ceasing to be valid permanently remove the permit from the vehicle in which it is displayed or to which it is affixed and return it to the City.

6.8 Replacement of permit

The City may issue a replacement permit where a written application is made which meets the parking policy and is accompanied by the appropriate fee, if any, charged by the City.

6.9 Councillor parking permit

- (1) The City may issue to any member of the Council a councillor parking permit and may vary or revoke a permit at any time.
- (2) The holder of a councillor parking permit is exempt from those clauses of this local law specified in the permit.
- (3) The exemption conferred by subclause (2) applies only -
 - (a) if the councillor parking permit 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;
 - (b) if the councillor parking permit is valid; and
 - (c) if the holder of the councillor parking permit is carrying out his or her duties or performing his or her functions as a member of the Council.
- (4) A councillor parking permit ceases to be valid -

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- (a) when the holder of the permit ceases to be a member of the Council;
- (b) after the expiry date specified in the permit; or
- (c) when revoked by the City.

and shall be returned to the City on the occurrence of any of the above events.

PART 7 - MISCELLANEOUS

7.1 Authorised person - certificate of appointment

An authorised person must be given a certificate of his or her appointment in accordance with section 9.10(2) of the Act.

7.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out his or her duties.

7.3 Necessary power

An authorised person has all necessary power for the purpose of performing all duties vested in or imposed on him or her by the Act and this local law.

7.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the duties of an authorised person.

7.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of his or her duties.

7.6 Removal of notices

A person, other than the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.

7.7 Display of signs

A person must not without the authorisation of the City -

- (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, parking meter, ticket issuing machine or fee collecting machine.

7.8 Use of counterfeit or altered parking tickets

A person must not -

- (a) park a vehicle in a parking facility which requires a parking 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; or
- (b) produce to an authorised person who accepts payment for parking, a parking ticket which has been counterfeited, altered, obliterated or interfered with.

7.9 Marking tyres and valve stem readings

- (1) An authorised person may -
 - (a) mark the tyres of a vehicle parked in a parking facility 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 his or her duties or powers.
- (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.

7.10 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.

7.11 Sign presumed to have been established by the City

A sign marked, erected, set up, established or displayed on or near a road is, in the absence of evidence to the contrary, presumed to be a sign marked, set up, erected, established or displayed under the authority of this local law.

7.12 Power of an authorised person

An authorised person may -

- (a) carry into effect the provisions of this local law;
- (b) report to the Council 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.

7.13 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 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.

7.14 Interfere with or damage Local government property

A person shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any parking station, carriageway or in any other place.

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PART 8 - OFFENCES AND MODIFIED PENALTIES

8.1 Offences

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any 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 has continued.
- (3) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

8.2 Form of notices

For the purposes of this local law -

- (a) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 1 in Schedule 1; and
- (b) the form of the notice referred to in section 9.20 of the Act is that of Form 2 in Schedule 1.

8.3 Modified penalty

- (1) Subject to subclauses 8.3(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 modified penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 2 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 then 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 shall be the amount referred to in Schedule 2 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 shall again be payable 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 \$500.00 on the amount of modified penalties payable for each offence.

SCHEDULE 1 – FORM 1
LOCAL GOVERNMENT ACT 1995
CITY OF PERTH PARKING LOCAL LAW 2010
INFRINGEMENT NOTICE

Serial No

Date / /

To:[1]

.....
.....

of:[2]

.....
.....

It is alleged that on / / at

[3]

at[4]

.....
.....

in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence -

.....

.....

.....

.....

.....

contrary to clause of the **City of Perth Parking Local Law 2010**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid to an authorised person at [5] within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice -

(a) you pay the modified penalty; or

(b) you:

(i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by

you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

[6]

[7]

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Identification number of the authorised person giving notice

SCHEDULE 1 – FORM 2
LOCAL GOVERNMENT ACT 1995
CITY OF PERTH PARKING LOCAL LAW
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: [1]

.....

of: [2]

.....

Infringement Notice No. dated /
..... /

in respect of vehicle:

make: ;

model: ;

registration: ;

for the alleged offence of

.....

.....

.....

.....

.....

.....

.....

has been withdrawn.

The modified penalty of \$

- * has been paid and a refund is enclosed.
- * has not been paid and should not be paid.
- * *delete as appropriate.*

[3]

(4)

.....

.....

Insert:

- (1) Name of alleged offender to whom infringement notice was given or "the owner".
- (2) Address of alleged offender.
- (3) Signature of authorised person
- (4) Identification number of authorised person giving notice

SCHEDULE 2

Amd
GG No. 31
27.02.2015

CITY OF PERTH PARKING LOCAL LAW 2010

MODIFIED PENALTIES
[Clause 8.3]

| Item No. | Offence Clauses | Modified Penalty |
|-----------------|------------------------|-------------------------|
| 1 | 2.3(1)(a) | \$120 |
| 2 | 2.3(1)(b) | \$120 |
| 3 | 2.3(1)(c) | \$200 |
| 4 | 2.3(1)(d) | \$60 |
| 5 | 2.3(1)(e) | \$60 |
| 6 | 2.3(1)(f) | \$60 |
| 7 | 2.3(1)(g) | \$100 |
| 8 | 2.3(2)(a) | \$200 |
| 9 | 2.3(2)(b) | \$200 |
| 10 | 2.3(2)(c) | \$200 |
| 11 | 2.3(2)(d) | \$75 |
| 12 | 2.3(2)(e) | \$200 |
| 13 | 2.3(2)(f) | \$200 |
| 14 | 2.3(2)(g) | \$200 |
| 15 | 2.3(2)(h) | \$200 |
| 16 | 2.3(3) | \$75 |
| 17 | 2.3(4)(a) | \$75 |
| 18 | 2.3(4)(b) | \$75 |
| 19 | 2.3(5) | \$60 |
| 20 | 2.3(6) | \$100 |
| 21 | 2.4(2) | \$100 |
| 22 | 2.4(3) | \$100 |
| 23 | 2.6(a) | \$60 |
| 24 | 2.6(b) | \$60 |
| 25 | 2.7 | \$60 |
| 26 | 2.8(1)(a) | \$100 |
| 27 | 2.8(1)(b) | \$60 |
| 28 | 2.8(2) | \$60 |
| 29 | 2.9(1)(a) | \$60 |
| 30 | 2.9(1)(b) | \$60 |
| 31 | 2.9(1)(c) | \$60 |
| 32 | 2.9(1)(d) | \$60 |
| 33 | 2.9(2) | \$60 |
| 34 | 2.10(1) | \$100 |
| 35 | 2.11 | \$60 |

| Item No. | Offence Clauses | Modified Penalty |
|-----------------|------------------------|-------------------------|
| 36 | 2.12 | \$100 |
| 37 | 2.13 | \$100 |
| 38 | 2.15(2)(a) | \$100 |
| 39 | 2.15(2)(b) | \$100 |
| 40 | 2.15(2)(c) | \$100 |
| 41 | 2.16(4) | \$75 |
| 42 | 2.17 | \$100 |
| 43 | 2.18 | \$200 |
| 44 | 2.19(1) | \$100 |
| 45 | 2.19(2) | \$100 |
| 46 | 2.20 | \$200 |
| 47 | 2.21 | \$60 |
| 48 | 2.23 | \$100 |
| 49 | 2.24 | \$100 |
| 50 | 3.1(a) | \$200 |
| 51 | 3.1(b) | \$200 |
| 52 | 3.1(c) | \$60 |
| 53 | 3.1(d) | \$60 |
| 54 | 3.1(e) | \$200 |
| 55 | 3.2 | \$75 |
| 56 | 3.3(a) | \$75 |
| 57 | 3.3(b) | \$75 |
| 58 | 3.3(c) | \$75 |
| 59 | 3.3(d) | \$75 |
| 60 | 3.4(3)(a) | \$200 |
| 61 | 3.4(3)(b) | \$200 |
| 62 | 3.4(3)(c) | \$200 |
| 63 | 3.4(3)(d) | \$200 |
| 64 | 3.4(3)(e) | \$200 |
| 65 | 3.4(3)(f) | \$200 |
| 66 | 3.4(3)(g) | \$100 |
| 67 | 3.4(3)(h) | \$200 |
| 68 | 3.4(3)(i) | \$100 |
| 69 | 3.5(1) | \$200 |
| 70 | 3.6 | \$200 |
| 71 | 3.7(a) | \$200 |
| 72 | 3.7(b) | \$60 |
| 73 | 3.8(1)(a) | \$200 |
| 74 | 3.8(1)(b) | \$200 |
| 75 | 3.8(1)(c) | \$200 |
| 76 | 3.8(1)(d) | \$200 |
| 77 | 3.8(2)(a) | \$200 |
| 78 | 3.8(2)(b) | \$200 |

| Item No. | Offence Clauses | Modified Penalty |
|-----------------|------------------------|-------------------------|
| 79 | 3.9(1)(a) | \$60 |
| 80 | 3.9(2) | \$60 |
| 81 | 3.10(d)(i) | \$60 |
| 82 | 3.10(d)(ii) | \$100 |
| 83 | 3.10(d)(iii) | \$60 |
| 84 | 3.10(d)(iv) | \$60 |
| 85 | 3.11(1) | \$200 |
| 86 | 3.11(2)(a) | \$100 |
| 87 | 3.11(2)(b) | \$100 |
| 88 | 3.12 | \$120 |
| 89 | 3.13(1) | \$120 |
| 90 | 3.13(2) | \$100 |
| 91 | 3.14(8) | \$100 |
| 92 | 3.15(a) | \$100 |
| 93 | 3.15(b) | \$100 |
| 94 | 3.15(c) | \$60 |
| 95 | 3.15(d) | \$60 |
| 96 | 3.16(1)(a) | \$60 |
| 97 | 3.16(1)(b) | \$60 |
| 98 | 4.1(1)(a) | \$60 |
| 99 | 4.1(1)(b) | \$60 |
| 100 | 4.1(2)(a) | \$60 |
| 101 | 4.1(2)(b) | \$60 |
| 102 | 4.2(a) | \$60 |
| 103 | 4.2(b) | \$60 |
| 104 | 4.3(1)(a) | \$60 |
| 105 | 4.3(1)(b) | \$60 |
| 106 | 4.4 | \$100 |
| 107 | 4.5(1)(a) | \$60 |
| 108 | 4.5(1)(b) | \$60 |
| 109 | 5.1 | \$100 |
| 110 | 5.2(1)(a) | \$100 |
| 111 | 5.2(1)(b) | \$60 |
| 112 | 5.2(1)(c) | \$60 |
| 113 | 5.4(1)(a) | \$100 |
| 114 | 5.4(1)(b) | \$100 |
| 115 | 5.5 | \$60 |
| 116 | 5.6 | \$100 |
| 117 | 5.7(2) | \$60 |
| 118 | 5.7(3) | \$60 |
| 119 | 6.5(a) | \$500 |
| 120 | 6.5(b) | \$500 |

| Item No. | Offence Clauses | Modified Penalty |
|-----------------|------------------------|-------------------------|
| 121 | 6.7 | \$60 |
| 122 | 7.4 | \$100 |
| 123 | 7.5 | \$100 |
| 124 | 7.6 | \$100 |
| 125 | 7.7(a) | \$100 |
| 126 | 7.7(b) | \$100 |
| 127 | 7.7(c) | \$100 |
| 128 | 7.8(a) | \$500 |
| 129 | 7.8(b) | \$500 |
| 130 | 7.9(2) | \$100 |
| 131 | 7.14 | \$500 |
| 132 | Other | \$60 |

SCHEDULE 3 – FORM 1
NOTIFICATION OF IMPOUNDMENT OF VEHICLE

Date...../...../.....

To: [1].....

of: [2].....

Department of Transport records indicate that you are the registered owner of the vehicle detailed below and notice is hereby given that the vehicle has been impounded in accordance with the provisions of the Local Government Act 1995.

Vehicle Registration No: [3]

Impounded from: [4]

Between: and

Date: [5]..... Time [6].....

The vehicle has been taken to a secure facility at the following address:

[7].....

.....

and is available for release, after payment has been processed (see below), between the following hours:

Monday to Friday:

[8].....

Prior to the release of the vehicle all necessary payments must be paid, in full, at the Customer Service Centre, Ground Floor, Council House, 27 St George's Terrace, PERTH, which is open from 8.30am until 5.00pm Monday - Friday (excluding Public Holidays) or in such alternative location as may be directed by an authorised person. Payments can be made by either cash or cheque and EFTPOS facilities are also available.

The following documentation is required before payment can be accepted and release of the vehicle is permitted:

Current Vehicle Registration Document.

Drivers licence or other legal form of identification.

Payment receipt (required for vehicle release at secure facility).

IT IS A REQUIREMENT THAT ALL PAYMENTS ARE RECEIVED PRIOR TO THE RELEASE OF THE VEHICLE.

If you have an inquiry in regards to this notice (or monies owing to date), please call Compliance Parking Services between 9:00am and 4:30pm Monday to Friday (excluding Public Holidays).

Costs: Vehicle impound fee: [9].....
 Additional days storage fee or part thereof [10].....

1. Subject to clause 2 below, if your vehicle is not collected within two (2) months after the date of this notice the City may either;
 - (a) under section 3.46 of the *Local Government Act 1995* refuse to allow the vehicle to be collected until the City's costs of removing and keeping the vehicle have been paid to the City; or
 - (b) under section 3.47 of the *Local Government Act 1995* sell or otherwise dispose of the vehicle and credit the money received from that sale or disposal to the City's trust fund except to the extent required to meet the cost and expenses incurred by the City in the removing, impounding and selling of the vehicle.
2. If the Local Government has made a declaration that in accordance with 3.40A (4) of the *Local Government Act 1995* the vehicle is an abandoned wreck then the vehicle may be disposed of within 7 days of that declaration being made.

If you are convicted of an offence against this Local Law, section 3.48 of the *Local Government Act 1995* allows the City to recover from you its outstanding expenses incurred in the removing, impounding and selling of the vehicle.

Take note: Unless all fees are paid for and the vehicle collected within two months from the date of impounding, the City of Perth may sell the subject vehicle.

- [1] Name of owner.
- [2] Address of owner.
- [3] Vehicle registration number.
- [4] Street name (location where vehicle impounded from).
- [5] Date vehicle impounded.
- [6] Time vehicle impounded.
- [7] Address of secure location vehicle impounded to.
- [8] Hours of business.
- [9] Cost of vehicle impound fee.
- [10] Cost of additional days storage fee.

Dated this day of 2010.

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

MS LISA SCAFFIDI
The Rt Hon the Lord Mayor

MR FRANK EDWARDS
Chief Executive Officer

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010</i> – Original Clauses | Parking Local Law 2016 | Comments |
|--|--|--|
| Under the powers conferred by the <i>Local Government Act 1995</i> and under all other powers enabling it, the Council of the City of Perth resolved on 14 December 2010 to make the following local law, as set out below. | Under the powers conferred by the <i>Local Government Act 1995</i> and under all other powers enabling it, the Council of the City of Perth resolved on DATE to make <u>this</u> local law., as set out below. | Council Resolution date still yet to be established. |
| PART 1 PRELIMINARY | PART 1 – PRELIMINARY | |
| 1.1 Citation This local law may be cited as the <i>City of Perth Parking Local Law 2010</i> . | 1.1 <u>Short title Citation</u> This local law may be cited as <u>is</u> the <i>City of Perth Parking Local Law 2016</i> . | This is the latest style adopted by the Office of Parliamentary Counsel |
| 1.2 Commencement This local law will come into operation on the fourteenth day after the day on which it is published in the <i>Government Gazette</i> . | 1.2 Commencement This local law will come into operation <u>14 days</u> after the date of its publication in the <i>Government Gazette</i> . | |
| | 1.3 <u>Purpose and effect</u> (1) <u>The purpose of this local law is to provide for the management and regulation of parking within the district;</u> (2) <u>The effect of this local law is to manage parking throughout the district to ensure safe, fair and equitable use and access of parking facilities under the care and management of the local government.</u> | Newly proposed Purpose and effect. |
| | 1.4 <u>Application</u> (1) <u>Except as set out in this clause, this local law applies to the whole of the district.</u> (2) <u>This local law does not apply to –</u> (a) <u>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;</u> (b) <u>the prohibition areas that apply to all existing and future bridges and subways as determined by the Commissioner of Main Roads Western Australia; and</u> (c) <u>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 local government.</u> | This clause has included to incorporate the substance of the former definition of “parking region” and the provisions of the former clause 1.5(7) and (8). |
| | (3) <u>This local law does not apply to a parking station that –</u> (a) <u>is not owned, controlled or occupied by</u> | |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Comments</i> |
|---|--|---|
| | <p><u>the local government; or</u></p> <p><u>(b) is owned by the local government but is leased to another person,</u></p> <p><u>unless the local government 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.</u></p> | |
| <p>1.3 Repeal</p> <p>The <i>City of Perth Parking Local Law 1999</i> published in the <i>Government Gazette</i> on 17 December 1999 and all amendments thereto are hereby repealed on the day this local law comes into operation.</p> | <p>1.5 Repeal</p> <p>The <i>City of Perth Parking Local Law 2010</i> published in the <i>Government Gazette</i> on 14 December 2010 and all amendments thereto are hereby repealed on the day this local law comes into operation.</p> | <p>Updating the repeal of the <i>City of Perth Parking Local Law 2010</i> which includes all amendments (refer section 16(1) of the <i>Interpretation Act 1984</i>).</p> |
| <p>1.4 Definitions</p> <p>In this local law unless the context otherwise requires</p> | <p>1.6 Terms used</p> <p>In this local law unless the context <u>requires otherwise –</u></p> | <p>“Terms used” is the latest style adopted by the Office of Parliamentary Counsel.</p> |
| <p>“Act” means the <i>Local Government Act 1995</i>;</p> | <p>Act means the <i>Local Government Act 1995</i>;</p> | |
| <p>“attended parking station” means a parking station attended at times by an officer, agent, contractor or authorised person of the City;</p> | <p>attended parking station means a parking station attended at times by an officer, agent, contractor or authorised person of the <i>local government</i>;</p> | <p>Change the term “City” to “local government”.</p> |
| <p>“authorised person” means a person appointed by the City under section 9.10 of the Act to perform any function under this local law;</p> | <p>authorised person means a person appointed by the <i>local government</i> under section 9.10 of the Act to perform any of the <u>functions of an authorised person</u> under this local law;</p> | <p>Change the term “City” to “local government”.</p> <p>Inclusion of functions of an authorised person to remain consistent with WALGA Model Parking Local Law.</p> |
| <p>“authorised vehicle” means a vehicle authorised by the City or an authorised person to stop or park in a parking facility or any portion thereof;</p> | <p>authorised vehicle means a vehicle authorised by the <i>local government, the CEO</i>, an authorised person or <u>by any written law</u> to stop or park on <u>(or on part of)</u> a thoroughfare, <u>or</u> parking facility;</p> | <p>Change the term “City” to “local government”.</p> <p>Inclusion of CEO to remain consistent with WALGA Model Parking Local Law.</p> |
| <p>“bicycle” includes any wheeled vehicle that is designed to be propelled solely by human power but does not include a pram, wheeled recreational device or wheelchair;</p> | <p>bicycle <u>has the meaning given in the Code;</u></p> | <p>Has the same meaning in the Code.</p> <p>Definitions in the local law have been standardised where the definition already exists in State of Commonwealth legislation.</p> |
| <p>“bicycle crossing” means a portion of a carriageway upon which may be erected, on each side of the carriageway, bicycle crossing lights;</p> | <p>bicycle crossing <u>has the meaning given in the Code;</u></p> | <p>Has the same meaning in the Code.</p> |
| <p>“bicycle crossing lights” means a device designed to show, at different times, a green, yellow or red bicycle crossing light;</p> | <p>bicycle crossing lights <u>has the meaning given in the Code;</u></p> | <p>Has the same meaning in the Code.</p> |
| <p>“bicycle lane” has the meaning given to it in the Code;</p> | <p>bicycle lane has the meaning given to it in the Code;</p> | |
| <p>“bicycle path” has the meaning given to it in the Code;</p> | <p>bicycle path has the meaning given to it in the Code;</p> | |
| <p>“bus” has the meaning given to “public bus” in the Code;</p> | <p>bus has the meaning given to public bus in the Code;</p> | |
| <p>“bus embayment” has the meaning given to it in the</p> | <p>bus embayment has the meaning given to it in the</p> | |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original Clauses | Parking Local Law 2016 | Comments |
|--|---|---|
| Code; | Code; | |
| “bus lane” has the meaning given to it in the Code; | bus lane has the meaning given to it in the Code; | |
| | bus stop has the meaning given to it in the Code; | Has the same meaning in the Code. |
| “bus way” has the meaning given to it in the Code; | bus way has the meaning given to it in the Code; | |
| “bus zone” has the meaning given to it in the Code; | bus zone has the meaning given to it in the Code; | |
| “caravan” means a vehicle that is fitted or designed to allow human habitation; | caravan means a vehicle that is fitted or designed to allow human habitation <u>and which is drawn by another vehicle, or which is capable of self-propulsion;</u> | Expand definition for further clarification. |
| “carriageway” means a portion of road that is improved, designed or ordinarily used for vehicles and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately; | carriageway <u>has the meaning given in the Code;</u> | Has the same meaning in the Code. |
| “centre” in relation to a carriageway means a line or a series of lines, marks or other indications placed at the middle of the carriageway or, in the absence of any such lines, marks or other indications, in the middle of the main travelled portion of the carriageway; | centre , in relation to a carriageway <u>has the meaning given in the Code</u> means a line or a series of lines, marks or other indications placed at the middle of the carriageway or, in the absence of any such lines, marks or other indications, in the middle of the main travelled portion of the carriageway; | Has the same meaning in the Code. |
| “CEO” means the Chief Executive Officer of the City; | CEO means the Chief Executive Officer of the <u>local government;</u> | Change the term “City” to “local government”. |
| “charter vehicle” means a vehicle holding an omnibus license issued under the <i>Transport Co-ordination Act 1966</i> , thereby licensed to undertake tour and/or charter work, but does not include a “public bus”. | charter vehicle means a vehicle holding an omnibus licence issued under the <i>Transport Co-ordination Act 1966</i> , thereby licensed to undertake tour and/or charter work, but does not include a public bus. | Removal of the phrase “thereby licenced to undertake tour and/or charter work” as it is not necessary within the definition. |
| “charter vehicle zone” means a parking bay or area designated for use by a charter vehicle; | charter vehicle zone means a parking bay or <u>parking</u> area designated for use by a charter vehicle; | Inclusion of the term “parking” to clarify “parking area”. |
| “children’s crossing” has the meaning given to it in the Code; | children’s crossing has the meaning given to it in the Code; | |
| “City” means City of Perth; | | Removed the term “City” and replaced with “local government” as per advice received from DLGC and JSCDL. |
| “clause” means a clause of this local law; | | This term has been removed as it is legally unnecessary – referring to section 15 of the <i>Interpretation Act 1984</i> . |
| “Code” means the <i>Road Traffic Code 2000</i> ; | Code means the <i>Road Traffic Code 2000</i> ; | |
| “commercial vehicle” means a motor vehicle constructed, adapted or fitted for the conveyance of goods or merchandise, and for the purpose of this local law, includes a vehicle which is used primarily for the conveyance of goods or merchandise and on which a business name as defined in the <i>Business Names Act 1962</i> or a Trade Mark as defined in the <i>Trade Marks Act 1995</i> is permanently affixed and readily legible to an authorised person; | commercial vehicle means a motor vehicle <u>that is</u> – (a) <u>constructed, adapted or fitted for the conveyance of goods or merchandise; and</u> (b) <u>for the purpose of this local law, includes a vehicle which is used primarily for the conveyance of goods or merchandise and on which a business name as defined in the <i>Business Names Act 1962</i> or a Trade Mark as defined in the <i>Trade Marks Act 1995</i> is permanently affixed and readily legible to an authorised person</u> | To clarify the exclusion of vehicles used for the conveyance of people to carry out their business, for example. sales representatives, personal document servers as they are considered to comply with the current definition, New definition will require that both aspects be satisfied. |
| | | The reference to |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Comments</i> |
|--|---|---|
| | <i>but does not include a vehicle constructed for the conveyance of materials used in any trade, business, industry, or any other work;</i> | 'merchandise' is to be deleted because the ordinary meaning of 'goods' is wider than 'merchandise'. |
| "Council" means the council of the City; | Council means the Council of the <u>local government</u> ; | Change the term "City" to "local government". |
| "Cross-over" 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 ingress and egress to and from the property. | cross-over 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 ingress and egress <u>giving access</u> to and from the property; | The amendments are more consistent with regulation 12(1)(b) of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> . |
| "disability parking permit" has the meaning given to it in the <i>Local Government (Parking for People with Disabilities) Regulations 2014</i> ; | disability parking permit has the meaning given to it in the <i>Local Government (Parking for People with Disabilities) Regulations 2014</i> ; | |
| "district" means the district of the City; | district means the district of the <u>local government</u> ; | Change the term "City" to "local government". |
| "driver" means any person driving or in control of a vehicle; | driver means any person driving or in control of a vehicle; | |
| "driveway" 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 ingress and egress to and from the property, and also includes the term cross-over; | driveway 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 ingress and egress <u>giving access</u> to and from the property, and also includes the term cross-over; | The amendments are more consistent with regulation 12(1)(b) of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> . |
| "edge line", for a carriageway, means a line marked along the carriageway at or near the far left or far right side of the carriageway; | edge line <u>has the meaning given in the Code</u> ; | Has the same meaning in the Code. |
| | <u>elected member means a person who holds the office of a member of the Council;</u> | Replacement of the term "councillor" with "elected member" in clause 6.9 Elected Member Parking Permits. New definition included for clarification. |
| "electronic parking detection device" means an electronic device placed in any 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; | electronic parking detection device means an electronic device placed in any 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 in the Code; | emergency vehicle has the meaning given to it in the Code; | |
| "entrance ticket" means a ticket or token issued by an entrance ticket machine; | entrance ticket means a ticket or token issued by an entrance ticket machine; | |
| "entrance ticket machine" means a machine installed at an entrance to a parking station (including attended parking station) and from which entrance tickets or tokens are issued to vehicles entering that parking station; | entrance ticket machine means a machine – (a) installed at an entrance to a parking station (including <u>an</u> attended parking station); and (b) from which entrance tickets or tokens are issued to vehicles entering that parking station; | Reformatted definition and removal of token as a 'ticket' is defined to include a 'token'. |
| "exit ticket" means a ticket issued after payment of the fee by a fee collection machine; | 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 upon the insertion of an entrance ticket and payment of the required fee, issues an exit ticket or token; | fee collection machine means a machine installed in a parking station which upon the insertion of an entrance ticket and payment of the required fee, issues an exit ticket or token ; | |
| | <u>fee paying machine means a ticket issuing machine, fee collection machine or parking meter;</u> | Added definition to reduce use of words used in Part 4 "Fee paying zone". |
| "fee paying zone" means a metered zone or a ticket | fee paying zone <u>means where a fee payable is</u> | Amended definition to |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Comments</i> |
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| machine zone; | <u>indicated by a sign where the vehicle is stopped or parked within the same –</u> (a) <u>a parking station; or</u> (b) <u>a section of the road between two intersections or an intersection and head of a cu-de-sac as the case may be;</u> | clarify the location of fee paying zones. |
| | <u>fire hydrant has the meaning given in the Code</u> | Added definition for clarification. |
| | <u>funeral vehicle means a vehicle designed or modified for use in conducting funeral services.</u> | New definition as added to Clause 1.10 Classes of vehicles. |
| “footpath” has the meaning given to it in the Code; | <u>footpath</u> has the meaning given to it in the Code; | |
| “GVM” (which stands for “gross vehicle mass”) has the meaning given to it in the Code; | <u>GVM</u> (which stands for “gross vehicle mass”) has the meaning given to it in the Code; | |
| | <u>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;</u> | New definition as outlined in clause 3.5. |
| | <u>intersection has the meaning given in the Code;</u> | |
| “keep clear marking” means the words ‘keep clear’ marked across all or part of a carriageway, with or without continuous lines marked across all or part of the carriageway; | <u>keep clear marking has the meaning given in the Code;</u> | Has the same meaning in the Code. |
| “kerb” means any structure, mark, marking or device to delineate or indicate the edge of a carriageway; | <u>kerb</u> means any structure, mark, marking or device to delineate or indicate the edge of a carriageway; | |
| “length of carriageway” means the same side of the road between intersections on that side of the road; | <u>length of carriageway</u> means the <u>section on the same side of the carriageway</u> , between intersections on that side of the <u>carriageway</u> ; | |
| “loading dock” means a parking facility or parking station owned or operated by the City for the purpose of loading or unloading goods; | <u>loading dock</u> means a parking facility or parking station owned or operated by the <u>local government</u> for the purpose of loading or unloading goods; | Change the term “City” to “local government”. |
| “loading zone” means: (a) a parking facility 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; | <u>loading zone</u> means – (a) a parking facility 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 to it in the Code; | <u>loading zone sign</u> has the meaning given to it in the Code; | |
| | <u>local government means the City of Perth;</u> | Removed the term “City” and replaced with “local government” as per advice received from DLGC and JSCDL. |
| “local government property” has the meaning given to it in the Act; | <u>local government property</u> has the meaning given to it in the Act; | |
| | <u>low clearance sign</u> 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; | New definition as outlined in new clause 5.10 added to Part 5 ‘parking stations’. |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Comments</i> |
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| “ median strip ” has the meaning given to it in the Code; | <i>median strip</i> has the meaning given to it 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 any way to indicate where a vehicle may be parked on payment of a fee or charge; | <i>metered space</i> means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in <u>a way that</u> indicates where a vehicle may be parked on payment of a fee or charge; | |
| “ metered zone ” means any road or reserve, or part of any road or reserve, in which parking meters regulate the stopping or parking of vehicles; | <i>metered zone</i> 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 <i>Currency Act 1965</i> (Cth); | <i>money</i> means any legal tender under the <i>Currency Act 1965</i> (Cth); | |
| “ motorcycle ” means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached; | <i>motorcycle</i> 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 the expression 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; but does not include a power assisted pedal cycle; | <i>motor vehicle</i> 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; <u>(c) a 3-wheeled motor vehicle.</u> but does not include a power assisted pedal cycle; | Expand definition to include 3 wheeled motorcycles to permit parking in car bays as they are too large to fit within the confines of a motorcycle bay. |
| “ nature strip ” means the portion of a road which lies between the boundary of a carriageway and the front boundary of adjacent land and includes a verge, but does not include a path; | <i>nature strip</i> <u>has the meaning given in the Code and includes a verge;</u> | Has the same meaning in the Code, also the inclusion of verge as it is not specified in the Code but is utilised by the City of Perth. |
| “ no parking area ” means – (a) a portion of a carriageway –to which a “no parking” sign applies; or an area to which a “no parking” sign applies; | <i>no parking area</i> <u>has the meaning given in the Code; means –</u> (b) a portion of a carriageway –to which a “no parking” sign applies; or <u>an area to which a “no parking” sign applies</u> | Has the same meaning in the Code. |
| “ no parking sign ” has the meaning given to it in the Code; | <i>no parking sign</i> has the meaning given to it in the Code; | |
| “ no stopping area ” has the meaning given to it in the Code; | <i>no stopping area</i> has the meaning given to it in the Code; | |
| “ no stopping sign ” has the meaning given to it in the Code and the definition of “Sign” within this local law; | <i>no stopping sign</i> has the meaning given to it in the Code, <u>extended by the meaning and the definition of sign</u> in this clause; within this local law; | |
| | <i>obstruction</i> <u>has the meaning given in the Code;</u> | New definition to provide clarification as outlined in clause 3.5 Obstructions generally. |
| “ occupier ” has the meaning given to it in the Act; | <i>occupier</i> has the meaning given to it in the Act; | |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010</i> – Original Clauses | Parking Local Law 2016 | Comments |
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| | <u>one-way carriageway has the meaning given in by the Code;</u> | New definition to provide clarification as outlined in clause 3.1(b). |
| “owner” – (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Act; (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 give to it by the Act; | owner – (a) where used in relation to a vehicle licensed under the <i>Road Traffic (Vehicles) Act 2012</i> , <u>has the meaning given to “responsible person” in the Road Traffic (Administration) Act 2008;</u> (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 give to it in the Act; | Update to align with current relevant Acts in relation to vehicle owners. |
| “park” means to permit a vehicle, whether attended or unattended, to remain stationary, except for the purpose of - (a) avoiding conflict with other traffic; (b) complying with any written law; o (c) taking up or setting down persons or goods for a maximum of 2 minutes; | <u>park has the meaning given in the Code;</u> | Has the same meaning in the Code. |
| “parking area” has the meaning given to it in the Code; | parking area has the meaning given to it in the Code; | |
| “parking bay” means a section of a parking facility which is marked or defined in any way to indicate where a vehicle may stop or park; | parking bay means a section of a parking facility 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 same meaning given to it under the definition “parking bay” in the <i>Local Government (Parking for People with Disabilities) Regulations 2014</i> | parking bay for people with disabilities has the same meaning given to it under the definition permit parking area in the <i>Local Government (Parking for People with Disabilities) Regulations 2014</i> ; | There is no definition of ‘parking bay’ in the <i>Local Government (Parking for People with Disabilities) Regulations 2014</i> . This has been replaced with the correct term “permit parking area” |
| “parking control sign” has the meaning given to it in the Code; | parking control sign has the meaning given to it in the Code; | |
| “parking facility” includes land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles, and signs, notices and facilities used in connection with the parking of vehicles; | 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; | |
| | <u>parking meter means a machine or device which, as a result of a payment by any permitted means, indicates (without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in metered space to which the machine or device relates;</u> | New definition as parking meter is outlined in clauses 4.1 and 4.4. Pay wave/pass systems will be implemented in the future and also aligns with definition of ticket issuing |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Comments</i> |
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| | | machine below. |
| “parking permit” means a permit issued by the City and includes both written and electronic permits | “parking permit” means a permit issued by the <u>local government or an authorised person</u> and includes both <u>a</u> written <u>or</u> and electronic permit; | Change the term “City” to “local government” and inclusion of an “authorised person”. |
| “parking region” means the whole of the district of the City but excludes the following portions of the district: (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads; (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and (c) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the City; | “parking region” means the area to which this local law applies, as described in clause 1.4; whole of the district of the local government but excludes the following portions of the district: (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads; (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and (c) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the City; | The substance of this definition has been relocated to clause 1.4. |
| “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, and includes an attended parking station but does not include a road or reserve; | <i>parking station</i> means any land, building or other structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged, and includes an attended parking station but does not include a road or reserve; | |
| “parking ticket” means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle; | <i>parking ticket</i> means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle; | |
| “path” includes a bicycle path, footpath, separated footpath and shared path; | <i>path</i> has the meaning given to it in the Code; | |
| “pedestrian crossing” has the meaning given to it in the Code; | <i>pedestrian crossing</i> has the meaning given to it in the Code; | |
| “pedestrian mall” has the meaning given to it in the Code; | <i>pedestrian mall</i> has the meaning given to it in the Code; | |
| “permissive parking sign” has the meaning given to it by Clause 172 of the Code; | <i>permissive parking sign</i> has the meaning given to it in clause 172 of the Code; | |
| “postal vehicle” has the meaning given to it in the Code; | <i>postal vehicle</i> has the meaning given to it in the Code; | |
| “property line” means the boundary between the land comprising a road and the land that abuts that road; | <i>property line</i> means the boundary between the land comprising a road and the land that abuts that road; | |
| “public bus” means a bus operated by or on behalf of the State as a passenger vehicle, to carry passengers for hire or reward, whether in connection with a railway or not, but does not include a vehicle operative as a taxi using taxi plates issued under the <i>Taxi Act 1994</i> or licensed as a taxi-car under Part IIIB of the <i>Transport Coordination Act 1996</i> ; | <i>public bus</i> <u>has the meaning given in the Code;</u> | Has the same meaning in the Code. |
| “public bus zone” means a parking bay designated for use by a public bus; | <i>public bus zone</i> means a parking bay designated for use by a public bus; | |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010</i> – Original Clauses | Parking Local Law 2016 | Comments |
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| <p>“reserve” includes any land –</p> <p>(a) owned by or vested in the City;</p> <p>(b) of which the City is the management body under the <i>Land Administration Act 1997</i>; or</p> <p>(c) which is an 'otherwise unvested facility' within section 3.53 of the Act;</p> | <p>reserve means any land –</p> <p>(a) which belongs to the <u><i>local government</i></u>;</p> <p>(b) of which the <u><i>local government</i></u> is the management body under the <i>Land Administration Act 1997</i>; or</p> <p>(c) which is an 'otherwise unvested facility' within section 3.53 of the Act;</p> | Change the term “City” to “local government”. |
| <p>“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;</p> | <p>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;</p> | |
| <p>“Road Traffic Act” means the <i>Road Traffic Act 1974</i>;</p> <p>“Schedule” means a Schedule to this local law;</p> | <p>Road Traffic Act means the <i>Road Traffic Act 1974</i>;</p> | <p>This definition has been removed as it is unnecessary (refer to section 15 of the <i>Interpretation Act 1984</i>).</p> |
| | <p><u>school zone has the meaning given in the Code;</u></p> | New definition to provide definition as “school zone” is outlined in new clause 2.5. |
| | <p><u>school zone periods has the meaning given in the Code;</u></p> | New definition as “school zone period” is outlined in new clause 2.5. |
| <p>“service vehicle” has the same meaning as given to it in the Code;</p> | <p>service vehicle has the same meaning as given to it in the Code;</p> | |
| <p>“service zone” means any part of a pedestrian mall designated for stopping or parking of service vehicles;</p> | <p>service zone means any part of a pedestrian mall designated for stopping or parking of service vehicles;</p> | |
| <p>“shared zone” has the meaning given to it in the Code;</p> | <p>shared zone has the meaning given to it in the Code;</p> | |
| <p>“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;</p> | <p>sign includes a traffic sign, permissive parking sign, inscription, mark, structure or device approved by the <u><i>local government</i></u> 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;</p> | Change the term “City” to “local government”. |
| <p>“special purpose vehicle” has the meaning given to it in the Code and also includes any commercial vehicle owned by the City;</p> | <p>special purpose vehicle has the meaning given to it in the Code and also includes any commercial vehicle owned by the <u><i>local government</i></u>;</p> | Change the term “City” to “local government”. |
| <p>“stop” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of -</p> <p>(a) avoiding conflict with other traffic; or</p> <p>(b) complying with any written law;</p> | <p><u>stop has the meaning given in the Code; in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of -</u></p> <p><u>(c) avoiding conflict with other traffic; or</u></p> <p><u>(d) complying with any written law;</u></p> | Has the same meaning in the Code. |
| <p>“symbol” includes any symbol specified by Australian Standard 1742.11- 1999 and any symbol</p> | <p>symbol includes any symbol specified by Australian Standard 1742.11- 1999 and any symbol specified</p> | Australian Standard referenced in this definition |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Comments</i> |
|---|--|---|
| specified from time to time by Standards Australia for use in the regulation of parking; | from time to time by Standards Australia for use in the regulation of parking; | is available. |
| “ taxi ” has the same meaning as “taxi” in section 3 of the <i>Taxi Act 1994</i> , or a “taxi-car” in section 47Z of the <i>Transport Coordination Act 1966</i> ; | <i>taxi</i> <u>has the meaning given in the Code</u> ; | Has the same meaning in the Code. |
| “ taxi zone ” has the meaning given to it in the Code; | <i>taxi zone</i> has the meaning given to it in the Code; | |
| “ thoroughfare ” has the meaning given to it in the Act; | <i>thoroughfare</i> has the meaning given to it in the Act; | |
| “ ticket ” includes tokens; | <i>ticket</i> includes a tokens; | |
| “ ticket issuing machine ” means a machine or device which issues, as a result of money or other permitted form of payment being inserted into a machine, a ticket showing the period during which it is lawful to remain parked in the area to which the machine relates; | <i>ticket issuing machine</i> means a machine or device which, issues, as a result of money or other permitted form of a payment being inserted into a machine <u>by any permitted means</u> , issues, a ticket showing the period during which it is lawful to remain parked in the area to which the machine <u>or device</u> relates; | Inclusion of the words “by other means of payment” to cover other methods of payment, such as pay wave. The terms of this definition have also been aligned to the definition of “parking meter” |
| “ ticket machine zone ” means a parking facility in which a ticket issuing machine is installed; | <i>ticket machine zone</i> means a parking facility within a fee paying zone in which a ticket issuing machine is installed; | Definition amended to align with the definition of “fee paying zone”. |
| “ T-Intersection ” means an intersection where the end of a road intersects with the continuous side of a continuing road; | <i>T-Intersection</i> means an intersection where the end of a road intersects with the continuous side of a continuing road; | |
| “ traffic ” includes the passage of both vehicles and pedestrians; | <i>traffic</i> includes the passage of both vehicles and pedestrians; | |
| “ traffic island ” has the meaning given to it in the Code; | <i>traffic island</i> has the meaning given to it in the Code; | |
| “ trailer ” means any vehicle without motor 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; | <i>trailer</i> <u>has the meaning given in the Code</u> ; | Has the same meaning in the Code. |
| “ transit lane ” has the meaning given to it in the Code; | <i>transit lane</i> has the meaning given to it in the Code; | |
| “ truck ” means a vehicle which has a minimum load capacity of 1,000 kilograms; | <i>truck</i> 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; | <i>truck bay</i> means a parking bay designated for use by trucks only; | |
| “ truck lane ” has the meaning given to it in the Code; | <i>truck lane</i> has the meaning given to it in the Code; | |
| “ unattended ” means the driver has left the vehicle so that the driver is more than 3 meters from the closest point of the vehicle; | <i>unattended</i> , <u>in relation to a vehicle</u> , means <u>where</u> the driver has left the vehicle so that the driver <u>and</u> is more than 3 meters from the closest point of the vehicle; | Reworded definition for clarity. |
| “ unexpired parking ticket ” means a parking ticket on which a date and expiry time is printed and the printed time has not expired; | <i>unexpired parking ticket</i> means a parking ticket on which a date and expiry time is printed and the printed time has not expired; | |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| Parking Local Law 2010 – Original Clauses | Parking Local Law 2016 | Comments |
|---|--|---|
| <p>“vehicle” includes-</p> <p>(a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels or tracks by any means; and</p> <p>(b) where the context permits, an animal being driven or ridden.</p> | <p>vehicle <u>has the meaning given in the Code; and</u></p> | <p>Has the same meaning in the Code.</p> |
| <p>“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.</p> | <p>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.</p> | |
| <p>1.5 Interpretation</p> <p>(1) For the purposes of the interpretation 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;</p> <p>(2) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting that word or expression;</p> <p>(3) A reference to a “parking station” or “metered zone” includes a reference to part of the “parking station” or “metered zone”.</p> <p>(4) Where a term is used but is not defined in the Act or this local law and that term is defined in the <i>Road Traffic Act 1974</i> or the Code then, unless the context otherwise requires, the term is to have the meaning given to it in the <i>Road Traffic Act 1974</i> or the Code;</p> <p>(5) A reference to the wording of any sign in this Local Law shall also be deemed to be a reference to the corresponding symbol;</p> <p>(6) In this Local Law, unless the context requires otherwise, a reference to a “thoroughfare”, “parking station”, “parking facility” or “public reserve” includes a reference to, as the case may be, any part of the “thoroughfare”, “parking station”, “parking facility” or “public reserve”.</p> | <p>1.7 Interpretation</p> <p>(1) For the purposes of the interpretation 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.</p> <p>(2) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting that word or expression.</p> <p>(3) Where a term is used but is not defined in the Act or this local law and that term is defined in the <i>Road Traffic Act 1974</i> or the Code then, unless the context requires otherwise, the term is to have the meaning given to it in the <i>Road Traffic Act 1974</i> or the Code;</p> <p>(4) In this local law, unless the context requires otherwise, a A reference to a thoroughfare, parking station, parking facility, metered zone or public reserve includes a reference to, as the case may be, any part of the thoroughfare, parking station, parking facility, metered zone or public reserve.</p> | <p>Deletion of the word “inscribed” for further clarity.</p> <p>Deletion of this clause as it is covered by clause 1.7(4).</p> <p>Road Traffic Act is defined as Road Traffic Act 1974 in Clause 1.6 - Terms used; it is considered unnecessary to include the year.</p> <p>Deletion of this clause as it is covered by clause 1.7(2).</p> <p>Reformatted clause for clarity.</p> |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010</i> – Original Clauses | Parking Local Law 2016 | Comments |
|---|---|--|
| <p>(7) This Local Law (except for clause 2.4) applies to the whole of the parking region but not to a parking station that -</p> <p>(a) is not owned, controlled or occupied by the City; or</p> <p>(b) is owned by the City but is leased to another person;</p> <p>unless the City and the owner or the occupier of that parking station have agreed in writing that this local law will apply to that parking station.</p> | | Relocation of this clause to clause 1.4. |
| <p>(8) The agreement referred to in sub-clause (1) may be made on such terms and conditions as the parties agree.</p> | | Relocation of this clause to clause 1.4 |
| <p>1.6 Signs erected by the Commissioner of Main Roads</p> <p>A sign that -</p> <p>(a) was erected by the Commissioner of Main Roads prior to the coming into operation of this local law; and</p> <p>(b) relates to the stopping or parking of vehicles;</p> <p>is taken to have been erected by the City under the authority of this local law.</p> | <p>1.8 Signs erected by the Commissioner of Main Roads</p> <p>A sign that –</p> <p>(a) was erected by the Commissioner of Main Roads <u>Western Australia</u> prior to the commencement of this local law; and</p> <p>(b) relates to the stopping or parking of vehicles;</p> <p>is taken to have been erected by the <u>local government</u> under the authority of this local law.</p> | Inserted Western Australia to correct name and inclusion of local government replacing the term City. |
| <p>1.7 Application of Signs</p> <p>(1) Where under this local law the stopping or parking of vehicles on a road is controlled by a sign, the sign shall apply to that part of the road which -</p> <p>(a) lies beyond the sign;</p> <p>(b) lies between that sign and the next sign; and</p> <p>(c) is on that half of the thoroughfare nearest to that sign;</p> | <p>1.9 Application of Signs</p> <p>(1) Where under this local law the stopping or parking of <u>a</u> vehicles on a road is controlled by a sign, the sign shall <u>is to</u> apply to that part of the road which –</p> <p>(a) lies beyond the sign;</p> <p>(b) lies between that sign and the next sign; and</p> <p>(c) is on that half of the road thoroughfare nearest to that sign.</p> | Thoroughfare has been replaced with road as the later term includes thoroughfare in Clause 1.6 - Terms Used. |
| <p>(2) For the purposes of this Local Law a sign may prohibit or regulate parking or stopping by the use of any symbol;</p> | <p>(2) For the purposes of this local law A sign may prohibit or regulate parking or stopping by the use of any symbol.</p> | |
| <p>(3) A sign regulating the parking or stopping of vehicles is presumed to be, in the absence of evidence to the contrary, a sign placed, marked or erected under the authority of this local law;</p> | | The Joint Standing Committee on Delegated Legislation has disallowed provisions of this type – on the basis that the only valid evidentiary presumptions are those in the <i>Local Government Act</i> (see section 9.30-9.48 (particularly section 9.47)). |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Comments</i> |
|--|--|--|
| | | This clause has been removed to avoid future disallowance. |
| (4) 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 shall be deemed for the purposes of this local law to operate and have effect as if it also related to the parking of vehicles; | (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 <u>is to be taken</u> shall be deemed for the purposes of this local law to operate and have effect as if it also related to the parking of vehicles. | Reworded clause for clarity. |
| (5) The first three letters of any day of the week when used on a sign indicate that day of the week; | (4) The first three letters of any day of the week when used on a sign indicate that day of the week. | |
| 1.8 Classes of vehicles For the purpose of this Local Law, vehicles are divided into classes as follows- (a) public bus; (b) commercial vehicles; (c) motorcycles; (d) taxis; (e) emergency vehicles; (f) special purpose vehicles (g) charter vehicles; and (h) all other vehicles. | 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; and (h) <u>funeral vehicles; and</u> (i) all other vehicles. | Inclusion of “funeral vehicles”. |
| | <u>1.11 Establishment of parking facilities</u> <u>The local government may establish and vary parking facilities for the purposes of this local law.</u> | This clause, relocated from former clause 2.2(1)(a) as it aligns to this section. |
| | <u>1.12 Permitted payment</u> <u>The local government 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.</u> | This new clause addresses the references to ‘any form of permitted payment’ in clauses 4.1(a), 4.2 and 5.2(b) and (c). |
| | <u>1.13 Alternative method of payment</u> (1) <u>Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the local government 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).</u> (2) <u>A person who is given an alternative method of payment, and who complies with the terms of the alternative method of payment, is</u> | This clause, relocated from former clause 2.14 as it aligns to this section of general application. |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Comments</i> |
|---|--|------------------------|
| | <u><i>exempt from paying the Relevant Fee.</i></u> <u><i>(3) An alternative method of payment may not be used by any person other than the person to whom it was given by the local government.</i></u> | |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
|--|---|--|
| PART 2 - STOPPING AND PARKING GENERALLY | PART 2 - STOPPING AND PARKING GENERALLY | |
| 2.1 Power to prohibit and regulate The Council may prohibit or regulate by signs or otherwise the stopping and parking of any vehicle or class of person and vehicle, or both, but is to do so consistently with the provisions of this local law. | 2.1 Power to prohibit and regulate The <u>local government</u> may prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle, or <u>of any</u> class of person and or vehicle, or both, but is to do so consistently with the provisions of this local law. | Change the term "City" to "local government". |
| 2.2 Determinations in relation to stopping and parking The Council may establish, determine, or vary - <ul style="list-style-type: none"> (a) parking facilities; (b) permitted times and conditions of stopping and parking which may vary with the parking region; (c) permitted persons who may stop or park their vehicles; (d) permitted classes of vehicles which may stop or park; or (e) the manner of stopping or parking. | 2.2 Determinations in relation to stopping and parking (1) The <u>local government</u> may establish, determine, or vary - (a) parking facilities; (a) permitted times and conditions of stopping and parking which may vary with the parking region; (b) permitted <u>classes of</u> 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) <u>Where the local government makes a determination under subclause (1), it -</u> <u>(a) must erect one or more signs to give effect to the determination; and</u> <u>(b) may vary the determination.</u> | Change the term "City" to "local government". Additional subclause (2) included to align with WALGA Model Parking Local Law. The power to establish parking facilities is not appropriately located in this clause (which relates to determinations in relation to stopping parking) or in this Part (which relates to stopping parking generally). It has been relocated to new clause 1.11. |
| 2.3 Stopping or parking generally (1) A person must not stop or park a vehicle in a parking facility <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) clause 2.15 applies; or (ii) the vehicle displays a disability parking permit in which case the vehicle may be parked (except in a | 2.3 Stopping or Parking generally 1) A person must not stop or park a vehicle in a parking facility - <ul style="list-style-type: none"> (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 - <ul style="list-style-type: none"> (i) clause 2.15 <u>6.10, 6.3(1)(a) or 6.3(1)(b)</u> applies; or | Amended clause as this also applies under clause 6.3(1)(a) and (b) parking permit exemption and clause 2.15 has been relocated to clause 6.10. |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
|---|---|--|
| <p>parking area for people with disabilities) in accordance with Regulation 174(2) of the Code;</p> <p>(e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces unless a motor vehicle is too wide or long to fit completely within a single parking bay, in which case the vehicle shall be parked within the minimum number of parking bays needed to park that motor vehicle;</p> <p>(f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked; or</p> <p>(g) which is designated by a sign as a loading dock unless a person is actively engaged in loading or unloading goods or materials used in any industry.</p> | <p>(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;</p> <p>(e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces unless a motor <u>the</u> vehicle is too wide or long to fit completely within a single parking bay <u>or metered space</u>, in which case the vehicle shall <u>it must</u> be parked within the minimum number of parking bays <u>or metered spaces</u> needed to park it; that motor vehicle</p> <p>(f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked; or</p> <p>(g) which is designated by a sign as a loading dock unless a person is actively engaged in loading or unloading goods or materials used in any <u>trade, business, industry or other work</u>.</p> | <p>Metered space is different from a 'parking bay', the other references in this paragraph now also refer to 'metered spaces'.</p> <p>The additional words are consistent with the words used in the definition of 'commercial vehicle' in clause 1.6.</p> |
| <p>(2) A person must not stop or park a vehicle –</p> <p>(a) in a no stopping area;</p> <p>(b) at the side of a carriageway marked with a continuous yellow edged line;</p> <p>(c) in an area of a carriageway signed or marked with a keep clear marking;</p> <p>(d) in a bay marked “M/C” unless it is a motorcycle without a side;</p> <p>(e) in a bus lane or bus way;</p> <p>(f) in a transit lane;</p> <p>(g) in a truck lane; or</p> <p>(h) in a bicycle lane or on a bicycle path;</p> <p>Unless, in the case of sub-clause 2(a)-(d) inclusive, the person is driving a public bus, or charter vehicle or a taxi and is immediately dropping off, or picking up passengers.</p> | <p>(2) A person must not stop or park a vehicle –</p> <p>(a) in a no stopping area;</p> <p>(b) at the side of a carriageway marked with a continuous yellow edged line;</p> <p>(c) in an area of a carriageway signed or marked with a keep clear marking;</p> <p>(d) in a bay marked “M/C” unless it is a motorcycle;</p> <p>(e) in a bus lane or bus way;</p> <p>(f) in a transit lane;</p> <p>(g) in a truck lane; or</p> <p>(h) in a bicycle lane or on a bicycle path,</p> <p>unless, in the case of sub-clause 2(a)-(d) inclusive, the person is driving a public bus or charter vehicle or a taxi and is immediately dropping off, or picking up, passengers.</p> | <p>Expand permitted areas for public buses and taxis and remove 'charter vehicle' to align with regulation 157 of the Code.</p> |
| <p>(3) A person must not park a vehicle in a “no parking area”, unless the driver –</p> <p>(a) is dropping off, or picking up, passengers or goods; and</p> <p>(b) does not leave the vehicle unattended;</p> | <p>(3) A person must not park a vehicle in a no parking area, unless the driver –</p> <p>(a) is dropping off, or picking up, passengers or goods;</p> <p>(b) does not leave the vehicle unattended;</p> | |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
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| and (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on. | and (c) <u>within 2 minutes of stopping</u> , completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on. | |
| (4) A person must not stop a motorcycle in a parking bay or metered space unless (a) the bay or space is marked “M/C”; or (b) a sign applying to the bay or space is inscribed “M/C”. | (4) A person must not stop a motorcycle in a parking bay or metered space unless – (a) the bay or space is marked “M/C”; or (b) a sign applying to the bay or space is inscribed “M/C”. | |
| (5) If there is no sign referable to a parking bay or metered space marked “M/C”, a person must not stop or park a vehicle for longer than the maximum period during which a vehicle may stop or be parked in any adjacent parking bay or metered space. | (5) If there is no sign referable to a parking bay or metered space marked “M/C”, a person must not stop or park a vehicle in the <u>parking bay or metered space</u> for longer than the maximum period during which a vehicle may stop or be parked in any adjacent parking bay or metered space. | |
| (6) Unless authorised by the City, a person must not stop or park a vehicle in an area designated by a sign inscribed “Authorised Vehicles Only”. | (6) Unless authorised by the local government, a person must not stop or park a vehicle in an area designated by a sign inscribed “Authorised Vehicles <u>Excepted</u> ”. | Updated to align with the correct term inscribed on the signs within the City of Perth - ‘Authorised Vehicles Excepted’ |
| 2.4 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 clauses 1.5(7) and 1.5(8). (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. | 2.4 Parking contrary to consent (1) In this clause a reference to land does not include land – (a) which belongs to the <u>local government</u> ; (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 clauses 1.4(3). 1.7(7) and 1.7(8) . (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. | Change the term “City” to “local government”. Updated clause number. |
| 2.5 DELETED | | Remove previous clause 2.5 Amendment as was incorporated from a previous amendment. |
| | <u>2.5 School zone</u> (1) <u>A person must not stop or park a vehicle in a school zone during a school zone period –</u> | New Clause to provide higher deterrent for safety and congestion within school zones during school |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
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| | <p>(a) <u>in a no stopping area;</u></p> <p>(b) <u>at the side of a carriageway marked with a continuous yellow edged line;</u></p> <p>(c) <u>on a verge;</u></p> <p>(d) <u>on a footpath or pedestrian refuge;</u></p> <p>(e) <u>in a parking bay in which another vehicle is stopped or parked;</u></p> <p>(f) <u>double park as outlined in clause 3.6</u></p> <p>(g) <u>on or across a driveway as outlined in clause 3.7;</u></p> <p>(h) <u>so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of –</u></p> <p>(i) <u>a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;</u></p> <p>(ii) <u>a pedestrian crossing; or</u></p> <p>(iii) <u>a children's crossing.</u></p> <p>(2) <u>A person must not stop or park a vehicle on a carriageway in a school zone during a school zone period so that it obstructs or may obstruct a vehicle on the carriageway.</u></p> | <p>periods. Proposed new penalty in relation to this clause.</p> |
| <p>2.6 Parking positions</p> <p>Where the signs referring to a parking area are not inscribed with the words “angle parking” then unless a sign referring to the parking area indicates, or marks on the carriageway indicate, that vehicles must park in a different position -</p> <p>(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</p> <p>(b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in that parking area must stop or park it at approximately right angles to the centre of the carriageway.</p> | <p>2.6 Parking positions</p> <p>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 –</p> <p>(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</p> <p>(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.</p> | |
| <p>2.7 Angle parking</p> <p>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 marks on</p> | <p>2.7 Angle parking</p> <p>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 <u>a</u></p> | |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
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| the carriageway. | marks on the carriageway. | |
| 2.8 Loading zone (1) A person must not stop or park a vehicle in a loading zone unless- (a) the vehicle is a commercial vehicle or an authorised vehicle; and (b) a person is continuously engaged in loading or unloading goods to or from that 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. | 2.8 Loading zone (1) A person must not stop or park a vehicle in a loading zone unless – (a) the vehicle is a commercial vehicle or an authorised vehicle; and (b) a person is continuously engaged in loading or unloading goods to or from that 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 Parking position in fee paying zone (1) A person must not stop or park a vehicle in a fee paying zone parallel to a kerb that has parking bays or metered spaces other than- (a) parallel to the kerb; (b) as close to the kerb as practicable; (c) wholly within the parking bay or metered space; and (d) headed in the direction of the movement of traffic on the part of the road on which the parking bay or metered space is situated; (2) A person must not stop or park a vehicle in a parking bay or metered space which is not parallel to a kerb other than wholly within the parking bay or metered space as the case may be. | | Removed clause 2.9 in its entirety as it is already contained in clauses 3.1(a) and (b) and 2.3(1)(e) and regardless of whether it is a fee paying zone, the same requirements apply. |
| 2.10 Reserves (1) 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 his or her duties; (b) is an authorised person; or has obtained the permission of the City or an authorised person. | 2.9 Reserves (1) 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 <u>local government</u> in the course of his or her duties; (b) is an authorised person; or (c) has obtained the permission of the <u>local government</u> or an authorised person. | Change the term “City” to “local government”. |
| 2.11 Occupied parking bays A person must not stop or park or attempt to stop or | 2.10 Occupied parking bays A person must not stop or park, or attempt to stop or | |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original</i> | <i>Parking Local Law 2016 – Proposed</i> | <i>Amendments/Additions / Reasons</i> |
|--|--|---|
| park a vehicle in a parking bay or metered space in which another vehicle is stopped or parked. | park, a vehicle in a parking bay or metered space in which another vehicle is stopped or parked. | |
| 2.12 Payment for parking A person must not insert into a ticket issuing machine, fee collection machine or parking meter anything other than the designations of coin or banknote or other permitted form of payment indicated by a sign on the ticket issuing machine, fee collection machine or parking meter and only in accordance with the instructions printed on the ticket issuing machine, fee collection machine or parking meter. | | Delete clause 2.12 in its entirety and relocate to new clause 4.2 “Fee paying zones” as it is more effectively aligned with this section. |
| 2.13 Operation of ticket issuing machines and other fee collection machines A person must not operate a ticket issuing machine, fee collection machine or parking meter except in accordance with the operating instructions appearing on the ticket issuing machine, fee collection machine or parking meter. | | Delete clause 2.13 in its entirety and relocate to new clause 4.3 “Fee paying zones” as it is more effectively aligned with this section. |
| 2.14 Alternative methods of payment for parking (1) In this local law, a reference to “alternative method of payment” includes a permit, invoice, ticket or pass. (2) The City may authorise a person to pay for parking in advance or in arrears by an alternative method of payment. | | This clause, relocated from former clauses 1.12 and 1.13, as it aligns to this section of general application. |
| 2.15 Parking facilities where permit required (1) Where a parking facility has been established, determined or varied under clause 2.2(c) so as to only permit certain persons to stop or park their vehicles or under clause 2.2(d) or so as to only permit certain classes of vehicles to stop or park, then an authorised person - (a) may issue a written permit to the relevant persons or vehicles of the permitted class as the case may be; and (b) may vary or revoke a permit at any time. (2) Where a written permit has been issued under sub-clause (1), a person must not stop or park a vehicle in the parking facility unless- (a) the permit 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; | | Delete clause 2.15 in its entirety and relocate to Part 6 “Permits” as clause 6.10 as it is more effectively aligned. |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
|--|---|---|
| <p>(b) the permit remains valid and has not expired; and</p> <p>(c) the person or the vehicle's class as specified in the permit is also specified on the sign which relates to the parking facility.</p> | | |
| <p>2.16 Urgent, essential or official duties</p> <p>(1) Where a sign prohibits or permits the stopping or parking of a vehicle for a limited time in a parking facility, where a person needs to carry out any duties considered by an authorised person to be urgent, essential or official in nature that person may be permitted to stop or park a vehicle for longer than the permitted time.</p> <p>(2) Where permission is given under sub-clause (1) an authorised person may prohibit, for the duration of that permission, the use by any other vehicle of that portion of the parking facility to which the permission relates, provided such prohibition is indicated by a sign.</p> <p>(3) Permission issued under sub-clause (1) may -</p> <p>(a) allow the stopping or parking of the vehicle continuously for a specified period or periods or between specified times or from time to time during a specified period; and</p> <p>(b) be revoked or suspended at any time by an authorised person without giving rise to any liability on the part of the City for loss or damages arising from the revocation or suspension of the permission.</p> <p>(4) A person must not stop or park a vehicle in respect of which permission has been given under sub-clause (1) other than in accordance with the terms of that permission.</p> | <p>2.11 Urgent, essential or official duties functions</p> <p>(1) Where – a sign prohibits or permits the stopping or parking of a vehicle for a limited time in a parking facility</p> <p><u>(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</u></p> <p>(b) where a person needs to carry out any duties <u>a function that is</u> considered by an authorised person to be urgent, essential or official in nature <u>and that would be facilitated by stopping or parking a vehicle in the parking facility.</u></p> <p><u>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 longer than the permitted time.</u></p> <p>(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., provided such prohibition is indicated by a sign.</p> <p>(3) Permission issued <u>given</u> under subclause (1) may –</p> <p>(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</p> <p>(b) be revoked or suspended at any time by an authorised person without giving rise to any liability on the part of the local government for loss or damages arising from the revocation or suspension of the permission.</p> <p>(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.</p> | <p>Updated with the term 'functions' as it includes 'duties', as well as 'powers' (as defined by the Interpretation Act 1984).</p> <p>This has been removed as provisions of this type, which potentially limit civil liability, have been disallowed by the JSCDL.</p> |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original</i> | <i>Parking Local Law 2016 – Proposed</i> | <i>Amendments/Additions / Reasons</i> |
|--|---|---|
| 2.17 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. | 2.12 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. | |
| 2.18 Selling or hire in a parking facilities A person must not sell, hire or give away any goods or thing or erect an advertisement in a parking facility without the written authorisation of the City. | 2.13 Selling or hiring in a parking facility A person must not sell, hire or give away any goods or thing or erect an advertisement in a parking facility without the written authorisation <u>of an authorised person or local government.</u> | Removal of the words “or thing” and replace “city” with “local government” and “an authorised person”. |
| 2.19 Behaviour in a parking station (1) A person must not remain in a parking station after having been required to leave by a police officer or an authorised person. (2) A person must not loiter in a parking station. | | Delete clause 2.19 in its entirety and relocate to clause 5.9 Part 5 “Parking Station” as it is more effectively aligned with this section. |
| 2.20 Damage to parking facilities A person must not remove, damage, deface, misuse or interfere with any part of a parking facility. | 2.14 Damage to parking facilities A person must not remove, damage, deface, misuse or interfere with any part of a parking facility. | |
| 2.21 Event parking 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) organisation by or on behalf of a club or a body corporate; d) payment of a fee to attend it; and e) systematic recurrence in relation to the day, time and place; (1) The City may by use of signs establish additional parking facilities on any reserve or local government property, for any period specified on the signs, for the parking of vehicles by persons attending an event. (2) A person must not stop or park a vehicle on a reserve or local government property set aside under sub-clause (1) during the period for which it is set aside 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 | 2.15 Event parking <u>(1)</u> 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) organisation by or on behalf of a club or a body corporate; (d) payment of a fee to attend it ; and (e) systematic recurrence in relation to the day, time and place; <u>(2)</u> The <u>local government</u> may, by use of a sign, establish additional parking facilities on a reserve or local government property, for any period specified on the sign, for the parking of vehicles by persons attending an event. <u>(3)</u> A person must not stop or park a vehicle on a reserve or local government property set aside established as a parking facility aside under subclause (2) during the period for which it is set aside <u>established</u> unless (a) a ticket purchased from the <u>local government</u> with respect to the event is displayed inside the vehicle and is | Change the term “City” to “local government”. |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original</i> | <i>Parking Local Law 2016 – Proposed</i> | <i>Amendments/Additions / Reasons</i> |
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| <p>from outside the vehicle at all times; or</p> <p>(b) such alternative method of payment for parking as may be authorised by the City is made.</p> | <p>clearly visible to and able to be read by an authorised person from outside the vehicle at all times.</p> <p>(b) such alternative method of payment for parking as may be authorised by the City is made.</p> | <p>Clause 2.15(3)(b) is deleted because it is already covered by clause 1.13.</p> |
| <p>2.22 Removal and impounding of vehicles</p> <p>(1) The impounding of vehicles and other goods shall be carried out in accordance with Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the Local Government (Functions and General) Regulations 1996.</p> <p>(2) An employee authorised specifically for the purposes of section 3.39. of the Act and this clause may remove and impound any vehicle that is involved in a contravention that can lead to impounding.</p> <p>(3) A person authorised to impound a vehicle in accordance with clause (2) may use reasonable force to exercise the power given by that clause.</p> <p>(4) The form of the notice referred to in section 3.42 of the Act is set out in Schedule 3.</p> | <p>2.16 Removal and impounding of vehicles</p> <p>(1) The impounding of vehicles and other goods shall be carried out in accordance with <u>is dealt with in</u> Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the <i>Local Government (Functions and General) Regulations 1996</i>.</p> <p>(2) The power of an authorised person to remove and impound any goods that are specifically for the purposes of section 3.39. of the Act and this clause may remove and impound any vehicle that is involved in a contravention that can lead to impounding is dealt with in section 3.39(1) of the Act.</p> <p>(3) The power of a person to A person authorised to impound a vehicle in accordance with clause (2) may 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 that clause.</p> <p>(4) The form of the notice referred to in section 3.42 of the Act is set out in Schedule 3.</p> | <p>Reworded clauses for consistency with the term 'authorised person'.</p> <p>These amendments are matters that are dealt with in the Act and they cannot be dealt with in a local law, other than by reference to the relevant provision of the Act.</p> |
| <p>2.23 Authorised Parking</p> <p>A person shall 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 signs for the parking of authorised vehicles only.</p> | <p>2.17 Authorised parking</p> <p>A person shall <u>must</u> not, without the permission of the <u>local government</u> or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by <u>a</u> signs for the parking of <u>an</u> authorised vehicles only.</p> | <p>Change the term "City" to "local government".</p> |
| <p>2.24 Parking on Local Government property</p> <p>A person must not stop or park a vehicle on or over any portion of a local government property other than an area specifically set aside for that purpose unless the person:</p> <p>(a) is an authorised person, or</p> <p>(b) has obtained the permission of the City or an authorised person.</p> | <p>2.18 Parking on Local Government property</p> <p>A person must not stop or park a vehicle on or over any portion of a local government property other than an area specifically set aside for that purpose unless the person:</p> <p>(a) is an authorised person, or</p> <p>(b) has obtained the permission of the <u>local government</u> or an authorised person.</p> | <p>Change the term "City" to "local government".</p> |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original</i> | <i>Parking Local Law 2016 – Proposed</i> | <i>Amendments/Additions / Reasons</i> |
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| PART 3 –STOPPING AND PARKING ON ROADS AND OTHER AREAS | PART 3 – STOPPING AND PARKING ON ROADS AND OTHER AREAS | |
| <p>3.1 stopping or parking on a carriageway</p> <p>Subject to clause 2.3, 2.6 and 2.7, a person stopping or parking a vehicle on a carriageway must stop or park it -</p> <p>(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 stopping or parked;</p> <p>(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 stopping or parked;</p> <p>(c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopping or parked on the opposite side of the carriageway;</p> <p>(d) so that it is more than 1.2 metres from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and</p> <p>(e) so that it does not obstruct any vehicle on the carriageway.</p> | <p>3.1 Stopping or parking on a carriageway</p> <p>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 –</p> <p>(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 stopping or parked;</p> <p>(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 stopping or parked;</p> <p>(c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopping or parked on the opposite side of the carriageway;</p> <p>(d) so that it is more than 1.2 metres from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and</p> <p>(e) so that it does not obstruct any vehicle on the carriageway.</p> | |
| <p>3.2 Median strips, traffic islands and paths</p> <p>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, median strip, path or nature 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.</p> | <p>3.2 Median strips and traffic islands</p> <p>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, path 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.</p> | Removed the term “Path” as not necessary with this clause. |
| | <p><u>3.3 Verge</u></p> <p><u>(1) A person must not –</u></p> <p><u>(a) stop or park a bus or a trailer or caravan unattached to a motor vehicle, so that any portion of it is on a verge; or</u></p> <p><u>(b) stop or park a vehicle so that any portion of it is on a verge during any period when the stopping or parking of a vehicle on the verge is prohibited by a sign adjacent and</u></p> | Current clause 3.2 does not permit parking on any verge unless indicated by a sign. New clause 3.3 will allow owners or occupiers of private dwellings to park on their verges without the need for the local government to place permissive parking signs. This change aligns with the City of Subiaco’s Parking Local Law for affected |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original</i> | <i>Parking Local Law 2016 – Proposed</i> | <i>Amendments/Additions / Reasons</i> |
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| | <p><u>referable to that verge.</u></p> <p><u>(2) Subject to subclause (1) a person must not stop or park a vehicle so that any portion of it on the verge unless 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.</u></p> | properties previously in that local government area. |
| <p>3.3 Prohibited parking of vehicles</p> <p>A person must not park a vehicle on any portion of a road or within a parking station-</p> <p>(a) for the purpose of exposing the vehicle for sale;</p> <p>(b) if that vehicle is not licensed under the Road Traffic Act or any corresponding law of another State or Territory or of the Commonwealth;</p> <p>(c) if that vehicle is a trailer or caravan unattached to a motor vehicle; or</p> <p>(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 road.</p> | <p>3.4 Prohibited parking of vehicles</p> <p>A person must not park a vehicle on any portion of a road or within a parking station –</p> <p>(a) for the purpose of exposing the vehicle for sale;</p> <p>(b) if that vehicle is not licensed under the Road Traffic Act 1974 or any corresponding law of another State or Territory or of the Commonwealth;</p> <p>(c) if that vehicle is a trailer or caravan unattached to a motor vehicle; or</p> <p>(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 <u>the</u> a road <u>or parking station</u>.</p> | |
| <p>3.4 Obstructions Generally</p> <p>(1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space established by the City;</p> <p>(2) Paragraphs (3) (b) and (d) do not apply to a vehicle stopped or parked in a bus embayment.</p> <p>(3) A person must not stop or park a vehicle so that any portion of the vehicle is -</p> <p>(a) on any road or thoroughfare so as to cause an obstruction on the road or thoroughfare unless it is a public bus stopping in a bus zone;</p> <p>(b) obstructing any entrance, exit, carriageway, passage or thoroughfare in a parking facility.</p> <p>(c) on an intersection, subject to paragraphs (d) and (e);</p> <p>(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</p> | <p>3.5 Obstructions generally</p> <p>(1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space. established by the City;</p> <p>(2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.</p> <p>(3) A person must not stop or park a vehicle so that any portion of the vehicle is –</p> <p>(a) on any road or thoroughfare so as to causes an obstruction on the road or thoroughfare - unless it is a public bus stopping in a bus zone;</p> <p>(b) obstructing any entrance, exit, carriageway, passage or thoroughfare in a parking facility;</p> <p>(c) on an intersection, subject to paragraphs (d) and (e);</p> <p>(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</p> | <p>Change the term “City” to “local government”.</p> <p>Inclusion of subclause 3.5(3)(k) - To prohibit parking within the head of cul-de-sacs in residential areas.</p> <p>“Road” is defined in clause 1.6 to include a ‘thoroughfare’.</p> |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
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| <p>otherwise permitted to stop or park at that place under this local law; or</p> <p>(e) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearest edge of any intersecting carriageway, at an intersection without traffic-control signals, intersecting that carriageway on the side on which the vehicle is stopped or parked unless the vehicle stops or parks:</p> <p>(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</p> <p>(ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;</p> <p>(f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;</p> <p>(g) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;</p> <p>(h) on a bridge or other elevated structure or within a tunnel or underpass unless permitted to do so by a sign; or</p> <p>(i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 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.</p> | <p>to stop or park at that place under this local law;or</p> <p>(e) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearest edge of any intersecting carriageway, at an intersection (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked unless the vehicle stops or parks –</p> <p>(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</p> <p>(ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;</p> <p>(f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;</p> <p>(g) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway - if the vehicle would obstruct traffic;</p> <p>(h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign;</p> <p>(i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines;or</p> <p>(j) 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; <u>or</u></p> <p>(k) <u>within the head of a cul-de-sac.</u></p> | |
| <p>3.5 Double parking</p> <p>(1) Subject to sub-clause (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.</p> <p>(2) Sub-clause (1) does not apply to -</p> <p>(a) a person who parks a motorcycle in a</p> | <p>3.6 Double parking</p> <p>(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.</p> <p>(2) Subclause (1) does not apply to –</p> <p>(a) a person who parks a motorcycle in a</p> | Renumbered clause. |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
|---|---|---------------------------------------|
| <p>bay marked “M/C”; or</p> <p>(b) a person who stops or parks a vehicle in a parking bay or metered space abreast of or alongside another vehicle.</p> | <p>bay marked “M/C”; or</p> <p>(b) a person who stops or parks a vehicle in a parking bay or metered space abreast of or alongside another vehicle.</p> | |
| <p>3.6 Driveways</p> <p>A person must not stop or park a vehicle on or across a driveway or other way of access for vehicles travelling to or from land adjacent to a road or thoroughfare, unless the person is immediately dropping off or picking up passengers.</p> | <p>3.7 Driveways</p> <p>A person must not stop or park a vehicle on or across a driveway or other way of access for a vehicle travelling to or from land adjacent to a road or thoroughfare - unless the person is immediately dropping off or picking up passengers.</p> | Renumbered clause. |
| <p>3.7 Parking near fire hydrant or post box</p> <p>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 -</p> <p>(a) within 1 metre of a fire hydrant, fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or</p> <p>(b) within 3 metres of a public post box, unless the vehicle is a postal vehicle.</p> | <p>3.8 Parking near fire hydrant or post box</p> <p>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 –</p> <p>(a) within 1 metre of a fire hydrant <u>or</u> fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or</p> <p>(b) within 3 metres of a public post box, unless the vehicle is a postal vehicle.</p> | Renumbered clause. |
| <p>3.8 Bus stops, pedestrian, children and train crossings</p> <p>(1) Subject to sub-clause (2), a person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of -</p> <p>(a) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;</p> <p>(b) a pedestrian crossing;</p> <p>(c) a children’s crossing; or</p> <p>(d) the nearest rail of a railway level crossing.</p> <p>(2) Subject to sub clause (3), a person must not stop a vehicle so that any portion of the vehicle is within 3 metres of the departure side, or within 10 metres of the approach side of;</p> <p>(a) a pedestrian crossing, that is not at an intersection;</p> <p>(b) a bicycle crossing equipped with bicycle crossing lights, that is not at an intersection;</p> <p>(3) Sub-clause (1) does not apply if -</p> | <p>3.9 Bus stops, pedestrian, children and train crossings</p> <p>(1) Subject to subclause (2), a person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of –</p> <p>(a) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;</p> <p>(b) a pedestrian crossing;</p> <p>(c) a children’s crossing; or</p> <p>(d) the nearest rail of a railway level crossing.</p> <p>(2) Subject to subclause (3), a person must not stop a vehicle so that any portion of the vehicle is within 3 metres of the departure side, or within 10 metres of the approach side of –</p> <p>(a) a pedestrian crossing, that is not at an intersection; <u>or</u></p> <p>(b) a bicycle crossing, equipped with bicycle crossing lights, that is not at an intersection.</p> <p>(3) Subclause (1) does not apply if –</p> <p>(a) the vehicle is stopped or parked in a</p> | Renumbered clause. |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
|---|---|---|
| <p>(a) the vehicle is stopping or parked in a marked bay;</p> <p>(b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or</p> <p>(c) it is necessary for the driver of the vehicle to stop to avoid an accident.</p> | <p>marked bay;</p> <p>(b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or</p> <p>(c) it is necessary for the driver of the vehicle to stop to avoid an accident.</p> | |
| <p>3.9 Movement of vehicles to avoid time limitation</p> <p>(1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along the same length of carriageway or return to that length of carriageway so that the total time of parking exceeds the maximum time permitted, unless -</p> <p>(a) the vehicle has first been removed from the same length of carriageway for at least 1 hour.</p> <p>(2) Where the parking of vehicles in a parking station is permitted for a limited time, a person shall not move a vehicle within that parking station so that the total time of parking exceeds the maximum time allowed for parking in that parking station.</p> | <p>3.10 Movement of vehicles to avoid time limitation</p> <p>(1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along the same length of carriageway or return to, that length of carriageway so that the total time of parking <u>the vehicle</u> exceeds the maximum time permitted - unless <u>the vehicle has first been removed from the length of carriageway for at least 1 hour.</u></p> <p>(a) the vehicle has first been removed from the same length of carriageway for at least 1 hour.</p> <p>(2) Where the parking of vehicles in a parking station is permitted for a limited time, a person shall not move a vehicle within that parking station so that the total time of parking exceeds the maximum time allowed for parking in that parking station.</p> | <p>Renumbered and reformatted clause to provide clarity.</p> |
| <p>3.10 Pedestrian malls</p> <p>A person must not stop or park a vehicle in a pedestrian mall unless the vehicle -</p> <p>(a) is, and is then being used as, an emergency vehicle;</p> <p>(b) is, and is then being used as, a special purpose vehicle;</p> <p>(c) is stopping or parked in accordance with a written authorisation by the City; or</p> <p>(d) is a service vehicle which -</p> <p>(i) is in a service zone;</p> <p>(ii) is in the pedestrian mall during a period when service vehicles are permitted;</p> <p>(iii) is continuously being loaded or unloaded; and</p> <p>(iv) is stopped or parked for a continuous period of less than thirty minutes or otherwise in accordance with any sign applicable to the service zone.</p> | <p>3.11 Pedestrian malls</p> <p>A person must not stop or park a vehicle in a pedestrian mall unless the vehicle –</p> <p>(a) is, and is then being used as, an emergency vehicle;</p> <p>(b) is, and is then being used as, a special purpose vehicle;</p> <p>(c) is stopped or parked in accordance with a written authorisation by the <u>local government, or an authorised person;</u> or</p> <p>(d) is a service vehicle which –</p> <p>(i) is in a service zone;</p> <p>(ii) is in the pedestrian mall during a period when service vehicles are permitted;</p> <p>(iii) is continuously being loaded or unloaded; and</p> <p>(iv) is stopped or parked for a continuous period of less than thirty 30 minutes or otherwise in accordance with any sign applicable <u>that applies</u> to the service</p> | <p>Change the term “City” to “local government” and “an authorised person”.</p> |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original</i> | <i>Parking Local Law 2016 – Proposed</i> | <i>Amendments/Additions / Reasons</i> |
|---|---|---|
| | zone. | |
| 3.11 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) a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers; and (b) a charter vehicle must not stop or park in a charter vehicle bay, except to pick up or set down passengers and, in any event, for no more than 15 minutes. | 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, <u>a public bus must no stop or park in a bus embayment unless actively engaged in picking up or setting down passengers.</u> (a) a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers; and (b) a charter vehicle must not stop or park in a charter vehicle bay, except to pick up or set down passengers and, in any event, for no more than 15 minutes. | Renumbered clause |
| 3.12 Charter vehicle zones A person must not stop or park a vehicle other than a charter vehicle in a parking bay set aside for use by a charter vehicle. | 3.13 Charter vehicle zones (1) A person must not stop or park a vehicle, other than a charter vehicle, in <u>charter vehicle zone</u> a parking bay set aside for use by a charter vehicle. (2) <u>A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for no more than –</u> <u>(a) 15 minutes - if the charter vehicle has 12 or more seats including the driver;</u> <u>(b) 5 minutes - if the charter vehicle has less than 12 seats including the driver.</u> (3) <u>If subclause 2(b) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.</u> | Previously clause 3.11(2)(b) relocated to 3.13(2) as aligns with this section. Clause expanded to accommodate expected increase in the use of charter bay vehicles by recent introduction of UBER vehicles which fall within the definition of “charter vehicles”. |
| 3.13 Stopping in a Taxi Zone (1) A person shall not stop a vehicle in a taxi zone, unless the person is driving a taxi. (2) A person driving a taxi shall not leave the taxi unattended whilst it is in a taxi zone. | 3.14 Stopping in a taxi zone (1) A person shall <u>must</u> not stop a vehicle in a taxi zone, unless the person is driving a taxi. (2) A person driving a taxi shall <u>must</u> not leave the taxi unattended while it is in a taxi zone. | Renumbered clause |
| 3.14 Construction site vehicle parking (1) In this clause unless the context otherwise requires— “ builder ” has the meaning given to it in the Building Regulations 1989; “ construction site ” means any land subject | 3.15 Construction site vehicle parking (1) In this clause, unless the context otherwise requires – builder has the meaning given to it in the <i>Building Regulations 2012</i> ; construction site means any land subject to | The definition of “construction site vehicle” has been amended to be connected to an approved work zone. Removed definition of “heavy goods vehicle” as not required in this clause. |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original | Parking Local Law 2016 – Proposed | Amendments/Additions / Reasons |
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| <p>to development;</p> <p>“construction site vehicle” means a commercial vehicle or a heavy goods vehicle;</p> <p>“daily fee” means the daily fee determined by the Council;</p> <p>“development” means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;</p> <p>“eligible person” means an owner or occupier of a construction site or any builder carrying out work on a construction site;</p> <p>“establishment fee” means the fee determined by Council resolution from time to time;</p> <p>“heavy goods vehicle” means a vehicle which is defined in the First Schedule of the Road Traffic Act as a tractor (prime mover type) or a tractor (other than prime mover type) and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle; and</p> <p>“work zone” means any road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the City by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.</p> | <p>development;</p> <p>construction site vehicle means <u>a vehicle connected to an approved work zone</u>;</p> <p>daily fee means the daily fee determined by the <u>local government</u>;</p> <p>development means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;</p> <p>eligible person means an owner or occupier of a construction site or a builder carrying out work on a construction site;</p> <p>establishment fee means the fee determined by the <u>local government</u> Council resolution from time to time; and</p> <p>“heavy goods vehicle” means a vehicle which is defined in the First Schedule of the Road Traffic Act as a tractor (prime mover type) or a tractor (other than prime mover type) and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle; and</p> <p>work zone means a road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the <u>local government</u> by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.</p> | <p>Change the terms “Council” and “City” to “local government”.</p> <p>Update to legislation reference.</p> |
| <p>(2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the City, which may approve or refuse the application.</p> <p>(3) Where the City approves an application, it is to give the applicant written notice specifying –</p> <ul style="list-style-type: none"> (a) the number and location of work zones the applicant may use; (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone; (c) the period for which the approval is valid; (d) any conditions to which the approval of the City is subject; and (e) the amount of the establishment fee. | <p>(2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the <u>local government</u>, which may approve or refuse the application.</p> <p>(3) Where the <u>local government</u> approves an application, it is to give the applicant a written notice specifying –</p> <ul style="list-style-type: none"> (a) the number and location of work zones the applicant may use; (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone; (c) the period for which the approval is valid; (d) any conditions to which the approval of the <u>local government</u> is subject; and (e) the amount of the establishment fee. | <p>Change the term “City” to “local government”.</p> <p>Reworded subclause 8 for clarity.</p> |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original</i> | <i>Parking Local Law 2016 – Proposed</i> | <i>Amendments/Additions / Reasons</i> |
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| <p>(4) The City is to set aside a work zone in accordance with the notice referred to in sub-clause (3) within 14 days from the date of payment of the establishment fee.</p> <p>(5) An eligible person must, in addition to the establishment fee, pay to the City a daily fee for each day that a work zone is set aside.</p> <p>(6) The daily fee is payable monthly in advance.</p> <p>(7) Where the City has approved an application to establish a work zone adjacent to a construction site, the City may cancel its approval by written notice to the applicant in the event that:</p> <p>(a) the applicant or any person authorised by the applicant to use the work zone stops or parks a vehicle other than in accordance with:</p> <p>(i) any condition stipulated in the notice issued to the applicant pursuant to sub-clause (3); or</p> <p>(ii) any sign applicable to the work zone;</p> <p>(b) the applicant fails to pay the daily fee as required pursuant to sub-clause (5); or</p> <p>(c) if the City or a person authorised by the City requires access to or near the place where the work zone is situated, for the purposes of carrying out works in or near the vicinity of that place.</p> <p>(8) A person must not stop or park a vehicle in a work zone unless the person is driving a vehicle that is –</p> <p>(a) engaged in construction work in or near the zone; or</p> <p>(b) permitted to stop in the works zone in accordance with this local law.</p> | <p>(4) The <u>local government</u> is to set aside a work zone in accordance with the notice referred to in sub-clause (3) within 14 days from the date of payment of the establishment fee.</p> <p>(5) An eligible person must, in addition to the establishment fee, pay to the <u>local government</u> a daily fee for each day that a work zone is set aside.</p> <p>(6) The daily fee is payable monthly in advance.</p> <p>(7) Where the <u>local government</u> has approved an application to establish a work zone adjacent to a construction site, the <u>local government</u> may cancel its approval by written notice to the applicant if in the event that –</p> <p>(a) the applicant, or any person authorised by the applicant to use the work zone, stops or parks a vehicle other than in accordance with –</p> <p>(i) any condition stipulated in the notice issued to the applicant pursuant to subclause (3); or</p> <p>(ii) any sign applicable to the work zone;</p> <p>(b) the applicant fails to pay the daily fee as required pursuant to subclause (5); or</p> <p>(c) if the <u>local government</u> or an authorised person requires access to or near the place where the work zone is situated, for the purposes of carrying out works in or near the vicinity of that place.</p> <p>(8) A person must not stop or park a vehicle in a work zone the vehicle is unless the person is driving a vehicle that is –</p> <p>(a) <u>a construction site vehicle</u> engaged in construction work in or near the work zone; or</p> <p>(b) permitted to stop in the works zone in accordance with this local law.</p> | |
| <p>3.15 Parking in shared zone</p> <p>A person must not stop or park a vehicle in a shared zone unless the vehicle -</p> <p>(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;</p> | <p>3.16 Parking in a shared zone</p> <p>A person must not stop or park a vehicle in a shared zone unless the vehicle –</p> <p>(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;</p> | <p>Renumbered clause and minor formatting changes.</p> |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original</i> | <i>Parking Local Law 2016 – Proposed</i> | <i>Amendments/Additions / Reasons</i> |
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| <p>(b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this Local Law;</p> <p>(c) the vehicle is dropping off, or picking up, passengers or goods; or</p> <p>(d) the vehicle is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage.</p> | <p>(b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;</p> <p>(c) the vehicle is dropping off, or picking up, passengers or goods; or</p> <p>(d) the vehicle is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage.</p> | |
| <p>3.16 Stopping on a carriageway heavy and long vehicles</p> <p>(1) A person 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 more than 7.5 metres in length or exceeds a GVM of 4.5 t -</p> <p>(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</p> <p>(b) on a carriageway outside a built-up area, except on the shoulder of the carriageway or in a truck bay or other area set aside for the parking of goods vehicles.</p> <p>(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.</p> | <p>3.17 Stopping on a carriageway - heavy and long vehicles</p> <p>(1) A person 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 more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes –</p> <p>(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</p> <p>(b) on a carriageway outside a built-up area, except on the shoulder of the carriageway or in a truck bay or other area set aside for the parking of goods vehicles.</p> <p>(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.</p> | <p>Renumbered clause and minor wording deletion for clarity.</p> |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original Clauses | Parking Local Law 2016 | Amendments / Additions / Reason |
|--|---|--|
| PART 4 – FEE PAYING ZONE | PART 4 – FEE PAYING ZONE | |
| <p>4.1 Payment of fees</p> <p>(1) A person must not stop or park a vehicle in a metered space or a ticket machine zone unless the appropriate fee as indicated by a sign:</p> <ul style="list-style-type: none"> (a) on the parking meter referable to the space in the case of a metered space; or (b) on the ticket issuing machine referable to the zone for each parking bay in the case of a ticket machine zone; <p>is inserted into the parking meter or ticket issuing machine as the case may be.</p> <p>(2) Subject to the provisions of this Part 4, the payment of the fee referred to in sub-clause (1) entitles a person to stop or park a vehicle in:</p> <ul style="list-style-type: none"> (a) a metered space for the period shown on a sign referable to the space; or (b) in a ticket machine zone for the period shown on the parking ticket, <p>but does not authorise the parking of the vehicle during any time when stopping or parking in that space or zone is prohibited under this local law or by a sign.</p> | <p>4.1 Payment of fees</p> <p>(1) A person must not stop or park a vehicle in a metered space or a ticket machine zone unless the appropriate fee as indicated by a sign –</p> <ul style="list-style-type: none"> (a) on the parking meter referable to the space in the case of a metered space; or (b) on the ticket issuing machine referable to the zone for each parking bay in the case of a ticket machine zone, <p><u>is paid by any form of permitted payment at the fee paying machine.</u></p> <p>(2) Subject to the provisions of this Part 4, the payment of the fee referred to in sub-clause (1) entitles a person to stop or park a vehicle in –</p> <ul style="list-style-type: none"> (a) a metered space for the period shown on a sign referable to the space; or (b) in a ticket machine zone for the period shown on the parking ticket, <p>but does not authorise the parking of the vehicle during any time when stopping or parking in that space or zone is prohibited under this local law or by a sign.</p> | <p>Clause extended to include other forms of payment for parking which does not require the fee to be inserted, such as pay wave.</p> |
| | <p><u>4.2 Payment for parking</u></p> <p><u>A person must not insert into a fee paying machine anything other than the designations of coin or banknote or other permitted form of payment indicated by a sign on the fee paying machine and only in accordance with the instructions printed on the fee paying machine.</u></p> | <p>Previously clause 2.12 relocated to clause 4.2 as it aligns more effectively with this section.</p> <p>Newly added definition of “fee paying machine” to reduce words within this clause.</p> |
| | <p><u>4.3 Operations of fee paying machines</u></p> <p><u>A person must not operate a fee paying machine except in accordance with the operating instruction appearing on the fee paying machine.</u></p> | <p>Previously clause 2.13 relocated to 4.3 as aligns with this section. Newly added definition of “fee paying machine” to reduce words within this clause.</p> |
| <p>4.2 Expired meter, parking limit</p> <p>Unless authorised by the City a person must not leave or permit a vehicle to remain stopped or parked in a metered space -</p> <ul style="list-style-type: none"> (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign ‘Expired’, a negative time or a series of red flashing lights; | <p>4.4 Expired meter, parking limit</p> <p>Unless authorised by the <i>local government</i>, a person must not leave or permit a vehicle to remain stopped or parked, in a metered space –</p> <ul style="list-style-type: none"> (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign ‘Expired’, a negative time or a series of red flashing lights; or | <p>Change the term “City” to “local government”.</p> |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| Parking Local Law 2010 – Original Clauses | Parking Local Law 2016 | Amendments / Additions / Reason |
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| (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted. | (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted. | |
| 4.3 Display of parking tickets and parking limits (1) A person must not stop or park a vehicle in a ticket machine zone during the period in which stopping or parking is permitted only upon the purchase of a parking ticket: (a) unless an unexpired parking ticket issued by a ticket issuing machine in that ticket machine 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 that vehicle remains standing or parked in that zone. (2) Unless subclause (3) applies, where more than one 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 the aggregate of those periods providing that the aggregate does not exceed the maximum period of time a vehicle is permitted to park in that zone. (3) Where a trailer is attached to a vehicle, a parking ticket is to be displayed inside the vehicle for each occupied parking bay as permitted under this local law. | 4.5 Display of parking tickets and parking limits (1) A person must not stop or park a vehicle in a ticket machine zone during the period in which stopping or parking is permitted only upon the purchase of a parking ticket – (a) unless an unexpired parking ticket issued by a ticket issuing machine in that ticket machine 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 that vehicle remains standing or parked in that <u>fee paying</u> zone. (2) Unless subclause (3) applies, where <u>in a fee paying zone</u> more than one 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) providing that the aggregate does not exceed the maximum period of time a vehicle is permitted to park in that <u>fee paying</u> zone, whichever occurs first (3) Where a trailer is attached to a vehicle – (a) a parking ticket <u>must</u> is to be purchased displayed inside the vehicle for each occupied parking bay as permitted under this local law; and (b) <u>each parking ticket must be displayed inside the vehicle in accordance with subclause 1(a) and (b).</u> | |
| 4.4 Reserved Fee Paying Zones Unless authorised by the City a person must not leave or permit a vehicle to remain stopped or parked in a fee paying space or zone if the parking meter or ticket machine is hooded with a covering bearing the words “No Parking”, “Reserved Parking”, “Temporary Bus Stop” or with an equivalent symbol depicting one of these purposes or any other words or symbols that indicate parking is not permitted within the space or zone. | 4.6 Reserved Fee Paying Zones Unless authorised by the <u>local government</u> a person must not leave or permit a vehicle to remain stopped or parked in a <u>metered</u> space, or <u>fee paying</u> zone if the parking meter or ticket machine is hooded with a covering bearing – (a) the words “No Parking”, “Reserved Parking”, “Temporary Bus Stop” or with an equivalent symbol depicting one of these purposes; or (b) any other words or symbols that indicate | Change the term “City” to “local government”. |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Amendments / Additions / Reason</i> |
|---|---|---|
| | parking is not permitted within the space or <u>fee paying</u> zone. | |
| 4.5 Parking restrictions in fee paying zones (1) A person shall not stop or park a vehicle in a fee paying zone - (a) except during the period stated on signs referable to the zone during which stopping or parking is permitted; and (b) for longer than the maximum period permitted for continuous parking of a vehicle in the zone, as stated on signs referable to the zone. | 4.7 Parking restrictions in fee paying zones (1) A person shall not stop or park a vehicle in a fee paying zone – (a) except during the period stated on signs referable to the 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 zone, as stated on signs referable to the zone. | |
| | <u>4.8 Use of counterfeit or altered parking tickets</u> <u>A person must not –</u> (a) <u>park a vehicle in a parking facility which requires a parking 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; or</u> (b) <u>produce to an authorised person who accepts payment for parking, a parking ticket which has been counterfeited, altered, obliterated or interfered with.</u> | Previously clause 7.8 relocated to Part 4 “Fee paying zones” as it aligns more effectively with this section. |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original Clauses | Parking Local Law 2016 | Amendments / Additions / Reason |
|---|---|--|
| PART 5 – PARKING STATION | PART 5 – PARKING STATIONS | |
| 5.1 Restrictions on entering a parking station A person must not enter a parking station without first obtaining the authorisation of an authorised person if one is on duty or an entrance ticket or parking ticket unless: <p>(a) permitted by signs applicable to that parking station; or</p> <p>(b) the person entering the parking station is -</p> <p>(i) employed at the parking station and is in the course of his or her duties;</p> <p>(ii) a police officer and is in the course of his or her duties; or</p> <p>(iii) the driver of or a passenger in a vehicle stopping or parked in that station.</p> | 5.1 Restrictions on entering a parking station A person must not enter a parking station without first obtaining the authorisation of an authorised person if one is on duty or an entrance ticket or parking ticket unless – <p>(a) permitted by signs applicable to that parking station; or</p> <p>(b) the person entering the parking station is –</p> <p>(i) employed at the parking station and is in the course of his or her <u>functions</u> duties;</p> <p>(ii) a police officer and is in the course of his or her <u>functions</u> duties; or</p> <p>(iii) the driver of or a passenger in a vehicle stopping or parked in that station.</p> | |
| 5.2 Stopping or parking in a parking station (1) A person must not stop or park a vehicle in - <p>(a) an attended parking station, unless the appropriate fee as indicated by a sign is paid when demanded; or</p> <p>(b) a parking station with a ticket issuing machine, unless the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine and the person complies with the relevant provisions of Part 4 of this local law; or</p> <p>(c) a parking station with a fee collection machine, unless the appropriate fee as indicated by a sign is inserted into the machine and the ticket is validated immediately prior to departure.</p> | 5.2 Stopping or parking in a parking station (1) A person must not stop or park a vehicle in – <p>(a) an attended parking station - unless the appropriate fee as indicated by a sign is paid when demanded;or</p> <p>(b) a parking station with a ticket issuing machine, unless the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine, <u>or by any other form of permitted payment</u> and the person complies with the relevant provisions of Part 4 of this local law; or</p> <p>(c) a parking station with a fee collection machine, unless the appropriate fee as indicated by a sign is inserted into the machine, or by any other form of permitted payment and the ticket is validated immediately prior to departure.</p> | Extend clause to include other forms of payment for parking which does not require the fee to be inserted, such as pay wave. |
| 5.3 No entrance ticket Where no entrance ticket is produced by the driver of a vehicle which is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station. | 5.3 No entrance ticket Where no entrance ticket is produced by the driver of a vehicle which is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station. | |
| 5.4 Removal of vehicles (1) A person must not remove a vehicle which has been stopped or parked in a parking | 5.4 Removal of vehicles (1) A person must not remove a vehicle which has been stopped or parked in a parking | Change the term “City” to “local government”. |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

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| <p>station until -</p> <p>(a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or</p> <p>(b) the City has issued a notice stating the fee, which shall be payable within 3 working days from the time of issue of the notice.</p> | <p>station until –</p> <p>(a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or</p> <p>(b) the <u>local government</u> has issued a notice stating the fee.</p> <p><u>(2) Where a notice has been issued under subclause 1(b), the fee must be paid within 3 working days from the time of issue of the notice.</u></p> | <p>Additional clause (2) added to clarify the payment of fee within three working days from time of notices being issued.</p> |
| <p>5.5 Maximum parking period in parking stations</p> <p>Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a person must not stop or park a vehicle for a period exceeding the maximum time permitted, unless the vehicle has first been removed from that parking station for at least 1 hour.</p> | <p>5.5 Maximum parking period in parking stations</p> <p>Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a person must not stop or park a vehicle for a period exceeding the maximum time permitted - unless the vehicle has first been removed from that parking station for at least 1 hour.</p> | |
| <p>5.6 Entering and Exiting Parking Facilities</p> <p>A person must not enter or exit in a vehicle a parking facility other than through an authorised entry or exit designated as such by a sign.</p> | <p>5.6 Entering and Exiting Parking Facilities</p> <p>A person must not enter or exit in a vehicle a parking facility other than through an authorised entry or exit designated as such by a sign.</p> | |
| <p>5.7 Parking restrictions for vehicles with multiple occupants</p> <p>(1) The Council in respect of any period or time may, by the use of a sign, set aside any parking station where entry is prohibited by vehicles other than vehicles carrying in addition to the driver at least one other person.</p> <p>(2) A person must not stop or park a vehicle in any parking station which has been set aside under sub-clause (1) at the times or within the period specified under sub-clause (1) unless the vehicle is carrying at least one other person.</p> <p>(3) A person must not enter any parking station which has been set aside under sub-clause (1) at the times or within the period specified under sub-clause (1) unless that person is the driver of or passenger in a vehicle carrying at least one other person.</p> <p>(4) The fee payable, and the manner of payment, for the parking of a vehicle in any parking station which has been set aside under sub clause (1) and the manner of payment may be determined by Council resolution.</p> | <p>5.7 Parking restrictions for vehicles with multiple occupants</p> <p>(1) The <u>local government</u> in respect of any period or time may, by the use of a sign, set aside any parking station where entry is prohibited by vehicles other than vehicles carrying, in addition to the driver, at least one other person.</p> <p>(2) A person must not stop or park a vehicle in any parking station which has been set aside under subclause (1) at the times or within the period specified under subclause (1) unless the vehicle is carrying at least one other person.</p> <p>(3) A person must not enter any parking station which has been set aside under subclause (1) at the times or within the period specified under subclause (1) unless that person is the driver of or passenger in a vehicle carrying at least one other person.</p> <p>(4) The <u>local government may determine</u> fee payable, and the manner of payment, for the parking of a vehicle in any parking station which has been set aside under subclause (1) and the manner of payment may be determined by the Council Resolution.</p> | <p>Change the term “City” to “local government”.</p> |
| <p>5.8 City may lock parking stations</p> <p>(1) At the expiration of the hours of operation of a parking station, an authorised person whether or not any vehicle remains parked in the parking station may lock the parking</p> | <p>5.8 <u>Locking of parking stations</u></p> <p>At the expiration of the hours of operation of a parking station, an authorised person whether or not any vehicle remains parked in the parking station, <u>an authorised person</u> may lock</p> | <p>Change the term “City” to “local government”.</p> |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

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| <p>station or otherwise prevent the movement of any vehicle within, to or from the parking station.</p> <p>(2) The City is not responsible for any loss of or damage to a vehicle or its accessories or contents or for any other loss, claim or liability as a result of any action taken under sub-clause (1).</p> | <p>the parking station or otherwise prevent the movement of any vehicle within, to or from the parking station.</p> <p>(2) The City is not responsible for any loss of or damage to a vehicle or its accessories or contents or for any other loss, claim or liability as a result of any action taken under sub-clause (1).</p> | <p>This has been removed as provisions of this type, potentially limiting civil liability, have been disallowed by the JSCDL.</p> |
| | <p><u>5.9 Behaviour in a parking station</u></p> <p><u>(1) A person must not remain in a parking station after having been required to leave by a police officer or an authorised person.</u></p> <p><u>(2) A person must not loiter in a parking station.</u></p> | <p>Previously clause 2.19 relocated Part 5 "Parking Station" as it is more effectively aligned with this section.</p> |
| | <p><u>5.10 Low clearance signs</u></p> <p><u>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 referred sign.</u></p> | <p>New clause proposed due to increase in vehicles ignoring height restriction signage at the entry to the City of Perth's carpark causing signage damage.</p> |

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Amendments / Additions / Reason</i> |
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| PART 6 – PARKING PERMITS | PART 6 – PARKING PERMITS | |
| 6.1 Application for parking permit An application for a parking permit shall be made in the form and shall include payment of the fee determined by Council resolution. | 6.1 <u>Classes</u> and application for parking permit (1) <u>The local government may determine classes of parking permits and the eligibility criteria for each class of parking permit.</u> (2) <u>An application for a parking permit must –</u> (a) <u>be made in the form (if any) required by the local government;</u> (b) <u>provide the information or documents that are required by the local government or an authorised person; and</u> (c) <u>accompanied the appropriate fee, if any, charged by the local government.</u> | Clause amended to include the classes of parking permits for clarity and that an application is to be made in accordance with the local government. |
| 6.2 Issue of parking permit An authorised person may approve an application for a parking permit made pursuant to clause 6.1 provided that the application is consistent with the requirements of any policy applicable to residential parking that has been adopted by the Council. | 6.2 Issue of parking permit An authorised person – (a) may approve an application <u>under clause 6.1(2) for a parking permit of a class determined under clause 6.1(2), subject to any conditions specified by the authorised person; and</u> (b) <u>must, where an application is approved, issue the applicant with a parking permit.</u> | Removal of reference to the City of Perth Residential Parking Policy as issuing of parking permits already detailed within the local law. |
| 6.3 Exemption for permit holders (1) Subject to sub-clauses (2) and (3), the holder of a valid parking permit is exempt from - (a) a prohibition against the stopping or parking of vehicles on any part of a road for a specified period; and (b) the requirement to have a parking ticket when parking a vehicle on any part of a road or metered zone where the maximum period during which continuous parking or stopping of a vehicle is permitted (as stated on the sign referable to the bay) exceeds 30 minutes. (2) The exemption conferred by sub-clause (1) applies only - (a) to the part of a road or to the metered spaces or parking bays specified in the permit; (b) where the permit displayed relates to a specified motor vehicle, to the motor vehicle specified in that permit; (c) if the permit is displayed in the vehicle | 6.3 Exemption for permit holders (1) <u>Without limiting clause 6.2</u> , the holder of a valid parking permit is exempt from – (a) a prohibition against the stopping or parking of vehicles on any part of a road for a specified period; and (b) the requirement to have a parking ticket when parking a vehicle on any part of a road or metered zone where the maximum period during which continuous parking or stopping of a vehicle is permitted (as stated on the sign referable to the <u>part of the road or metered zone</u> bay) exceeds 30 minutes. (2) The exemption conferred by subclause (1) applies only – (a) to the part of a road, or to the metered spaces or parking bays, specified in the permit; (b) where the permit displayed relates to a specified motor vehicle, to the motor vehicle specified in that permit; a. if the permit is displayed in the vehicle | Minor wording changes for clarity. |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| Parking Local Law 2010 – Original Clauses | Parking Local Law 2016 | Amendments / Additions / Reason |
|---|--|---|
| <p>and is 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 permit relates; and</p> <p>(d) if the permit is valid.</p> <p>(3) The exemption conferred by sub-clause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited in the road or the part of a road specified in the permit.</p> | <p>and is 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 permit relates; and</p> <p>(d) if the permit is valid.</p> <p>(3) The exemption conferred by subclause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited in the road, or the part of a road, specified in the permit.</p> | |
| <p>6.4 Validity of a permit</p> <p>A parking permit ceases to be valid in accordance with the Residents On Street Parking Policy.</p> | <p>6.4 Validity of a permit</p> <p>A parking permit ceases to be valid <u>on –</u></p> <p>(a) <u>the expiration of any time or period specified in the permit;</u></p> <p>(b) <u>the holder of the permit ceasing to be eligible;</u></p> <p>(c) <u>the revocation of the permit by the local government pursuant to clause 6.6; or</u></p> <p>(d) <u>the replacement of the permit by a new permit issued by under clause 6.8.</u></p> | <p>Removal of reference to the City of Perth Residents On-Street Parking Policy and clarify when a parking permit ceases to be valid is already detailed within the local law.</p> |
| <p>6.5 Use of counterfeit or altered parking permit</p> <p>A person must not -</p> <p>(a) park a vehicle in a parking facility which requires a parking permit, if there is displayed in that vehicle so as to be visible from outside the vehicle, a parking permit which has been counterfeited, altered, obliterated or interfered with; or</p> <p>(b) produce to an authorised person who accepts payment for parking, a parking permit which has been counterfeited, altered, obliterated or interfered with.</p> | <p>6.5 Use of counterfeit or altered parking permit</p> <p>A person must not –</p> <p>(a) <u>use or display in a vehicle, a parking permit that has in any way been counterfeited, altered, obliterated or interfered with; or</u></p> <p>(b) produce to an authorised person who accepts payment for parking, a parking permit which has been counterfeited, altered, obliterated or interfered with.</p> | |
| <p>6.6 Revoking a permit</p> <p>The City may, at any time and in accordance with the Council's Resident On-Street Parking Policy, revoke a permit which has been issued.</p> | <p>6.6 Revoking a permit</p> <p>(1) <u>An authorised person may, at any time, revoke a parking permit which has been issued in accordance with clause 6.2, if the permit holder breaches any of the conditions for its use or when the permit holder ceases to satisfy the eligibility criteria for that class of parking permit.</u></p> <p>(2) <u>A revocation under clause 6.6(1) is not effected until written notice of the revocation is provided to the permit holder.</u></p> | <p>Removal of reference to the City of Perth Residents On-Street Parking Policy and inclusion of an 'authorised person' to revoke permits as they have the ability to issue and revoke permits.</p> |
| <p>6.7 Removal of a permit from vehicle</p> <p>The holder of a parking permit must immediately</p> | <p>6.7 Removal of a permit from vehicle</p> <p>The holder of a parking permit <u>which has been</u></p> | <p>Change the term "City" to "local government".</p> |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Amendments / Additions / Reason</i> |
|---|--|---|
| upon the permit being revoked or ceasing to be valid permanently remove the permit from the vehicle in which it is displayed or to which it is affixed and return it to the City. | <i>revoked</i> must immediately <u>after being given notice of revocation, or immediately after the permit otherwise ceases to be valid</u> , upon the permit being revoked or ceasing to be valid, permanently remove the permit from the vehicle in which it is displayed or to which it is affixed and return it to the <u>local government</u> . | |
| 6.8 Replacement of permit The City may issue a replacement permit where a written application is made which meets the parking policy and is accompanied by the appropriate fee, if any, charged by the City. | 6.8 Replacement of permit <u>An authorised person</u> may issue a replacement permit where an application is made and is accompanied by supporting documentation and the appropriate fee, if any, charged <u>imposed by the local government</u> . | Change the term “City” to “Authorised person” and “local government” where appropriate. |
| 6.9 Councillor parking permit (1) The City may issue to any member of the Council a councillor parking permit and may vary or revoke a permit at any time (2) The holder of a councillor parking permit is exempt from those clauses of this local law specified in the permit. (3) The exemption conferred by subclause (2) applies only - (a) if the councillor parking permit 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; (b) if the councillor parking permit is valid; and (c) if the holder of the councillor parking permit is carrying out his or her duties or performing his or her functions as a member of the Council. (4) A councillor parking permit ceases to be valid – (a) when the holder of the permit ceases to be a member of the Council; (b) after the expiry date specified in the permit; or (c) when revoked by the City. and shall be returned to the City on the occurrence of any of the above events. | 6.9 Elected Member parking permit (1) <u>An authorised person</u> may issue to any elected member of the Council <u>a parking permit (referred to in this clause as an Elected Member Parking Permit)</u> and may vary or revoke the <u>Elected Member Parking Permit</u> at any time. (2) The holder of <u>an Elected Member</u> Parking Permit is exempt from those clauses of this local law specified in the permit. (3) The exemption conferred by subclause (2) applies only – (a) if the <u>Elected Member</u> Parking Permit 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; (b) if the <u>Elected Member</u> Parking Permit is valid; and (c) if the holder of the <u>Elected Member</u> Parking Permit is carrying out his or her duties or performing his or her functions as <u>an elected member of the Council</u> . (4) An <u>Elected Member</u> Parking Permit ceases to be valid – (a) when the holder of the permit ceases to be <u>an elected member of the Council</u> ; (b) after the <u>specified</u> expiry date specified in the permit ; (c) when revoked by an <u>authorised person</u> . and shall <u>must</u> be returned to the <u>local government</u> on the occurrence of any of <u>these</u> above events. | Amended to define Elected Member which includes the Lord Mayor, definition included to reflect this. Change the term “City” to “local government”. |
| | <u>6.10 Parking station where permit required</u> (1) <u>Where in relation to a parking facility, the local government has determined, under clause</u> | Previously clause 2.15 in its entirety and relocate to Part 6 “Permits” as it is more effectively aligned |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010 – Original Clauses</i> | <i>Parking Local Law 2016</i> | <i>Amendments / Additions / Reason</i> |
|---|---|---|
| | <p><u>2.2(1)(b), that only permitted classes of persons may stop or park their vehicles or, under clause 2.2(1)(c, that only permitted classes of vehicles may stop or park, an authorised person –</u></p> <p><u>(a) may issue a written permit to a person within the permitted class, or to a person in respect of a vehicle of the permitted class; and</u></p> <p><u>(b) may vary or revoke a permit at any time.</u></p> <p><u>(2) Where a written permit has been issued under subclause (1), a person must not stop or park a vehicle in the parking station unless –</u></p> <p><u>(a) the permit 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;</u></p> <p><u>(b) the permit remains valid; and</u></p> <p><u>(c) the person's permitted class, or the vehicle's class, as specified in the permit is also specified on the sign which relates to the parking facility.</u></p> | with this section. |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010</i> – Original Clauses | Parking Local Law 2016 | Amendments / Additions / Reason |
|---|--|---|
| PART 7 - MISCELLANEOUS | PART 7 - MISCELLANEOUS | |
| 7.1 Authorised person certificate of appointment An authorised person must be given a certificate of his or her appointment in accordance with section 9.10(2) of the Act. | 7.1 Authorisation person certificate of appointment The requirement for an authorised person to be must be given the appropriate certificate of his or her appointment <u>is dealt with</u> in accordance with section 9.10(2) of the Act. | Reworded clause as the requirement is contained in the Act. |
| 7.2 Authorised persons No offence under this local law is committed by an authorised person while carrying out his or her duties. | 7.2 Authorised persons No offence under this local law is committed by an authorised person while carrying out his or her <u>functions</u> duties. | |
| 7.3 Necessary power An authorised person has all necessary power for the purpose of performing all duties vested in or imposed on him or her by the Act and this local law. | 7.3 Power of an authorised person Necessary power (1) An authorised person has all necessary power for the purpose of to performing all <u>his or her functions</u> duties vested in or imposed on him or her by the Act and under this local law. <u>(2) An authorised person may –</u> <u>(a) carry into effect the provisions of this local law;</u> <u>(b) report to the local government on the working effectiveness of this local law;</u> <u>(c) recommend to the CEO the institution of prosecutions; and</u> <u>(d) institute and conduct prosecutions as directed by the CEO.</u> | This clause has been reworded as the local law cannot give an authorised person powers to perform functions under the Act. Subclause (2) has been relocated from former clause 7.11. |
| 7.4 Impersonating an authorised person A person who is not an authorised person must not impersonate or assume the duties of an authorised person. | 7.4 Impersonating an authorised person A person who is not an authorised person must not impersonate or assume the <u>functions</u> duties of an authorised person. | |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original Clauses | Parking Local Law 2016 | Amendments / Additions / Reason |
|--|---|---|
| 7.5 Obstructing of an authorised person A person must not obstruct or hinder an authorised person in the execution of his or her duties. | 7.5 Obstructing of an authorised person A person must not obstruct or hinder an authorised person in the execution of his or her duties. | |
| 7.6 Removal of notices A person, other than the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person. | 7.6 Removal of notices A person, other than the driver of the vehicle, <u>or a person acting under the directions of the driver of the vehicle</u> , must not remove from the vehicle any notice put on the vehicle by an authorised person. | |
| 7.7 Display of signs A person must not without the authorisation of the City - (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, parking meter, ticket issuing machine or fee collecting machine. | 7.7 Display of signs A person must not without the authorisation of the <u>local government or an authorised person</u> – (a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the <u>local government</u> under this local law; (b) remove, deface or misuse a sign or property set up by the <u>local government</u> 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, <u>or fee paying machine</u> . | Change the term “City” to “local government”. Newly added definition of “fee paying machine” to reduce words in this clause. |
| 7.8 Use of counterfeit or altered parking tickets A person must not - (a) park a vehicle in a parking facility which requires a parking 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; or (b) produce to an authorised person who accepts payment for parking, a parking ticket which has been counterfeited, altered, obliterated or interfered with. | | Removed and replaced as clause 4.8 as aligns with this section. |
| 7.9 Marking tyres and valve stem readings (1) An authorised person may - (a) mark the tyres of a vehicle parked in a parking facility 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 his or her duties or powers. | 7.8 Marking tyres and valve stem readings (1) An authorised person may – (a) mark the tyres of a vehicle parked in a parking facility 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 his or her <u>functions</u> duties or powers . | |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| <i>Parking Local Law 2010</i> – Original Clauses | Parking Local Law 2016 | Amendments / Additions / Reason |
|--|---|---|
| (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. | (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. | |
| 7.10 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. | 7.9 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. | |
| 7.11 Sign presumed to have been established by the City A sign marked, erected, set up, established or displayed on or near a road is, in the absence of evidence to the contrary, presumed to be a sign marked, set up, erected, established or displayed under the authority of this local law. | | This clause has been removed as this matter is dealt with in clause 1.9(3). |
| 7.12 Power of an authorised person An authorised person may - (a) carry into effect the provisions of this local law; (b) report to the Council 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. | | This clause has been relocated to clause 7.3(2). |
| 7.13 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 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. | 7.10 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 his or her <u>functions</u> duties and when it is expedient and safe to do so, stop or park the vehicle in any place at any time. | Renumbered clause. |
| 7.14 Interfere with or damage Local government property A person shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any parking station, carriageway or in any other place. | 7.11 Interfere with or damage local government property A person <u>must</u> shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any parking station, carriageway or in any other place. | Renumbered clause and minor wording change for clarity. |

Comparison with *Parking Local Law 2010 with Parking Local Law 2016*

| Parking Local Law 2010 – Original Clauses | Parking Local Law 2016 | Amendments / Additions / Reason |
|---|---|---|
| PART 8 – OFFENCES AND MODIFIED PENALTIES | PART 8 – OFFENCES AND MODIFIED PENALTIES | |
| 8.1 Offences (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence. (2) Any 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 has continued. (3) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act. | 8.1 Offences (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence. (2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not <i>less than \$300 and not</i> 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 any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act. | Additional wording “less than \$300 and not” to impose a minimum penalty limit for the purposes of costs associated with convicting offences. |
| 8.2 Form of notices For the purposes of this local law - (a) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 1 in Schedule 1; and (b) the form of the notice referred to in section 9.20 of the Act is that of Form 2 in Schedule 1. | 8.2 Form of notices For the purposes of this local law - (a) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 1 in Schedule 1; and (b) the form of the notice referred to in section 9.20 of the Act is that of Form 2 in Schedule 1. | |
| 8.3 Modified penalty (1) Subject to subclauses 8.3(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 modified penalty payable for the particular offence. (2) The amount appearing in the final column of the table in Schedule 2 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 then 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 | 8.3 Modified penalty (1) Subject to subclauses 8.3(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 modified penalty payable for the particular offence. (2) The amount appearing in the final column of the table in Schedule 2 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 <i>local government</i> that an alleged offence cannot be adequately punished by the payment of the modified penalty, then the <i>local government</i> 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 | Change the term “City” to “local government”. |

Comparison with *Parking Local Law 2010* with *Parking Local Law 2016*

| Parking Local Law 2010 – Original Clauses | Parking Local Law 2016 | Amendments / Additions / Reason |
|---|---|--|
| <p>commits an offence under this Local Law by stopping or parking a vehicle for a time period which exceeds that shown on the sign-</p> <p>(a) the amount of the modified penalty shall be the amount referred to in Schedule 2 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</p> <p>(b) the amount of the modified penalty shall again be payable 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 \$500.00 on the amount of modified penalties payable for each offence.</p> | <p>parking a vehicle for a time period which exceeds that shown on the sign –</p> <p>(a) the amount of the modified penalty shall <i>is to</i> be the amount referred to in Schedule 2 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</p> <p>(b) the amount of the modified penalty shall <i>it to again</i> be payable 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 \$500.00 on the amount of modified penalties payable for each offence.</p> | |
| <p>SCHEDULE 1 – FORM 1</p> <p>LOCAL GOVERNMENT ACT 1995</p> <p>CITY OF PERTH PARKING LOCAL LAW 2010</p> <p>INFRINGEMENT NOTICE</p> | <p><u><i>“If you take no action this matter may be registered with the Fines Enforcement Registry after which your driver’s licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilized or have its number plates removed; and your property maybe seized and sold. If the matter is registered with the Registry additional costs will also be payable.”</i></u></p> | <p>Inclusion of the wording from the Fines Enforcement Registry.</p> |
| <p>SCHEDULE 1 – FORM 2</p> <p>LOCAL GOVERNMENT ACT 1995</p> <p>CITY OF PERTH PARKING LOCAL LAW</p> <p>WITHDRAWAL OF INFRINGEMENT NOTICE</p> | <p>SCHEDULE 1 – FORM 2</p> <p>LOCAL GOVERNMENT ACT 1995</p> <p>CITY OF PERTH PARKING LOCAL LAW</p> <p>WITHDRAWAL OF INFRINGEMENT NOTICE</p> | <p>No Change</p> |
| <p>SCHEDULE 2</p> <p>CITY OF PERTH PARKING LOCAL LAW 2010</p> <p>MODIFIED PENALTIES</p> | <p>SCHEDULE 2</p> <p>CITY OF PERTH PARKING LOCAL LAW 2016</p> <p>MODIFIED PENALTIES</p> | <p>Refer to Schedule 16 for comparison of changes to the modified penalties.</p> |
| <p>SCHEDULE 3 – FORM 1</p> <p>NOTIFICATION OF</p> <p>IMPOUNDMENT OF VEHICLE</p> | <p>SCHEDULE 3 – FORM 1</p> <p>NOTIFICATION OF</p> <p>IMPOUNDMENT OF VEHICLE</p> | <p>No Change</p> |

Schedule 16 - Comparison of Modified Penalties Parking Local Law 2016

| 2010 Offence Clauses | 2016 Offence Clauses | Nature of Clauses | Modified Penalties | | Comments |
|----------------------------|----------------------------|---|--------------------|------------------|---|
| | | | Current 2010 | Proposed 2016 | |
| 2.3(1)(a) | 2.3(1)(a) | Stopped different class vehicles | \$120 | \$120 | Nil Change |
| 2.3(1)(b) | 2.3(1)(b) | Stopped different class persons | \$120 | \$120 | Nil Change |
| 2.3(1)(c) | 2.3(1)(c) | Stopped in restricted period | \$200 | \$200 | Nil Change |
| 2.3(1)(d) | 2.3(1)(d) | Stopped longer than time | \$60 | \$60 | Nil Change |
| 2.3(1)(e) | 2.3(1)(e) | Stopped not in bay | \$60 | \$60 | Nil Change |
| 2.3(1)(f) | 2.3(1)(f) | Stopped contrary to sign | \$60 | \$60 | Nil Change |
| 2.3(1)(g) | 2.3(1)(g) | Not load/unload goods or materials (Loading Dock) unless used in trade, business, industry or other work. | \$100 | \$100 | Nil Change |
| 2.3(2)(a) | 2.3(2)(a) | Stopped in No Stopping area | \$200 | \$200 | Nil Change |
| 2.3(2)(b) | 2.3(2)(b) | Stopped in a No Stopping area marked by yellow edged line | \$200 | \$200 | Nil Change |
| 2.3(2)(c) | 2.3(2)(c) | Stopped in a designated keep clear area | \$200 | \$200 | Nil Change |
| 2.3(2)(d) | 2.3(2)(d) | Stopped other than motorcycle in M/C bay | \$75 | \$75 | Nil Change |
| 2.3(2)(e) | 2.3(2)(e) | Stopped in a bus lane or bus way | \$200 | \$200 | Nil Change |
| 2.3(2)(f) | 2.3(2)(f) | Stopped in a transit lane | \$200 | \$200 | Nil Change |
| 2.3(2)(g) | 2.3(2)(g) | Stopped in a truck lane | \$200 | \$200 | Nil Change |
| 2.3(2)(h) | 2.3(2)(h) | Stopped in a bicycle lane or on a path | \$200 | \$200 | Nil Change |
| 2.3(3) | 2.3(3) | Park in No Parking area | \$75 | \$75 | Nil Change |
| 2.3(4)(a) | 2.3(4)(a) | Stopped M/C in bay other than M/C (Bay) | \$75 | \$75 | Nil Change |
| 2.3(4)(b) | 2.3(4)(b) | Stopped M/C in bay other than M/C (Sign) | \$75 | \$75 | Nil Change |
| 2.3(5) | 2.3(5) | Stopped in M/C bay longer than time allowed by signs from adjacent parking bays | \$60 | \$60 | Nil Change |
| 2.3(6) | 2.3(6) | Stopped in area (Authorised Vehicles Excepted) | \$100 | \$100 | Nil Change |
| 2.4(2) | 2.4(2) | Stopped on land (Without consent) | \$100 | \$100 | Nil Change |
| 2.4(3) | 2.4(3) | Stopped on land (Contrary to consent) | \$100 | \$100 | Nil Change |
| - | <u>2.5(1)(a)</u> | Stopped in No Stopping area (school zone) | - | \$225 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |

SCHEDULE 16

Schedule XXX - Comparison of Modified Penalties Parking Local Law 2016

| 2010 Offence Clauses | 2016 Offence Clauses | Nature of Clauses | Modified Penalties | | Comments |
|----------------------------|----------------------------|--|--------------------|------------------|---|
| | | | Current 2010 | Proposed 2016 | |
| - | <u>2.5(1)(b)</u> | Stopped in a No Stopping area marked by yellow edged line (school zone) | - | \$225 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| - | <u>2.5(1)(c)</u> | Stopped on a verge (school zone) | - | \$100 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| - | <u>2.5(1)(d)</u> | Stopped on a footpath (school zone) | - | \$225 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| - | <u>2.5(1)(e)</u> | Stopped in bay already occupied (school zone) | - | \$85 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| - | <u>2.5(1)(f)</u> | Stopped abreast of another vehicle (school zone) | - | \$225 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| - | <u>2.5(1)(g)</u> | Stopped on or across driveway (school zone) | - | \$225 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| - | <u>2.5(1)(h)(i)</u> | Stopped a vehicle within 10 metres of the departure side or within 20 meters of the approach side of a bus bay or zone (school zone) | - | \$225 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| - | <u>2.5(1)(h)(ii)</u> | Stopped a vehicle within 10 metres of the departure side or within 20 meters of the approach side of a pedestrian crossing (school zone) | - | \$225 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| - | <u>2.5(1)(h)(iii)</u> | Stopped a vehicle within 10 metres of the departure side or within 20 meters of the approach side of a children's crossing (school zone) | - | \$225 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| - | <u>2.5(2)</u> | Cause obstruction to carriageway (school zone) | - | \$225 | New Clause higher penalty to provide greater deterrent for infringements issued within school zones related to safety and congestion. |
| 2.6(a) | 2.6(a) | Failing to park as near as possible to the kerb | \$60 | \$60 | Nil change |

Schedule XXX - Comparison of Modified Penalties Parking Local Law 2016

| 2010 Offence Clauses | 2016 Offence Clauses | Nature of Clauses | Modified Penalties | | Comments |
|----------------------------|----------------------------|---|--------------------|------------------|-----------------------------|
| | | | Current 2010 | Proposed 2016 | |
| 2.6(b) | 2.6(b) | Failing to park at correct angle to the centre of carriageway | \$60 | \$60 | Nil change |
| 2.7 | 2.7 | Stopped not within a parking space (angled) | \$60 | \$60 | Nil change |
| 2.8(1)(a) | 2.8(1)(a) | Non-commercial vehicle stopped in a loading zone | \$100 | \$100 | Nil change |
| 2.8(1)(b) | 2.8(1)(b) | Not continuously engaged in loading or unloading | \$60 | \$60 | Nil change |
| 2.8(2) | 2.8(2) | Stopped a vehicle in a loading zone longer than the time specified | \$60 | \$60 | Nil change |
| 2.9(1)(a) | - | Stopped a vehicle in a fee paying zone not parallel to a kerb | \$60 | - | Clause removed |
| 2.9(1)(b) | - | Stopped a vehicle in a fee paying zone not as close to a kerb as practicable | \$60 | - | Clause removed |
| 2.9(1)(c) | - | Stopped a vehicle in a fee paying zone not wholly in a marked bay | \$60 | - | Clause removed |
| 2.9(1)(d) | - | Stopped a vehicle in a fee paying zone not headed in the direction of the traffic | \$60 | - | Clause removed |
| 2.9(2) | - | Stopped a vehicle not wholly within a parking bay or metered space | \$60 | - | Clause removed |
| 2.10(1) | <u>2.9</u> | Stopped a vehicle on a reserve | \$100 | \$100 | Nil Change |
| 2.11 | <u>2.10</u> | Stopped in bay already occupied | \$60 | \$60 | Nil Change |
| 2.12 | - | A person must not interfere with a ticket issuing machine, fee collection machine or meter. | \$100 | - | Relocated to clause 4.2 |
| 2.13 | - | A person must not operate a ticket issuing machine, fee collection machine or meter other than in accordance with the instructions | \$100 | - | Relocated to clause 4.3 |
| 2.15(2)(a) | - | Stopped and failed to display permit properly | \$100 | - | Relocated to Part 6 Permits |
| 2.15(2)(b) | - | Stopped and failed to display current permit | \$100 | - | Relocated to Part 6 Permits |
| 2.15(2)(c) | - | Stopped and failed to display permit (specific class) | \$100 | - | Relocated to Part 6 Permits |
| 2.16(4) | <u>2.11(4)</u> | Stopped a vehicle contrary to terms of permission | \$75 | \$75 | Nil Change |
| 2.17 | <u>2.12</u> | Stopped after direction to move | \$100 | \$100 | Nil Change |
| 2.18 | <u>2.13</u> | Selling, hiring, giving away or advertising anything in or from a parking facility without authorisation | \$200 | \$200 | Nil Change |

Schedule XXX - Comparison of Modified Penalties Parking Local Law 2016

| 2010 Offence Clauses | 2016 Offence Clauses | Nature of Clauses | Modified Penalties | | Comments |
|----------------------------|----------------------------|---|--------------------|------------------|---|
| | | | Current 2010 | Proposed 2016 | |
| 2.19(1) | - | Failing to leave a parking station when requested | \$100 | - | Relocated to clause 5.9(1) |
| 2.19(2) | - | Loitering in a parking station | \$100 | - | Relocated to clause 5.9(2) |
| 2.20 | <u>2.14</u> | Causing damage to a parking facility | \$200 | \$200 | Nil Change |
| 2.21 | <u>2.15(3)</u> | Stopped a vehicle in a parking facility set aside for an event contrary to the conditions | \$60 | \$60 | Nil Change |
| 2.23 | <u>2.17</u> | Stopped an unauthorised vehicle in area set aside for authorised vehicles | \$100 | \$100 | Nil Change |
| 2.24 | <u>2.18</u> | Stopped on local government property contrary to consent | \$100 | \$100 | Nil Change |
| 3.1(a) | 3.1(a) | Stopped not in direction of traffic | \$200 | \$100 | Consolidated with similar penalty \$60 (clause 2.9(1)(d)), taken median to reflect safety |
| 3.1(b) | 3.1(b) | Stopped not in direction of traffic (one way street) | \$200 | \$100 | Consolidated with similar penalty \$60 (clause 2.9(1)(d)), taken median to reflect safety |
| 3.1(c) | 3.1(c) | Stopped without leaving three metres clearance from opposite boundary | \$60 | \$60 | Nil Change |
| 3.1(d) | 3.1(d) | Stopped without leaving a 1.2 metres from any other vehicle except a motorcycle | \$60 | \$60 | Nil Change |
| 3.1(e) | 3.1(e) | Cause obstruction to carriageway | \$200 | \$200 | Nil Change |
| 3.2 | 3.2 | Stopped on a median strip or road verge traffic island | \$75 | \$75 | Nil Change |
| - | <u>3.3(1)(a)</u> | Stopped on a verge | - | \$75 | New Clause, penalty aligns with previous clause |
| - | <u>3.3(1)(b)</u> | Stopped on a verge prohibited by a sign | - | \$75 | New Clause, penalty aligns with previous clause |
| 3.3(a) | <u>3.4(a)</u> | Exposed a vehicle for sale on any portion of a road or within a parking station | \$75 | \$75 | Nil Change |
| 3.3(b) | <u>3.4(b)</u> | Stopped an unlicensed vehicle on any portion of a road or within a parking station | \$75 | \$75 | Nil Change |
| 3.3(c) | <u>3.4(c)</u> | Left a trailer or caravan on a road or within a parking station unattached to a motor vehicle | \$75 | \$75 | Nil Change |

Schedule XXX - Comparison of Modified Penalties Parking Local Law 2016

| 2010 Offence Clauses | 2016 Offence Clauses | Nature of Clauses | Modified Penalties | | Comments |
|----------------------------|----------------------------|--|--------------------|------------------|---|
| | | | Current 2010 | Proposed 2016 | |
| 3.3(d) | <u>3.4(d)</u> | Stopped a vehicle on any portion of a road or within a parking station to conduct non-emergency repairs | \$75 | \$75 | Nil Change |
| 3.4(3)(a) | <u>3.5(3)(a)</u> | Cause obstruction to a thoroughfare or road | \$200 | \$200 | Nil Change |
| 3.4(3)(b) | <u>3.5(3)(b)</u> | Obstruct any thoroughfare in a parking facility | \$200 | \$200 | Nil Change |
| 3.4(3)(c) | <u>3.5(3)(c)</u> | Cause an obstruction to an intersection | \$200 | \$200 | Nil Change |
| 3.4(3)(d) | <u>3.5(3)(d)</u> | Stopped within 20 metres of an intersection controlled by traffic signals | \$200 | \$200 | Nil Change |
| 3.4(3)(e) | <u>3.5(3)(e)</u> | Stopped within 10 metres of an intersection without traffic signals | \$200 | \$200 | Nil Change |
| 3.4(3)(f) | <u>3.5(3)(f)</u> | Stopped on a footpath | \$200 | \$200 | Nil Change |
| 3.4(3)(g) | <u>3.5(3)(g)</u> | Stopped alongside an excavation etc | \$100 | \$100 | Nil Change |
| 3.4(3)(h) | <u>3.5(3)(h)</u> | Stopped on a bridge or within a tunnel | \$200 | \$200 | Nil Change |
| 3.4(3)(i) | <u>3.5(3)(i)</u> | Stopped between boundaries of carriageway and double white line | \$100 | \$100 | Nil Change |
| 3.4(3)(i) | <u>3.5(3)(j)</u> | Stopped within 3 metres of a double white line | - | \$100 | Previous clause 3.4(3)i) split into two subclauses |
| - | <u>3.5(3)(k)</u> | Stopped within head of a cul-de-sac | | \$200 | New clause, penalty amount to provide greater deterrent for infringements related to congestion and or safety, also aligns amount with other similar penalties already at \$200 |
| 3.5(1) | <u>3.6(1)</u> | Stopped abreast of another vehicle | \$200 | \$200 | Nil Change |
| 3.6 | <u>3.7</u> | Stopped on or across driveway | \$200 | \$200 | Nil Change |
| 3.7(a) | <u>3.8(a)</u> | Stopped within 1 metre of a fire hydrant | \$200 | \$200 | Nil Change |
| 3.7(b) | <u>3.8(b)</u> | Stopped within 3 metres of a public post box | \$60 | \$60 | Nil Change |
| 3.8(1)(a) | <u>3.9(1)(a)</u> | Stopped a vehicle within 10 metres of the departure side or within 20 meters of the approach side of a bus bay or zone | \$200 | \$200 | Nil Change |
| 3.8(1)(b) | <u>3.9(1)(b)</u> | Stopped a vehicle within 10 metres of the departure side or within 20 meters of the approach side of a pedestrian crossing | \$200 | \$200 | Nil Change |

Schedule XXX - Comparison of Modified Penalties Parking Local Law 2016

| 2010 Offence Clauses | 2016 Offence Clauses | Nature of Clauses | Modified Penalties | | Comments |
|----------------------------|----------------------------|---|--------------------|------------------|---|
| | | | Current 2010 | Proposed 2016 | |
| 3.8(1)(c) | <u>3.9(1)(c)</u> | Stopped a vehicle within 10 metres of the departure side or within 20 meters of the approach side of a children's crossing | \$200 | \$200 | Nil Change |
| 3.8(1)(d) | <u>3.9(1)(d)</u> | Stopped a vehicle within 10 metres of the departure side or within 20 meters of the approach side of a railway level crossing | \$200 | \$200 | Nil Change |
| 3.8(2)(a) | <u>3.9(2)(a)</u> | Stopped a vehicle within 3 metres of the departure side or within 10 meters of the approach side of a pedestrian crossing not at intersection | \$200 | \$200 | Nil Change |
| 3.8(2)(b) | <u>3.9(2)(b)</u> | Stopped a vehicle within 3 metres of the departure side or within 10 meters of the approach side of a bicycle crossing with crossing lights not at intersection | \$200 | \$200 | Nil Change |
| 3.9(1)(a) | <u>3.10(1)</u> | Return to area within one hour on same length of carriageway | \$60 | \$60 | Nil Change |
| 3.9(2) | <u>3.10(2)</u> | Move vehicle within parking station to avoid time limitation | \$60 | \$60 | Nil Change |
| 3.10(d)(i) | <u>3.11(d)(i)</u> | Stopped in Mall (Not in service zone) | \$60 | \$60 | Nil Change |
| 3.10(d)(ii) | <u>3.11(d)(ii)</u> | Stopped in Mall (Not during permitted period) | \$100 | \$100 | Nil Change |
| 3.10(d)(iii) | <u>3.11(d)(iii)</u> | Stopped in Mall (Not load/unload) | \$60 | \$60 | Nil Change |
| 3.10(d)(iv) | <u>3.11(d)(iv)</u> | Stopped in Mall (More than 30 minutes) | \$60 | \$60 | Nil Change |
| 3.11(1) | 3.12(1) | Stopped in Public Bus bay | \$200 | \$200 | Nil Change |
| 3.11(2)(a) | 3.12(2) | Not pick up/set down (Public Bus) | \$100 | \$100 | Nil Change |
| 3.11(2)(b) | - | Not pick up/set down or Longer than 15 mins (Charter vehicle) | \$100 | - | Relocated to clause 3.12(2) |
| 3.12 | <u>3.13(1)</u> | Stopped in Charter Vehicle bay | \$120 | - | Amendment to clause |
| 3.11(2)(b) | <u>3.13(2)(a)</u> | Not pick up/set down or Longer than 15 mins (Charter vehicle 12 or more seats) | - | \$100 | Previously clause 3.11(2)(a) |
| | <u>3.13(2)(b)</u> | Not pick up/set down or Longer than 5 mins (Charter vehicle less than 12 seats) | | \$100 | New clause if charter vehicle has less than 12 seats no longer that 5 minutes |
| 3.13(1) | <u>3.14(1)</u> | Stopped other than a Taxi in a Taxi zone | \$120 | \$120 | Nil Change |

Schedule XXX - Comparison of Modified Penalties Parking Local Law 2016

| 2010 Offence Clauses | 2016 Offence Clauses | Nature of Clauses | Modified Penalties | | Comments |
|----------------------------|----------------------------|--|--------------------|------------------|------------------------|
| | | | Current 2010 | Proposed 2016 | |
| 3.13(2) | <u>3.14(2)</u> | Left a Taxi unattended in a Taxi zone | \$100 | \$100 | Nil Change |
| 3.14(8) | <u>3.15(8)</u> | Stopped in work zone | \$100 | \$100 | Nil Change |
| 3.15(a) | <u>3.16(a)</u> | Stopped an unauthorised vehicle in a shared zone | \$100 | \$100 | Nil Change |
| 3.15(b) | <u>3.16(b)</u> | Stopped an unauthorised vehicle in a parking bay within a shared zone | \$100 | \$100 | Nil Change |
| 3.15(c) | <u>3.16(c)</u> | Stopped an unauthorised vehicle in a shared zone not engage in picking up or dropping off | \$60 | \$60 | Nil Change |
| 3.15(d) | <u>3.16(d)</u> | Stopped an unauthorised vehicle in a shared zone not engaged in loading/unloading or collection of waste | \$60 | \$60 | Nil Change |
| 3.16(1)(a) | <u>3.17(1)(a)</u> | Stopped a vehicle or combination of vehicles longer than 7.5 metres or exceeding GVM of 4.5 tonnes for more than 1 hour unless picking up or setting down | \$60 | \$60 | Nil Change |
| 3.16(1)(b) | <u>3.17(1)(b)</u> | Stopped a vehicle or combination of vehicles longer than 7.5 metres or exceeding GVM of 4.5 tonnes not within a designated bay. | \$60 | \$60 | Nil Change |
| 4.1(1)(a) | 4.1(1)(a) | Stopped in a metered space and failed to pay the fee | \$60 | \$60 | Nil Change |
| 4.1(1)(b) | 4.1(1)(b) | Stopped in a ticket machine zone and failed to pay the fee | \$60 | \$60 | Nil Change |
| 4.1(2)(a) | 4.1(2)(a) | Stopped in a metered space contrary to sign | \$60 | \$60 | Nil Change |
| 4.1(2)(b) | 4.1(2)(b) | Stopped in a ticket machine zone contrary to sign | \$60 | \$60 | Nil Change |
| - | <u>4.2</u> | A person must not interfere with a ticket issuing machine, fee collection machine or meter fee paying machine | - | \$100 | Previously clause 2.12 |
| - | <u>4.3</u> | A person must not operate a ticket issuing machine, fee collection machine or meter fee paying machine other than in accordance with the instructions | - | \$100 | Previously clause 2.13 |
| <u>4.2(a)</u> | <u>4.4(a)</u> | Stopped against an expired meter | \$60 | \$60 | Nil Change |
| 4.2(b) | <u>4.4(b)</u> | Stopped against meter (Longer than time) | \$60 | \$60 | Nil Change |
| 4.3(1)(a) | <u>4.5(1)(a)</u> | Stopped failed to display unexpired ticket (T/M Zone) | \$60 | \$60 | Nil Change |
| 4.3(1)(b) | <u>4.5(1)(b)</u> | Stopped failed to display ticket properly (T/M Zone) | \$60 | \$60 | Nil Change |

Schedule XXX - Comparison of Modified Penalties Parking Local Law 2016

| 2010 Offence Clauses | 2016 Offence Clauses | Nature of Clauses | Modified Penalties | | Comments |
|----------------------------|----------------------------|--|--------------------|------------------|---|
| | | | Current 2010 | Proposed 2016 | |
| 4.4 | <u>4.6</u> | Stopped against a hooded meter or ticket machine or stopped in a reserved area | \$100 | \$100 | Split into two subclause (a) & (b) |
| 4.5(1)(a) | <u>4.7(1)(a)</u> | Stopped contrary to sign in a fee paying zone | \$60 | \$60 | Do not delete clause |
| 4.5(1)(b) | <u>4.7(1)(b)</u> | Stopped in a fee paying zone for longer than the maximum permitted period | \$60 | \$60 | Do not delete clause |
| | <u>4.8(a)</u> | Displayed altered ticket (Parking Facility) | \$500 | \$500 | previously clause 7.8(a) |
| | <u>4.8(b)</u> | Produced an altered ticket | \$500 | \$500 | previously clause 7.8(b) |
| 5.1 | 5.1 | Entering a parking station without authorisation or ticket | \$100 | \$100 | Nil Change |
| 5.2(1)(a) | 5.2(a) | Stopped failed to pay fee on demand (Parking Station) | \$100 | \$100 | Nil Change |
| 5.2(1)(b) | 5.2(b) | Stopped failed to pay fee in ticket issuing machine area (Parking Station) | \$60 | \$60 | Nil Change |
| 5.2(1)(c) | 5.2(c) | Stopped failed to pay fee to a fee collection machine (Parking Station) | \$60 | \$60 | Nil Change |
| 5.4(1)(a) | 5.4(1)(a) | Remove vehicle without paying fee (Parking Station) | \$100 | \$200 | Penalty increase to provide greater deterrent for infringements related to safety and property damage, increase in vehicles tail-gate another vehicle out under the boom gates or alight from vehicle to force open boom gates. |
| 5.4(1)(b) | <u>5.4(2)</u> | Failed to pay fee notice within 3 days (Parking Station) | \$100 | \$100 | Nil Change |
| 5.5 | 5.5 | Return within one hour (Parking Station) | \$60 | \$60 | Nil Change |
| 5.6 | 5.6 | Failed to enter or exit through an authorised entry/exit (Parking Station) | \$100 | \$100 | Nil Change |
| 5.7(2) | 5.7(2) | Stopped not carrying at least one other person (Parking Station) | \$60 | \$60 | Nil Change |
| 5.7(3) | 5.7(3) | Loitering (Parking Station) | \$60 | \$60 | Nil Change |
| - | <u>5.9(1)</u> | Failing to leave a parking station when requested | \$100 | \$100 | Previously clause 2.19(1) |
| - | <u>5.9(2)</u> | Loitering in a parking station | \$100 | \$100 | Previously clause 2.19(2) |

Schedule XXX - Comparison of Modified Penalties Parking Local Law 2016

| 2010 Offence Clauses | 2016 Offence Clauses | Nature of Clauses | Modified Penalties | | Comments |
|----------------------------|----------------------------|---|--------------------|------------------|--|
| | | | Current 2010 | Proposed 2016 | |
| - | <u>5.10</u> | Drove a vehicle past a low clearance sign | - | \$200 | New clause penalty to provide greater deterrent for infringements related to safety and property damage. |
| 6.5(a) | 6.5(a) | Displayed altered parking permit | \$500 | \$500 | Nil Change |
| 6.5(b) | 6.5(b) | Produced an altered parking permit | \$500 | \$500 | Nil Change |
| 6.7 | 6.7 | Failure to remove an expired/revoked permit from vehicle | \$60 | \$60 | Nil Change |
| 2.15(a) | <u>6.10(2)(a)</u> | Stopped and failed to display permit properly | \$100 | \$100 | Previously clause 2.15(a) |
| 2.15(b) | <u>6.10(2)(b)</u> | Stopped and failed to display current permit | \$100 | \$100 | Previously clause 2.15(b) |
| 2.15(c) | <u>6.10(2)(c)</u> | Stopped and failed to display permit (specific class) | \$100 | \$100 | Previously clause 2.15(c) |
| 7.4 | 7.4 | Impersonating an authorised person | \$100 | \$100 | Nil Change |
| 7.5 | 7.5 | Obstruct an authorised person | \$100 | \$100 | Nil Change |
| 7.6 | 7.6 | Removal of an authorised notice from a vehicle | \$100 | \$100 | Nil Change |
| 7.7(a) | 7.7(a) | Set up a fraudulent parking sign | \$100 | \$100 | Nil Change |
| 7.7(b) | 7.7(b) | Remove, deface or misuse a City sign or property | \$100 | \$100 | Nil Change |
| 7.7(c) | 7.7(c) | Deface a fee paying machine | \$100 | \$100 | Nil Change |
| 7.8(a) | | Displayed altered ticket (Parking Facility) | \$500 | - | relocated to clause 4.5 (a) |
| 7.8(b) | | Produced an altered ticket | \$500 | - | relocated to clause 4.5 (b) |
| 7.9(2) | <u>7.8(2)</u> | Deface or remove a mark made by an authorised person | \$100 | \$100 | Nil Change |
| 7.14 | <u>7.11</u> | Damage, interfere with or obstruct a parking detection device | \$500 | \$500 | Nil Change |
| Other | | Other clauses not specified | \$60 | - | Removed |

LOCAL GOVERNMENT ACT 1995**CITY OF PERTH
PARKING LOCAL LAW 2016**

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

PART 1 – PRELIMINARY**1.1 Short title**

This is the *City of Perth Parking Local Law 2016*.

1.2 Commencement

This local law will come into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the management and regulation of parking within the district;
- (2) The effect of this local law is to manage parking throughout the district to ensure safe, fair and equitable use and access of parking facilities under the care and management of the local government.

1.4 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; and
 - (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 local government.

- (3) This local law does not apply to a parking station that –
- (a) is not owned, controlled or occupied by the local government; or
 - (b) is owned by the local government but is leased to another person,

unless the local government 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.

1.5 Repeal

The *City of Perth Parking Local Law 2010* published in the *Government Gazette* on 14 December 2010 is repealed.

1.6 Terms used

In this local law, unless the context requires otherwise –

Act means the *Local Government Act 1995*;

attended parking station means a parking station attended at times by an officer, agent, contractor or authorised person of the local government;

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

authorised vehicle means a vehicle authorised by the local government, 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 crossing has the meaning given in the Code;

bicycle crossing lights 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;

bus way 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 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, has the meaning given in the Code;

CEO means the Chief Executive Officer of the local government;

charter vehicle means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966*, but does not include a public bus.

charter vehicle zone means a parking bay or parking area designated for use by a charter vehicle;

children's crossing has the meaning given in the Code;

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 local government;

cross-over 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 local government;

driver means a person driving or in control of a vehicle;

driveway 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 and from the property, and also includes the term cross-over;

edge line has the meaning given in the Code;

elected member means a person who holds the office of a member of the Council;

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 (including an attended 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 and payment of the required fee, issues an exit ticket;

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 maybe;

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”) has the meaning given in the Code;

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 dock means a parking facility or parking station owned or operated by the local government for the purpose of loading or unloading goods;

loading zone means –

- (a) a parking facility 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 Perth;

local government property has the meaning given 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;

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 a power assisted pedal cycle;

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 has the meaning given in the Code;

no stopping area has the meaning given in the Code;

no stopping sign has the meaning given in the Code, extended by the meaning of **sign** in this clause;

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 area has the meaning given in the Code;

parking bay means a section of a parking facility 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 (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 permit means a permit issued by the local government 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 1.4;

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, and includes an attended parking station but does not include a road or reserve;

parking ticket means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle;

path has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

pedestrian mall has the meaning given in the Code;

permissive parking sign has the meaning given in clause 172 of the Code;

“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 designated for use by a public bus;

reserve means any land –

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

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*;

school zone has the meaning given in the Code;

school zone periods has the meaning given in the Code;

service vehicle has the meaning given in the Code;

service zone means a part of a pedestrian mall designated by a sign for stopping or parking of service vehicles;

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 local government 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 local government;

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;

traffic includes the passage of both vehicles and pedestrians;

traffic island has the meaning given in the Code;

trailer has the meaning given in the Code;

transit lane 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 has 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 meters from the closest point of the vehicle;

unexpired parking ticket means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

vehicle has the meaning given in the Code; 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** or **reserve** includes a reference to any part of the **thoroughfare**, **parking station**, **parking facility**, **metered 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 local government 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; and
- (i) all other vehicles.

1.11 Establishment of parking facilities

The local government may establish and vary parking facilities for the purposes of this local law.

1.12 Permitted payment

The local government 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.

1.13 Alternative method of payment

- (1) Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the local government 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 local government.

PART 2 - STOPPING AND PARKING GENERALLY

2.1 Power to prohibit and regulate

The local government may 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 local government 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 local government makes a determination under subclause (1), it –
 - (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 –
 - (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 6.10, 6.3(1)(a) or 6.3(1)(b) 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;

- (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked; or
 - (g) which is designated by a sign as a loading dock unless a person is actively engaged in loading or unloading goods or materials used in any trade, business, industry or other work.
- (2) A person must not stop or park a vehicle –
 - (a) in a no stopping area;
 - (b) at the side of a carriageway marked with a continuous yellow edged line;
 - (c) in an area of a carriageway signed or marked with a keep clear marking;
 - (d) in a bay marked “M/C” unless it is a motorcycle;
 - (e) in a bus lane or bus way;
 - (f) in a transit lane;
 - (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.
- (4) A person must not stop a motorcycle in a parking bay or metered space unless –
 - (a) the bay or space is marked “M/C”; or
 - (b) a sign applying to the bay or space is inscribed “M/C”.
- (5) If there is no sign referable to a parking bay or metered space marked “M/C”, a person must not stop or park a vehicle in the parking bay or metered space for longer than the maximum period during which a vehicle may stop or be parked in any adjacent parking bay or metered space.
- (6) Unless authorised by the local government, a person must not stop or park a vehicle in an area designated by a sign stating “Authorised Vehicles Excepted”.

2.4 Parking contrary to consent

- (1) In this clause a reference to **land** does not include land –
 - (a) which belongs to the local government;
 - (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 clauses 1.4(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.

2.5 School zone

- (1) A person must not stop or park a vehicle in a school zone during a school zone period –
 - (a) in a no stopping area;
 - (b) at the side of a carriageway marked with a continuous yellow edged line;
 - (c) on a road verge;
 - (d) on a footpath or pedestrian refuge;
 - (e) in a parking bay in which another vehicle is stopped or parked;
 - (f) double park as outlined in clause 3.6;
 - (g) on or across a driveway as outlined in clause 3.7;
 - (h) so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of –
 - (i) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;
 - (ii) a pedestrian crossing; or
 - (iii) a children’s crossing.
- (2) A person must not stop or park a vehicle on a carriageway in a school zone during a school zone period so that it obstructs or may obstruct a vehicle on the carriageway.

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 zone

- (1) A person must not stop or park a vehicle in a loading zone unless –
 - (a) the vehicle is a commercial vehicle or an authorised vehicle; and
 - (b) a person is continuously engaged in loading or unloading goods to or from that 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 local government in the course of his or her duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the local government 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 local government.

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) organisation 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 local government may, by use of a sign, establish additional parking facilities on a reserve or local government 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 local government property established as a parking facility under subclause (2) during the period for which it is established unless a ticket purchased from the local government 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.

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.
- (4) The form of the notice referred to in section 3.42 of the Act is set out in Schedule 3.

2.17 Authorised parking

A person must not, without the permission of the local government 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 Parking on local government property

A person must not stop or park a vehicle on or over any portion of a local government 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 local government 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 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway;
- (d) so that it is more than 1.2 metres 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 Verge

- (1) A person must not –
 - (a) stop or park a bus, or a trailer or caravan unattached to a motor vehicle, so that any portion of it is on a verge; or
 - (b) stop or park a vehicle so that any portion of it is on a verge during any period when the stopping or parking of a vehicle on the verge is prohibited by a sign adjacent and referable to that verge.
- (2) Subject to subclause (1), a person must not stop or park a vehicle so that any portion of it is on the verge unless 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.

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;
- (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 an 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 2 continuous lines;
- (j) 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; or
- (k) 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 Driveways

A person must not stop or park a vehicle on or across a driveway or other way of access for a vehicle travelling to or from land adjacent to a road or thoroughfare - unless the person is immediately dropping off or picking up passengers.

3.8 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 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; or
- (b) within 3 metres of a public post box unless the vehicle is a postal vehicle.

3.9 Bus stops, pedestrian, children and train crossings

- (1) Subject to subclause (2), a person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of –
 - (a) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;

- (b) a pedestrian crossing;
 - (c) a children's crossing; or
 - (d) the nearest rail of a railway level crossing.
- (2) Subject to subclause (3), a person must not stop a vehicle so that any portion of the vehicle is within 3 metres of the departure side, or within 10 metres of the approach side of –
- (a) a pedestrian crossing that is not at an intersection; or
 - (b) a bicycle crossing, equipped with bicycle crossing lights, that is not at an intersection.
- (3) Subclause (1) 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 his or her control; or
 - (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

3.10 Movement of vehicles to avoid time limitation

- (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 1 hour.
- (2) Where the parking of vehicles in a parking station is permitted for a limited time, a person must not move a vehicle within that parking station so that the total time of parking the vehicle exceeds the maximum time allowed for parking in that parking station.

3.11 Pedestrian malls

A person must not stop or park a vehicle in a pedestrian mall unless the vehicle –

- (a) is, and is being used as, an emergency vehicle;
- (b) is, and is being used as, a special purpose vehicle;
- (c) is stopped or parked in accordance with a written authorisation by the local government or an authorised person; or
- (d) is a service vehicle which –
 - (i) is in a service zone;

- (ii) is in the pedestrian mall during a period when service vehicles are permitted;
- (iii) is continuously being loaded or unloaded; and
- (iv) is stopped or parked for a continuous period of less than 30 minutes or otherwise in accordance with a sign that applies to the service zone.

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 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 no 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(b) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

3.14 Stopping in a taxi zone

- (1) A person must not stop 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.

3.15 Construction site vehicle parking

- (1) In this clause, unless the context otherwise requires –

builder has the meaning given in the *Building Regulations 2012*;

construction site means any land subject to development;

construction site vehicle means a vehicle connected to an approved work zone;

daily fee means the daily fee determined by the local government;

development means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;

eligible person means an owner or occupier of a construction site or a builder carrying out work on a construction site;

establishment fee means the fee determined by the local government; and

work zone means a road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the local government by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.

- (2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the local government, which may approve or refuse the application.
- (3) Where the local government approves an application, it is to give the applicant a written notice specifying –
 - (a) the number and location of work zones the applicant may use;
 - (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone;
 - (c) the period for which the approval is valid;
 - (d) any conditions to which the approval of the local government is subject; and
 - (e) the amount of the establishment fee.
- (4) The local government is to set aside a work zone in accordance with the notice referred to in subclause (3) within 14 days from the date of payment of the establishment fee.
- (5) An eligible person must, in addition to the establishment fee, pay to the local government a daily fee for each day that a work zone is set aside.
- (6) The daily fee is payable monthly in advance.
- (7) Where the local government has approved an application to establish a work zone adjacent to a construction site, the local government may cancel its approval by written notice to the applicant if –
 - (a) the applicant, or any person authorised by the applicant to use the work zone, stops or parks a vehicle other than in accordance with –
 - (i) a condition specified in the notice issued to the applicant under subclause (3); or
 - (ii) a sign applicable to the work zone;

- (b) the applicant fails to pay the daily fee as required under subclause (5); or
 - (c) the local government or an authorised person requires access to or near the place where the work zone is situated, for the purposes of carrying out works in or near that place.
- (8) A person must not stop or park a vehicle in a work zone unless the vehicle is –
- (a) a construction site vehicle; or
 - (b) permitted to stop in the work zone in accordance with this local law.

3.16 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.

3.17 Stopping on a carriageway - heavy and long vehicles

- (1) A person must 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 more than 7.5 metres 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) on a carriageway outside a built-up area, except on the shoulder of the carriageway or 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 Payment of fees

- (1) A person must not stop or park a vehicle in a metered space or a ticket machine zone unless the appropriate fee as indicated by a sign –
 - (a) on the parking meter referable to the space - in the case of a metered space; or

- (b) on the ticket issuing machine referable to the zone for each parking bay - in the case of a ticket machine zone,

is paid by any form of permitted payment at the fee paying machine.

- (2) Subject to the provisions of this Part 4, the payment of the fee referred to in subclause (1) entitles a person to stop or park a vehicle in -

- (a) a metered space for the period shown on a sign referable to the space; or

- (b) a ticket machine 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 space or zone is prohibited under this local law.

4.2 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.

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 Expired meter, parking limit

Unless authorised by the local government, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space –

- (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired', a negative time or a series of red flashing lights; or
- (b) 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 parking ticket –
 - (a) unless 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 that vehicle is stopped or parked in that fee paying zone.
- (2) Unless subclause (3) applies, where in a fee paying zone more than one 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) Where a trailer is attached to a vehicle –
 - (a) a parking ticket must be purchased for each occupied parking bay as permitted under this local law; and
 - (b) each parking ticket must be displayed inside the vehicle in accordance with subclause (1)(a) and (b).

4.6 Reserved fee paying zones

Unless authorised by the local government, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space, or fee paying zone if the parking meter or ticket machine is hooded with a covering bearing –

- (a) the words “No Parking”, “Reserved Parking”, “Temporary Bus Stop” or with an equivalent symbol depicting one of these purposes; or
- (b) other words or symbols that indicate parking is not permitted within the space or fee paying zone.

4.7 Parking restrictions in fee paying zones

- (1) 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 –

- (a) park a vehicle in a parking facility which requires a parking 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; or
- (b) produce to an authorised person who accepts payment for parking, a parking ticket which has been counterfeited, altered, obliterated or interfered with.

PART 5 - PARKING STATIONS

5.1 Restrictions on entering a parking station

A person must not enter a parking station without first obtaining the authorisation of an authorised person (if one is on duty) or an entrance ticket or parking ticket unless –

- (a) permitted by a sign applicable to that parking station; or
- (b) the person entering the parking station is –
 - (i) employed at the parking station and is in the course of his or her functions;
 - (ii) a police officer and is in the course of his or her functions; or
 - (iii) the driver of, or a passenger in, a vehicle stopped or parked in that station.

5.2 Stopping or parking in a parking station

A person must not stop or park a vehicle in –

- (a) an attended parking station - unless the appropriate fee as indicated by a sign is paid when demanded;
- (b) a parking station with a ticket issuing machine - unless the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine, or by any other form of permitted payment, and the person complies with the relevant provisions of Part 4 of this local law; or
- (c) a parking station with a fee collection machine - unless the appropriate fee as indicated by a sign is inserted into the machine, or by any other form of permitted payment, and the ticket is validated immediately prior to departure.

5.3 No entrance ticket

Where no entrance ticket is produced by the driver of a vehicle which is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station.

5.4 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 local government has issued a notice stating the fee.
- (2) Where a notice has been issued under subclause (1)(b), the fee must be paid within 3 working days from the time of issue of the notice.

5.5 Maximum parking period in parking stations

Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a person must not stop or park a vehicle in the parking station for a period exceeding the maximum time permitted - unless the vehicle has first been removed from the parking station for at least 1 hour.

5.6 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.

5.7 Parking restrictions for vehicles with multiple occupants

- (1) The local government in respect of any period or time may, by the use of a sign, set aside a parking station where entry is prohibited by vehicles other than vehicles carrying, in addition to the driver, at least one other person.
- (2) A person must not stop or park a vehicle in a parking station which has been set aside under subclause (1) at the time or within the period specified under subclause (1) unless the vehicle is carrying at least one other person.
- (3) A person must not enter a parking station which has been set aside under subclause (1) at the time or within the period specified under subclause (1) unless that person is the driver of, or passenger in, a vehicle carrying at least one other person.
- (4) The local government may determine the fee payable, and the manner of payment, for the parking of a vehicle in a parking station which has been set aside under subclause (1).

5.8 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.

5.9 Behaviour in a parking station

- (1) A person must not remain in a parking station after having been required to leave by a police officer or an authorised person.
- (2) A person must not loiter in a parking station.

5.10 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 – PARKING PERMITS

6.1 Classes and application for parking permit

- (1) The local government may determine classes of parking permits and the eligibility criteria for each class of parking permit.
- (2) An application for a parking permit must –
 - (a) be made in the form, if any, required by the local government;
 - (b) provide the information or documents that are required by the local government or an authorised person; and
 - (c) accompanied by the appropriate fee, if any, imposed by the local government.

6.2 Issue of parking permit

An authorised person –

- (a) may approve an application made under clause 6.1(2) for a parking permit of a class determined under clause 6.1(1), subject to any conditions specified by the authorised person; and
- (b) must, where an application is approved, issue the applicant with a parking permit.

6.3 Exemption for permit holders

- (1) The holder of a valid parking permit is exempt from –
- (a) a prohibition against the stopping or parking of vehicles on any part of a road for more than a specified period; and
 - (b) the requirement to have a parking ticket when parking a vehicle on any part of a road or metered zone where the maximum period during which continuous parking or stopping of a vehicle is permitted (as stated on the sign referable to the part of the road or metered zone) exceeds 30 minutes.
- (2) The exemption under subclause (1) applies only –
- (a) to the part of a road, or to the metered spaces or parking bays, specified in the permit;
 - (b) where the permit specifies a particular vehicle, to the vehicle specified in the permit;
 - (c) if the permit is displayed in the vehicle and is 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 permit relates; and
 - (d) if the permit is valid.
- (3) The exemption under subclause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited on the road, or the part of the road, specified in the permit.

6.4 Validity of a permit

A parking permit ceases to be valid on –

- (a) the expiration of any time or period specified in the permit;
- (b) the holder of the permit ceasing to be eligible;
- (c) the revocation of the permit under clause 6.6; or
- (d) the replacement of the permit by a new permit issued under clause 6.8.

6.5 Use of counterfeit or altered parking permit

A person must not –

- (a) use or display in a vehicle, a parking permit that has in any way been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking permit which has been counterfeited, altered, obliterated or interfered with.

6.6 Revoking a permit

- (1) An authorised person may, at any time, revoke a parking permit which has been issued under clause 6.2, if the permit holder breaches any of the conditions for its use or when the permit holder ceases to satisfy the eligibility criteria for that class of parking permit.
- (2) A revocation under clause 6.6(1) is not effected until written notice of the revocation is provided to the permit holder.

6.7 Removal of a permit from vehicle

The holder of a parking permit which has been revoked must, immediately after being given notice of the revocation, or immediately after the permit otherwise ceases to be valid, permanently remove the permit from the vehicle in which it is displayed or to which it is affixed and return it to the local government.

6.8 Replacement of permit

An authorised person may issue a replacement permit where an application is made and is accompanied by supporting documentation and the appropriate fee, if any, imposed by the local government.

6.9 Elected member parking permit

- (1) An authorised person may issue to any elected member a parking permit (referred to in this clause as an ***Elected Member Parking Permit***) and may vary or revoke the Elected Member Parking Permit at any time.
- (2) The holder of an Elected Member Parking Permit is exempt from those clauses of this local law that are specified in the permit.
- (3) The exemption conferred by subclause (2) applies only –
 - (a) if the Elected Member Parking Permit 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;
 - (b) if the Elected Member Parking Permit is valid; and
 - (c) if the holder of the Elected Member Parking Permit is performing his or her functions as a elected member.
- (4) An Elected Member Parking Permit ceases to be valid –
 - (a) when the holder ceases to be an elected member;
 - (b) after the specified expiry date; or
 - (c) when revoked by an authorised person.

and must be returned to the local government by the elected member on the occurrence of any of these events.

6.10 Parking facilities where permit required

- (1) Where in relation to a parking facility, the local government has determined, under clause 2.2(1)(b), that only permitted classes of persons may stop or park their vehicles or, under clause 2.2(1)(c), that only permitted classes of vehicles may stop or park, an authorised person –
 - (a) may issue a written permit to a person within the permitted class, or to a person in respect of a vehicle of the permitted class; and
 - (b) may vary or revoke the permit at any time.
- (2) Where a written permit has been issued under subclause (1), a person must not stop or park a vehicle in a parking facility unless –
 - (a) the permit 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;
 - (b) the permit remains valid; and
 - (c) the person's permitted class, or the vehicle's permitted class, as specified in the permit is also specified on the sign which relates to the parking facility.

PART 7 - MISCELLANEOUS

7.1 Authorised person certificate of appointment

The requirement for an authorised person to be given the appropriate certificate of his or her appointment is dealt with in section 9.10(2) of the Act.

7.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out his or her functions.

7.3 Power of an authorised person

- (1) An authorised person has all necessary power to perform his or her functions under this local law.
- (2) An authorised person may –
 - (a) carry into effect the provisions of this local law;
 - (b) report to the local government 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.

7.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the functions of an authorised person.

7.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of his or her duties.

7.6 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.

7.7 Display of signs

A person must not, without the authorisation of the local government 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 local government under this local law;
- (b) remove, deface or misuse a sign or property set up by the local government 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.

7.8 Marking tyres and valve stem readings

- (1) An authorised person may –
 - (a) mark the tyres of a vehicle parked in a parking facility 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 his or her 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.

7.9 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.

7.10 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 his or her functions and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.

7.11 Interfere with or damage local government 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.

PART 8 - OFFENCES AND MODIFIED PENALTIES

8.1 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 less than \$300 and 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.

8.2 Form of notices

For the purposes of this local law –

- (a) the form of the infringement notice referred to in section 9.17 of the Act, which incorporates the notice referred to in section 9.13 of the Act, is that of Form 1 in Schedule 1; and
- (b) the form of the notice referred to in section 9.20 of the Act is that of Form 2 in Schedule 1.

8.3 Modified penalty

- (1) Subject to subclauses 8.3(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 2 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 local government that an alleged offence cannot be adequately punished by the payment of the modified penalty, the local

government 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 2 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.

SCHEDULE 1 – FORM 1
LOCAL GOVERNMENT ACT 1995
CITY OF PERTH PARKING LOCAL LAW 2016
INFRINGEMENT NOTICE

Serial No

Date / /

To:[1]

.....
.....

of:[2]

.....
.....

It is alleged that on / / at

[3]

at[4]

.....
.....

in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence -

.....
.....
.....
.....
.....

contrary to clause of the **City of Perth Parking Local Law 2016**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid to an authorised person at [5] within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice –

(a) you pay the modified penalty; or

(b) you:

(i) inform the Chief Executive Officer or an authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this matter may be registered with the Fines Enforcement Registry after which your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

[6]

[7]

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Identification number of the authorised person giving notice

SCHEDULE 1 – FORM 2
LOCAL GOVERNMENT ACT 1995
CITY OF PERTH PARKING LOCAL LAW
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: [1]

of: [2]

Infringement Notice No. dated /
..... /

in respect of vehicle:

make: ;

model: ;

registration: ;

for the alleged offence of

has been withdrawn.

The modified penalty of \$

- * has been paid and a refund is enclosed.
- * has not been paid and should not be paid.
- * *delete as appropriate.*

[3]

(4)

Insert:

- (1) Name of alleged offender to whom infringement notice was given or "the owner".
- (2) Address of alleged offender.
- (3) Signature of authorised person
- (4) Identification number of authorised person giving notice

SCHEDULE 2**CITY OF PERTH PARKING LOCAL LAW 2016****MODIFIED PENALTIES
[Clause 8.3]**

| Item No. | Offence Clauses | Modified Penalty |
|-----------------|------------------------|-------------------------|
| 1 | 2.3(1)(a) | \$120 |
| 2 | 2.3(1)(b) | \$120 |
| 3 | 2.3(1)(c) | \$200 |
| 4 | 2.3(1)(d) | \$60 |
| 5 | 2.3(1)(e) | \$60 |
| 6 | 2.3(1)(f) | \$60 |
| 7 | 2.3(1)(g) | \$100 |
| 8 | 2.3(2)(a) | \$200 |
| 9 | 2.3(2)(b) | \$200 |
| 10 | 2.3(2)(c) | \$200 |
| 11 | 2.3(2)(d) | \$75 |
| 12 | 2.3(2)(e) | \$200 |
| 13 | 2.3(2)(f) | \$200 |
| 14 | 2.3(2)(g) | \$200 |
| 15 | 2.3(2)(h) | \$200 |
| 16 | 2.3(3) | \$75 |
| 17 | 2.3(4)(a) | \$75 |
| 18 | 2.3(4)(b) | \$75 |
| 19 | 2.3(5) | \$60 |
| 20 | 2.3(6) | \$100 |
| 21 | 2.4(2) | \$100 |
| 22 | 2.4(3) | \$100 |
| 23 | 2.5(1)(a) | \$225 |
| 24 | 2.5(1)(b) | \$225 |
| 25 | 2.5(1)(c) | \$100 |
| 26 | 2.5(1)(d) | \$225 |
| 27 | 2.5(1)(e) | \$85 |
| 28 | 2.5(1)(f) | \$225 |
| 29 | 2.5(1)(g) | \$225 |
| 30 | 2.5(1)(h)(i) | \$225 |
| 31 | 2.5(1)(h)(ii) | \$225 |
| 32 | 2.5(1)(h)(iii) | \$225 |

| Item No. | Offence Clauses | Modified Penalty |
|-----------------|------------------------|-------------------------|
| 33 | 2.5(2) | \$225 |
| 34 | 2.6(a) | \$60 |
| 35 | 2.6(b) | \$60 |
| 36 | 2.7 | \$60 |
| 37 | 2.8(1)(a) | \$100 |
| 38 | 2.8(1)(b) | \$60 |
| 39 | 2.8(2) | \$60 |
| 40 | 2.9 | \$100 |
| 41 | 2.10 | \$60 |
| 42 | 2.11(4) | \$75 |
| 43 | 2.12 | \$100 |
| 44 | 2.13 | \$200 |
| 45 | 2.14 | \$200 |
| 46 | 2.15(3) | \$60 |
| 47 | 2.17 | \$100 |
| 48 | 2.18 | \$100 |
| 49 | 3.1(a) | \$100 |
| 50 | 3.1(b) | \$100 |
| 51 | 3.1(c) | \$60 |
| 52 | 3.1(d) | \$60 |
| 53 | 3.1(e) | \$200 |
| 54 | 3.2 | \$75 |
| 55 | 3.3(1)(a) | \$75 |
| 56 | 3.3(1)(b) | \$75 |
| 57 | 3.4(a) | \$75 |
| 58 | 3.4(b) | \$75 |
| 59 | 3.4(c) | \$75 |
| 60 | 3.4(d) | \$75 |
| 61 | 3.5(3)(a) | \$200 |
| 62 | 3.5(3)(b) | \$200 |
| 63 | 3.5(3)(c) | \$200 |
| 64 | 3.5(3)(d) | \$200 |
| 65 | 3.5(3)(e) | \$200 |
| 66 | 3.5(3)(f) | \$200 |
| 67 | 3.5(3)(g) | \$100 |
| 68 | 3.5(3)(h) | \$200 |
| 69 | 3.5(3)(i) | \$100 |
| 70 | 3.5(3)(j) | \$100 |
| 71 | 3.5(3)(k) | \$200 |
| 72 | 3.6(1) | \$200 |
| 73 | 3.7 | \$200 |
| 74 | 3.8(a) | \$200 |

| Item No. | Offence Clauses | Modified Penalty |
|-----------------|------------------------|-------------------------|
| 75 | 3.8(b) | \$60 |
| 76 | 3.9(1)(a) | \$200 |
| 77 | 3.9(1)(b) | \$200 |
| 78 | 3.9(1)(c) | \$200 |
| 79 | 3.9(1)(d) | \$200 |
| 80 | 3.9(2)(a) | \$200 |
| 81 | 3.9(2)(b) | \$200 |
| 82 | 3.10(1) | \$60 |
| 83 | 3.10(2) | \$60 |
| 84 | 3.11(d)(i) | \$60 |
| 85 | 3.11(d)(ii) | \$100 |
| 86 | 3.11(d)(iii) | \$60 |
| 87 | 3.11(d)(iv) | \$60 |
| 88 | 3.12(1) | \$200 |
| 89 | 3.12(2) | \$100 |
| 90 | 3.13(1) | \$120 |
| 91 | 3.13(2)(a) | \$100 |
| 92 | 3.13(2)(b) | \$100 |
| 93 | 3.14(1) | \$120 |
| 94 | 3.14(2) | \$100 |
| 95 | 3.15(8) | \$100 |
| 96 | 3.16(a) | \$100 |
| 97 | 3.16(b) | \$100 |
| 98 | 3.16(c) | \$60 |
| 99 | 3.16(d) | \$60 |
| 100 | 3.17(1)(a) | \$60 |
| 101 | 3.17(1)(b) | \$60 |
| 102 | 4.1(1)(a) | \$60 |
| 103 | 4.1(1)(b) | \$60 |
| 104 | 4.1(2)(a) | \$60 |
| 105 | 4.1(2)(b) | \$60 |
| 106 | 4.2 | \$100 |
| 107 | 4.3 | \$100 |
| 108 | 4.4(a) | \$60 |
| 109 | 4.4(b) | \$60 |
| 110 | 4.5(1)(a) | \$60 |
| 111 | 4.5(1)(b) | \$60 |
| 112 | 4.6 | \$100 |
| 113 | 4.7(1)(a) | \$60 |
| 114 | 4.7(1)(b) | \$60 |
| 115 | 4.8(a) | \$500 |
| 116 | 4.8(b) | \$500 |
| 117 | 5.1 | \$100 |

| Item No. | Offence Clauses | Modified Penalty |
|-----------------|------------------------|-------------------------|
| 118 | 5.2(a) | \$100 |
| 119 | 5.2(b) | \$60 |
| 120 | 5.2(c) | \$60 |
| 121 | 5.4(1)(a) | \$200 |
| 122 | 5.4(2) | \$100 |
| 123 | 5.5 | \$60 |
| 124 | 5.6 | \$100 |
| 125 | 5.7(2) | \$60 |
| 126 | 5.7(3) | \$60 |
| 127 | 5.9(1) | \$100 |
| 128 | 5.9(2) | \$100 |
| 129 | 5.10 | \$200 |
| 130 | 6.5(a) | \$500 |
| 131 | 6.5(b) | \$500 |
| 132 | 6.7 | \$60 |
| 133 | 6.10(2)(a) | \$100 |
| 134 | 6.10(2)(b) | \$100 |
| 135 | 6.10(2)(c) | \$100 |
| 136 | 7.4 | \$100 |
| 137 | 7.5 | \$100 |
| 138 | 7.6 | \$100 |
| 139 | 7.7(a) | \$100 |
| 140 | 7.7(b) | \$100 |
| 141 | 7.7(c) | \$100 |
| 142 | 7.8(2) | \$100 |
| 143 | 7.11 | \$500 |

**SCHEDULE 3 – FORM 1
NOTIFICATION OF IMPOUNDMENT OF VEHICLE**

Date...../...../.....

To: [1].....

of: [2].....

Department of Transport records indicate that you are the registered owner of the vehicle detailed below and notice is hereby given that the vehicle has been impounded in accordance with the provisions of the Local Government Act 1995.

Vehicle Registration No: [3]

Impounded from: [4]

Between: and

Date: [5]..... Time [6].....

The vehicle has been taken to a secure facility at the following address:

[7].....

.....

and is available for release, after payment has been processed (see below), between the following hours:

Monday to Friday:

[8].....

Prior to the release of the vehicle all necessary payments must be paid, in full, at the Customer Service Centre, Ground Floor, Council House, 27 St George's Terrace, PERTH, which is open from 8.30am until 5.00pm Monday - Friday (excluding Public Holidays) or in such alternative location as may be directed by an authorised person. Payments can be made by either cash or cheque and EFTPOS facilities are also available.

The following documentation is required before payment can be accepted and release of the vehicle is permitted:

Current Vehicle Registration Document.

Drivers licence or other legal form of identification.

Payment receipt (required for vehicle release at secure facility).

**IT IS A REQUIREMENT THAT ALL PAYMENTS ARE RECEIVED PRIOR TO
THE RELEASE OF THE VEHICLE.**

If you have an inquiry in regards to this notice (or monies owing to date), please call Compliance Parking Services between 9:00am and 4:30pm Monday to Friday (excluding Public Holidays).

Costs: Vehicle impound fee: [9].....
 Additional days storage fee or part thereof [10].....

1. Subject to clause 2 below, if your vehicle is not collected within two (2) months after the date of this notice the City may either;
 - (a) under section 3.46 of the *Local Government Act 1995* refuse to allow the vehicle to be collected until the City's costs of removing and keeping the vehicle have been paid to the City; or
 - (b) under section 3.47 of the *Local Government Act 1995* sell or otherwise dispose of the vehicle and credit the money received from that sale or disposal to the City's trust fund except to the extent required to meet the cost and expenses incurred by the City in the removing, impounding and selling of the vehicle.
2. If the local government has made a declaration that in accordance with 3.40A (4) of the *Local Government Act 1995* the vehicle is an abandoned wreck then the vehicle may be disposed of within 7 days of that declaration being made.

If you are convicted of an offence against this Local Law, section 3.48 of the *Local Government Act 1995* allows the City to recover from you its outstanding expenses incurred in the removing, impounding and selling of the vehicle.

Take note: Unless all fees are paid for and the vehicle collected within two months from the date of impounding, the City of Perth may sell the subject vehicle.

- [1] Name of owner.
- [2] Address of owner.
- [3] Vehicle registration number.
- [4] Street name (location where vehicle impounded from).
- [5] Date vehicle impounded.
- [6] Time vehicle impounded.
- [7] Address of secure location vehicle impounded to.
- [8] Hours of business.
- [9] Cost of vehicle impound fee.
- [10] Cost of additional days storage fee.

Dated this day of 2016.

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

MS LISA SCAFFIDI
The Rt Hon the Lord Mayor

MR MARTIN MILEHAM
Chief Executive Officer