

LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAM

FENCING LOCAL LAW 2019

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LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAM

FENCING LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the Shire of Northam resolved on 16 October 2019 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This local law may be cited as the *Shire of Northam Fencing Local Law 2019*.

1.2 Commencement

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

1.3 Repeal

The *Shire of Northam Fencing Local Law 2008* published in the *Government Gazette* on 16 September 2008 and all amendments thereto are hereby repealed on the day this local law comes into operation.

1.4 Application

This local law applies throughout the district.

1.5 Interpretation

(1) In this local law, unless the context requires otherwise—

Act means the *Local Government Act 1995*;

AS/NZS means an Australian Standard published by the Standards Association of Australia and as amended from time to time;

Authorised Person means a person authorised by the local government under section 9.10 of the *Local Government Act 1995* to carry out functions with respect to this local law;

boundary fence means a fence, other than a dividing fence, that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than a common boundary;

building permit means a building permit issued pursuant to the *Building Act 2011*;

CEO means the Chief Executive Officer of the Shire of Northam;

commercial lot means a lot where a commercial use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

dangerous in relation to any fence means—

- (a) an electrified fence other than a fence in respect of which a permit under Part 5 of this local law has been issued and is current;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

district means the district of the local government;

dividing fence means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary;

electrified fence means a fence carrying or designed to carry an electric charge;

electrified fence permit means a permit, in the form of the Second Schedule, to have and use an electrified fence on the lot to which the permit applies;

estate boundary fence means a fence around the external boundary of a subdivision to indicate the extent of that subdivision and includes any special works or construction that indicates the entrance to that land;

estate entry statement means a fence or wall that identifies the entrance of an estate, and includes any sign (indicating the estate name and locality) sculpture, flagpole or flag;

estate fence means an estate entry statement or an estate boundary fence;

fence means any structure, that is used or functioning as a barrier, irrespective of where it is located and includes a gate that separates the road reserve and a lot adjacent to the road reserve;

front boundary means the boundary that separates a thoroughfare and the front of the lot;

front setback means the horizontal distance between the front boundary and a wall of the building measured at right angle to the front boundary;

height in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

industrial lot means a lot where an industrial use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

land includes a house, building, work, or structure, in or on the land;

local government means the Shire of Northam;

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

natural ground level, in relation to a development, means—

- (a) the level approved, for the purposes of the development, by the local government, under a local planning scheme; or
- (b) in any other case, the level which existed immediately before the commencement of the development, (including any site works);

non-sacrificial graffiti protection means a coating applied to a fence or wall which is not removed in the process of removing graffiti;

notice of breach means a notice referred to in clause 6.1(1);

occupier has the meaning given to it in the *Local Government Act 1995*;

owner for the purposes of the definition of ‘dividing fence’, has the meaning given to it in the Act;

owner for all other purposes, has the meaning given to it in the *Local Government Act 1995*;

permit means an electrified fence permit or a razor wire fence permit under Part 5;

person has the meaning given to it in the *Interpretation Act 1984*;

public place means a place to which the public has access;

reserve means land (including parkland or foreshore) in or adjoining the district that is—

- (a) set apart for the use and enjoyment of the public; or
- (b) Acquired for public purposes and vested in or under the care control and management of the local government;

razor wire fence permit means a permit, in the form of the Third Schedule, to construct a fence wholly or partly of razor wire on the lot to which the permit applies;

residential lot means a lot where a residential use—

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

retaining wall means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

right of way means a portion of land that is—

- (a) shown and marked ‘Right of Way’ or ‘R.O.W’, or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*, or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include—
 - (i) private driveway; or
 - (ii) right of way created by easement between two parties;

rural lot means a lot where a rural use—

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

rural residential lot means a lot where a rural residential use—

- (a) is or may be permitted under the local planning scheme; or
- (b) is or will be the predominant use of the lot; and
- (c) is generally ranging from 1 to 4 hectares;

rural smallholdings lot means a lot where a rural smallholdings use—

- (a) is or may be permitted under the local planning scheme; or
- (b) is or will be the predominant use of the lot; and
- (c) is generally ranging in size from 4 to 40 hectares;

schedule means a schedule to this local law;

setback area has the meaning given to it for the purposes of a local planning scheme;

sufficient fence means a fence described in clause 2.1; and includes a fence of the description and quality agreed upon by the owners of adjoining lots which does not fail to satisfy clause 2.1

thoroughfare has the meaning given to it in the *Local Government Act 1995*;

planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

unsightly has the meaning given to it in and for the purposes of the *Local Government Act 1995*;

written law has the same meaning given to it by section 5 of the *Interpretation Act 1984* and includes this local law.

(2) Any other expression used in this local law and not defined herein must have the meaning given to it in the—

- (a) *Local Government Act 1995*;
- (b) *Dividing fences Act 1961*
- (c) *Building Act 2011*; or
- (d) *Planning and Development Act 2005*;

unless the context requires otherwise.

(3) A reference to an Australian Standard is to that Australian Standard as it is amended from time to time.

1.6 Relationship with other laws

(1) In the event of any inconsistency between the provisions of a local planning scheme and the provisions of this local law, the provisions of the local planning scheme are to prevail.

(2) Nothing in this local law affects a provision in any other written law in respect of a building permit for a fence.

1.7 Permit fees and charges

All permit fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 to 6.19 of the *Local Government Act 1995*.

PART 2—SUFFICIENT FENCES

2.1 Sufficient fences

(1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.

(2) Subject to subclauses (3) and (4), a sufficient fence—

- (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the First Schedule.
- (b) on a commercial lot and on an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the First Schedule;
- (c) on a rural lot, rural residential lot or rural small holding lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the First Schedule.

(3) Where a fence is erected on or near the boundary between—

- (a) a residential lot and an industrial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First Schedule;
- (b) a residential lot and a commercial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First Schedule;
- (c) a residential lot and a rural lot, rural residential or rural small holding a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First Schedule.

(4) Unless the local government specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with the specifications and requirements of the First Schedule.

(5) Notwithstanding any other provisions in this local law, a fence constructed of stone or concrete shall be a sufficient fence only if it is designed by a structural engineer where—

- (a) it is greater than 1800mm in height; or
- (b) the local government so requires.

PART 3—GENERAL

3.1 Fences within front setback areas

(1) A person shall not, without the written consent of the local government, erect a free-standing fence greater than 1200mm in height, within the front set-back area of a residential lot within the district.

(2) The local government may approve the erection of a fence of a height greater than 1200mm in the front setback area of a residential lot only if the fence on each side of the driveway into the Lot across the front boundary is to be angled into the Lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.

(3) The provision of subclause (2) shall not apply to a fence—

- (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
- (b) that does not adjoin a footpath.

(4) Secondary street fences shall be visibly permeable above 1200mm from natural ground level for 50% of the length of the street boundary, right of way or access leg and shall allow surveillance from an outdoor living area and/or major opening such as a window to a habitable room.

3.2 Maximum height of fences

A person shall not erect a fence that is greater in height than—

- (a) 1800mm on a residential or rural lot, or
- (b) 2400mm on a commercial or industrial lot.

3.3 Fences on a rural lot

A person shall not without the written consent of the local government, erect a fence on a rural lot, within 7.5m of a thoroughfare of a height exceeding 1500mm.

3.4 Maintenance of fences

(1) An owner or occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated, unsightly or prejudicial to the amenity of the locality.

(2) Where in the opinion of an Authorised Person, a fence is in a state of disrepair or is dangerous or is otherwise in breach of a provision of this local law, an Authorised Person may give notice in writing to the owner or occupier (as the case requires) of the land on which the fence is erected, requiring the owner or occupier to modify, repair, paint, or maintain the fence within the time and in the manner specified in the notice.

(3) A notice issued pursuant to subclause (2) may contain a condition requiring that the fence be treated with a non-sacrificial graffiti protection treatment, which protection treatment must be applied in accordance with the manufacturer's specifications.

3.5 Fences in relation to fill

(1) A free standing fence constructed of corrugated fibre reinforced pressed cement must not have more than 150mm difference in soil levels on each side.

(2) Where land has been filled or retained to a height of more than 500mm above natural ground level at or within 1m of a boundary, a person must only erect a dividing fence that is a sufficient fence on the said fill or retaining wall if the applicant produces to the local government written agreement from all and any adjoining land owners.

3.6 Gates in fences

A person shall not erect a fence which does not—

- (a) open into a lot, if the gate is providing access to a thoroughfare; or
- (b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.

3.7 Fences across rights-of-way, public access ways or thoroughfares

A person shall not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any rights-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.

3.8 General discretion of the local government

- (1) Notwithstanding clauses 2.1 and 3.2, the local government may consent to the erection or repair of a fence which does not comply with the requirements of this local law.
- (2) In determining whether to grant its consent to the erection or repair of any fence, the local government may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on—
 - (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person; or
 - (c) the visual amenity of the locality.

3.9 Estate Fences

- (1) A person must not construct an estate fence without a permit.
- (2) Where an estate fence is constructed and contains an estate name, the estate fence must also depict the suburb name in equal prominence.
- (3) An owner or occupier of a lot adjacent to an estate boundary must, where that estate boundary fence is damaged, dilapidated or in need of repair, ensure that—
 - (a) it is repaired or replaced with the same or similar materials with which it was first constructed; and
 - (b) so far as is practicable the repaired or replaced section is the same as the original fence.

3.10 Tennis Court Fences

- (1) This clause does not apply to a rural lot.
- (2) A person shall not erect a fence around or partly around a tennis court on a lot unless—
 - (a) the fence is less than 3.6m in height;
 - (b) the whole of the fence is at least 900mm from the boundary between the lot on which the tennis court is located and the adjoining lot or if it is less than 900mm, the owner of the adjoining lot has been given the opportunity to make submissions to the local government on the location of the fence; and
 - (c) the fence is constructed of chain link fabric mesh and is 50mm x 2.5mm poly vinyl chloride coated or galvanised, and is erected in accordance with the manufacturers specifications.

PART 4—FENCING MATERIALS

4.1 Fencing materials

- (1) A person shall construct any fence on a residential lot, rural residential lot, small holding lot, commercial lot or an industrial lot from only those materials specified for a sufficient fence in respect of such lot in the First Schedule or some other material approved by the local government.
- (2) No person shall erect a fence of impervious material in any place, position or location where it will, or is likely to, act as a barrier to or restrict the flow of stormwater or a watercourse.

4.2 Pre-used fencing materials

- (1) A person must not construct a dividing fence on a residential lot, rural residential lot, small holding lot, commercial lot or an industrial lot from pre-used materials without the written consent of the local government or an Authorised Person.
- (2) Where the local government or an Authorised Person approves, under this Part, the use of pre-used materials in the construction of a fence that approval must be conditional on the applicant painting or treating the pre-used material as directed by the local government or an Authorised Person.

4.3 Barbed wire and broken glass fences

- (1) This clause does not apply to a fence constructed wholly or partly of razor wire.
- (2) An owner or occupier of a residential lot or a commercial lot shall not erect or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the local government has been obtained.
- (3) An owner or occupier of an industrial lot shall not erect or affix on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless the wire or materials are not nearer than 2000mm from the ground level.
- (4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.
- (5) An owner or occupier of a lot shall not affix or allow to remain as part of any fence or wall, whether internal or external, on that lot any broken glass.
- (6) An owner or occupier of a rural lot shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

4.4 Fence Screening and Colours

(1) On a residential lot, commercial lot, or industrial lot, any screening affixed to a fence shall be designed to integrate with the colours, materials and specification of that sufficient fence, to the satisfaction of the local government.

(2) On a rural residential lot, rural smallholdings lot or rural lot, no person shall affix any screening to a fence.

(3) Screening affixed to a fence shall be installed and maintained in accordance with the manufacturers specifications and shall not undermine the structural integrity of the fence.

PART 5—ELECTRIFIED AND RAZOR WIRE FENCES

5.1 Requirements for a Permit

(1) An owner or occupier of a lot, other than a rural lot, shall not—

(a) have and use an electrified fence on that lot without first obtaining a permit under subclause (2); or

(b) construct a fence wholly or partly of razor wire on that lot without first obtaining a permit under subclause (3).

(2) A permit to have and use an electrified fence shall not be issued—

(a) in respect of a lot which is or which abuts a residential lot;

(b) unless the fence is of a design which will comply with AS/NZS 3016:2002 Electrical installations—Electricity security fences; and

(c) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.

(3) A permit to have a fence constructed wholly or partly of razor wire shall not be issued—

(a) if the fence is within 3m of the boundary of the lot;

(b) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

(4) An application for a permit referred to in subclauses (2) or (3) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.

5.2 Application for a Permit

(1) An owner or occupier of land may apply to the local government for an electrified fence permit or a razor wire fence licence permit.

(2) An application for a permit must—

(a) be in the form determined by the local government;

(b) include—

(i) a written consent signed by the owner of the land on which the proposed fence is to be located—unless the applicant is the owner of that land; and

(ii) any further information may be required by the local government; and

(c) be accompanied by any fee imposed by the Council under sections 6.16 to 6.19 of the *Local Government Act 1995*.

5.3 Determining an application

(1) The local government may refuse to consider an application that does not comply with clause 5.2.

(2) The local government may—

(a) approve an application, subject to any conditions that it considers to be appropriate; or

(b) refuse to approve an application.

(3) If the local government approves an application, it is to issue a permit in the form set out in the Second Schedule or the Third Schedule (as the case may be).

(4) The local government may vary a condition to which a permit is subject by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.

5.4 Transfer of a permit

(1) A permit referred to in clause 5.1 shall transfer with the land to any new occupier or owner of the lot, to which the permit applies.

(2) On an application by a new owner or occupier, the local government is to transfer the relevant permit to that new owner or occupier (as the case may be) by a written endorsement on the permit.

5.5 Cancellation of a Permit

Subject to Division 1 Part 9 of the *Local Government Act 1995*, the local government may cancel a permit issued under this Part if—

(a) the permit holder requests the local government to do so;

- (b) the fence to which the permit applies is being demolished and not being rebuilt for at least 6 months;
- (c) the fence no longer satisfies the requirements specified in clause 5.1(2) or 5.1(3) as the case may be;
- (d) the permit holder breaches any condition upon which the permit has been issued; or
- (e) the permit holder fails to comply with a notice issued under clause 6.1.

5.6 Right of appeal and review

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

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

the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

PART 6—NOTICES OF BREACH

6.1 Notices of breach

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner of that lot ('notice of breach').

(2) A notice of breach shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner or occupier of the lot is required to remedy the breach within 28 days from the giving of the notice.

PART 7—ENFORCEMENT

7.1 Offences and penalties

(1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a penalty of not less than \$500 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to maximum penalty of \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

7.2 Modified penalties

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16 of the *Local Government Act 1995*.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Fourth Schedule.

(3) Before giving an infringement notice to a person in respect of the commission of a prescribed offence, an Authorised Person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

7.3 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 *Local Government Act 1995* is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

FIRST SCHEDULE
SPECIFICATIONS FOR A SUFFICIENT FENCE

[clause 2.1]

Each of the following is a “sufficient fence” on the specified lot type:

A. RESIDENTIAL LOT

(1) Timber fence

- (a) corner posts to be 125mm x 125mm x 2,400mm and intermediate posts to be 125mm x 75mm x 2,400mm spaced at 2,400mm centres;
- (b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
- (c) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
- (d) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
- (e) rails to be 75mm x 50mm with each rail spanning 2 bays of fencing double railed or bolted to each post with joints staggered;
- (f) the fence to be covered with 75mm x 20mm sawn pickets, 1,800mm in height placed 75mm apart and affixed securely to each rail;
- (g) the height of the fence to be 1,800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.1(2).

(2) Corrugated fence

A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer’s specifications or which satisfies the following specifications—

- (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case with a minimum in-ground depth of 600mm;
- (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
- (c) the sheets to be lapped and capped with extruded “snap-fit” type capping in accordance with the manufacturer’s written instructions;
- (d) the height of the fence to be 1.8 metres except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.1(2).

(3) Brick, stone or concrete fence

A fence constructed of brick, stone or concrete, which satisfies the following requirements and specifications—

- (a) footings of minimum 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar or 400mm x 400mm concrete 20MPa with minimum 1 layer 4-L11TM;
- (b) pier specifications—
 - (i) continuous fence with engaged piers or infill panels between piers maximum 2.1 metres high with No. 2 R6 galvanised rod continuous in last mortar bed joint;
 - (ii) engaged or attached piers 290mm x 290mm (for 90mm wide masonry unit) and 350mm x 350mm (for 110 wide masonry unit) with No. 1 Y12 galvanised reinforcing rod tied into footing and located centrally in pier;
 - (iii) pier core to be filled with 15MPa concrete. Piers at maximum 2.1 metre centres.
- (c) expansion joints in accordance with the manufacturer’s written instructions;
- (d) a minimum height of 1.8 metres up to 2.1 metres (including screening), except within the street setback area which is subject to requirements outlined in clause 3.1; and
- (e) certified by a Structural Engineer as being appropriate for the particular site and wind terrain category.

(4) Composite fence

A composite fence which satisfies the following specifications for the brick construction—

- (1) (a) brick piers of minimum 345mm x 345mm at 1,800mm centres bonded to a minimum height base wall of 514mm;
- (b) each pier shall be reinforced with one R10 galvanised starting rod 1,500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
- (c) the minimum ultimate strength of brickwork shall be 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer;
- (e) control joints in brickwork shall be provided with double piers at a maximum of 6-metre centres;
- or
- (2) (a) brick piers of a minimum 345mm x 345mm x 2,700mm centres bonded to the base wall; and
- (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

B. RURAL RESIDENTIAL LOT, RURAL SMALLHOLDINGS LOT OR RURAL LOT

(1) Post and wire construction

In the case of a non-electrified fence of post and wire construction—

- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of 5 wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
- (b) posts shall be of indigenous timber or other suitable material including—
 - (i) timber impregnated with a termite and fungicidal preservative;
 - (ii) standard iron star pickets; or
 - (iii) concrete;
- (c) if timber posts are used, posts are to be cut not less than 1,800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be placed at no more than 10 metre intervals, set minimum 600mm in the ground and 1,200mm above ground;
- (d) strainer posts, if timber, shall not be less than 2,250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1,000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.

(2) Electrified fence

An electrified fence having 4 wires is a sufficient fence if constructed generally in accordance with a non-electrified fence.

C. COMMERCIAL LOT OR INDUSTRIAL LOT

(1) PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications—

- (a) corner posts to be minimum 50mm normal bore x 3.5mm and with footings of a 225mm diameter x 900mm;
- (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3.5 centres and with footings of a 225mm diameter x 600mm;
- (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm x 600mm;
- (d) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
- (e) rail-less link, chain or steel mesh is to be to a height of 2 metres on top of which are to be 3 strands of barbed wire carrying the fence to a height of 2.4 metres in accordance with clause 4.3 of this local law; and
- (f) galvanised link mesh wire to be 2 metres in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3.6 metres and shall be constructed of 25mm tubular framework with 1 horizontal and 1 vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.

(2) Corrugated fence

A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer's specifications or which satisfies the following specifications—

- (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case with a minimum in-ground depth of 600mm;
- (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
- (c) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions;
- (d) the height of the fence to be 1.8 metres except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.1(2).

(3) Brick, stone or concrete fence

A fence constructed of brick, stone or concrete, which satisfies the following requirements and specifications—

- (a) footings of minimum 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar or 400mm x 400mm concrete 20MPa with minimum 1 layer 4-L11TM;
- (b) pier specifications—
 - (i) continuous fence with engaged piers or infill panels between piers maximum 2.1 metres high with No. 2 R6 galvanised rod continuous in last mortar bed joint;
 - (ii) engaged or attached piers 290mm x 290mm (for 90mm wide masonry unit) and 350mm x 350mm (for 110 wide masonry unit) with No. 1 Y12 galvanised reinforcing rod tied into footing and located centrally in pier;
 - (iii) pier core to be filled with 15MPa concrete. Piers at maximum 2.1 metre centres;
- (c) expansion joints in accordance with the manufacturer's written instructions;

Conditions of permit

The holder of the permit must—

- (a) display this permit in a prominent position on the land or premises on which the fence has been constructed;
- (b) on the request of the local government or an Authorised Person, produce to him or her this permit;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the permit has been granted, notify the local government in writing of the details of that change or those changes; and
- (d) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

Transfer by endorsement

This permit is transferred to

of

from and including the date of this endorsement.

Dated this day of 20.....

.....
Authorised Person,
Shire of Northam.

**FOURTH SCHEDULE
OFFENCES AND MODIFIED PENALTIES**

[clause 7.2]

Item No.	Clause No.	Nature of offence	Modified Penalty \$
1.	2.1(1)	Erect a fence which is not a sufficient fence	250
2.	3.1(1)	Erect or modify a fence within the street setback area without written consent of the local government	250
3.	3.2	Erect a fence which is higher than the permitted height	250
4.	3.3	Erect a fence on a rural lot which is higher than the permitted height	250
5.	3.4(1)	Failing to maintain a fence in good condition or preventing a fence from becoming dangerous, dilapidated or unsightly	250
6.	3.5(1)	Erect or permit a fence of corrugated fibre reinforced pressed cement having soil higher than 150mm on a side of the fence	250
7.	3.6(a)	Erect a fence which contains a gate which does not open into the lot	250
8	3.6(b)	Erect a fence which contains a sliding gate which is not located on the inside of the fence on the lot	250
9.	3.7	Erect a fence across a right of way, public access way or thoroughfare without the approval of the local government	250
10.	4.1(1)	Construct a fence on a residential lot, rural residential lot, small holding lot, commercial lot or an industrial lot from materials not approved by the local government	250
11.	4.2(1)	Construct a dividing fence on a residential lot, rural residential lot, small holding lot, commercial lot or an industrial lot from pre-used materials without the approval of the local government	250
12.	4.3(2)	Erect a fence using barbed wire or other material with spiked or jagged projections in fence construction without written approval of the local government	500
13.	4.3(3)	Erect a fence using barbed wire or other material with spiked or jagged projections in a fence at a level lower than 2000mm from the ground	500
14.	5.1(1)	Have or use razor wire in a fence or electrify a fence without having a permit	500
15.	6.1(1)	Failing to comply with the requirements of a notice	500
16.	7.1(2)	All other penalties not specified	250

Dated this 22nd day of October 2019.

The Common Seal of the Shire of Northam was affixed by authority of a resolution of the Council in the presence of—

CHRISTOPHER ANTONIO, President.
JASON WHITEAKER, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAM

PARKING LOCAL LAW 2019

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LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAM

PARKING LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Northam resolved on 16 October 2019 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This local law may be cited as the *Shire of Northam Parking Local Law 2019*.

1.2 Commencement

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

1.3 Repeal

The *Shire of Northam Parking and Parking Facilities Local Law 2008* published in the *Government Gazette* on 16 September 2008 and all amendments thereto are hereby repealed on the day this local law comes into operation.

1.4 Interpretation

In this local law unless the context otherwise requires—

Act means the *Local Government Act 1995*;

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

authorised vehicle means a vehicle authorised by the local government, CEO, Authorised Person or by any written law to park on a thoroughfare or parking facility;

bicycle has the meaning given to it by the Code;

bicycle lane has the meaning given to it by the Code;

bus has the meaning given to it by the Code;

bus embayment has the meaning given to it by the Code;

bus stop has the meaning given to it by the Code;

bus zone has the meaning given to it by the Code;

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

carriageway has the meaning given to it by the Code;

centre has the meaning given to it by the Code;

children's crossing has the meaning given to it by the Code;

CEO means the Chief Executive Officer of the local government

clearway means a length of carriageway which carries a high traffic volume that has 'clearway' or 'no stopping' signs erected appurtenant to it, to facilitate the unhindered flow of traffic;

Code means the *Road Traffic Code 2000*;

coin means any coin which is legal tender pursuant to the *Currency Act 1965 (Commonwealth)*;

commercial vehicle means—

- (a) a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose.

continuous dividing line means—

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) parallel continuous dividing lines;

crossover means an area of the verge, constructed and used for the purpose of enabling a vehicle to access the adjacent 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 has the meaning given to it in the *Road Traffic (Administration) Act 2008*;

eating area means an area in which tables, chairs and other structures are provided for the purpose of the supply of food and beverages to a member of the public or the consumption of food and beverages by a member of the public;

edge line has the meaning given to it by the Code;

emergency vehicle has the meaning given to it by the Code;

fire hydrant has the meaning given to it by the Code;

fee means the prescribed amount of legal tender that the local government may impose and determine from time to time for the stopping or parking of a vehicle under and in accordance with sections 6.16 to 6.19 of the Act;

footpath has the meaning given to it by the Code;

GVM (which stands for 'gross vehicle mass') has the meaning given to it by the *Road Traffic (Administration) Act 2008*;

heavy vehicle has the meaning given to it by the Code;

intersection has the meaning given to it by the Code;

keep clear marking has the meaning given to it by the Code;

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 zone has the meaning given to it by the Code;

local government means the Shire of Northam;

long vehicle means a vehicle or any combination of vehicles that, together with any projection or combination of vehicles is 7.5 metres or more in length;

mail zone has the meaning given to it by the Code;

median strip has the meaning given to it by the Code;

metered space means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

metered zone means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

motorcycle has the meaning given to it by the Code;

motor vehicle has the meaning given to it by the *Road Traffic (Administration) Act 2008*;

nature strip has the meaning given to it by the Code;

no parking area has the meaning given to it by the Code;

no parking sign means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given to it by the Code;

no stopping sign means a sign with the words 'no stopping' or 'no standing' in red letters on a white background or the letter 'S' within a red annulus and a red diagonal line across it on a white background;

obstruct means to prevent, hinder, or impede the normal passage of any vehicle, wheelchair, perambulator or pedestrian and '*obstruction*' has a corresponding meaning;

occupier has the meaning given to it by the Act;

owner means—

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, means the person in whose name the vehicle has been registered under that *Road Traffic Act 1974*;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

painted island has the meaning given to it by the Code;

park has the meaning given to it by the Code;

parking area has the meaning given to it by the Code;

parking bay means a section or part of a carriageway or parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking control sign has the meaning given to it by the Code;

parking facilities includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with the parking of vehicles;

parking fee payment equipment means a parking meter, parking ticket machine or other; credit/debit card terminal or other device approved by the local government for payment of the applicable parking fee;

parking meter includes the stand on which the meter is erected and a ticket issuing machine;

parking permit means a permit issued by the local government under this local law;

parking ticket means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle and includes the date and time of which the authorisation expires, whether or not the payment of a fee is required;

parking region means the area described in Schedule 1;

parking scheme means the mapped record of the local government, which details the location of parking facilities, parking bay layout and any parking time restrictions, parking prohibitions and special uses like bus or taxi zones, that are applied to those parking facilities;

parking stall means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

parking station means any land, or structure provided for the purpose of parking of multiple vehicles;

path has the meaning given to it by the Code;

pay station means a machine or device within or near a parking station, which accepts payment of the fee for the period a vehicle has been parked and issues a token, ticket or other media to activate a barrier to allow the vehicle to exit from the parking station;

pedestrian has the meaning given to it by the Code;

pedestrian crossing has the meaning given to it by the Code;

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

Private Property Parking Enforcement Agreement means a written agreement between the local government and a property owner or occupier that allows for the enforcement of this local law, or part thereof, upon that property;

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

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land—

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

right of way means a portion of land that is—

- (a) shown and marked 'Right of Way' or 'R.O.W', or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include—
 - (i) a private driveway; or
 - (ii) a right of way created by easement between two parties;

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*;

Road Traffic (Administration) Act means the *Road Traffic (Administration) Act 2008*;

Schedule means a Schedule to this local law;

shared zone has the meaning given to it by the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

stop has the meaning given to it by the Code;

symbol includes any symbol specified by the Code;

taxi has the meaning given to it by the Code;

taxi zone has the meaning given to it by the Code;

thoroughfare has the meaning given to it by the Act;

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

ticket issuing machine means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

ticket parking area means a parking area or facility where a sign applies which indicates a parking fee applies by purchase of a ticket;

tour coach means a vehicle licensed as a Tour Coach and displaying “TC” registration plates, which is hired or chartered to carry passengers for the specific purpose of sight-seeing and/or tourism;

traffic includes the passage of both vehicles and pedestrians;

traffic-control signal has the meaning given to it by the Code;

traffic island has the meaning given to it by the Code;

traffic sign has the meaning given to it by the Code;

trailer has the meaning given to it by the Code;

truck has the meaning given to it by the Code;

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

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

vehicle has the meaning given to it by the *Road Traffic (Administration) Act 2008*;

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 Application of particular definitions

- (1) For the purposes of the application of the definitions ‘no parking area’ and ‘parking area’ an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a parking station or ticket parking area includes a reference to a part of the parking station or ticket parking area.
- (3) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the *Road Traffic Act 1974*, *Road Traffic (Administration) Act 2008*, *Road Traffic Code 2000* or in the *Local Government Act 1995*, then the term shall have the meaning given to it in those Acts or the Code.

1.6 Application and pre-existing signs

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) Where a parking facility or a parking station is identified in Schedule 3, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).
- (5) A sign that—
 - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.
- (6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.
- (7) The provisions of Parts 2, 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.7 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows—

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) emergency vehicles;
- (e) special purpose vehicles;
- (f) taxis; and
- (g) all other vehicles.

1.8 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

1.9 Powers of Local Government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

PART 2—PARKING BAYS, PARKING STATIONS AND PARKING AREAS

2.1 Determination of parking bays, parking stations and parking areas

(1) The local government may by Council resolution constitute, determine and vary—

- (a) parking bays;
- (b) parking stations;
- (c) parking areas;
- (d) general no parking or restricted parking zones;
- (e) permitted time and conditions of parking in parking bays, parking stations and parking areas which may vary with the locality;
- (f) permitted classes of vehicles which may park in parking bays, parking stations and parking areas;
- (g) permitted classes of persons who may park in specified parking bays, parking stations and parking areas; and
- (h) the manner of parking in parking bays, parking stations and parking areas.

(2) Where the local government makes a determination under subclause (1) it must erect signs to give effect to the determination.

(3) Where the local government makes a determination or a resolution under subclause (1)(d) it may erect signs at entry points to the general no parking zone indicating the dates and/or days and times during which the area is a general no parking or restricted parking zone.

2.2 Vehicles to be within a parking bay

(1) Subject to subclauses (2) and (3) a person must not park a vehicle in a parking bay in a parking area or parking station otherwise than—

- (a) if the parking area is within a carriageway, parallel to and as close to the kerb as is practicable;
- (b) wholly within the parking bay; and
- (c) if the parking area is within a carriageway, headed in the direction of the movement of traffic on the side of the carriageway in which the bay is situated.

(2) If a vehicle is too long or too wide to fit completely within a single parking bay then the person parking the vehicle must do so within the minimum number of parking bays needed to park that vehicle.

(3) A person must not park a vehicle partly within and partly outside a parking area.

2.3 Parking where fees are payable

A person must not park a vehicle, or permit a vehicle to remain parked, in a parking station or parking area where a permissive parking sign indicates that a fee is payable, unless—

- (a) the vehicle is parked in compliance with any instructions on or with the sign, or parking fee payment equipment; and
- (b) the appropriate fee is paid for each parking bay that the vehicle occupies.

2.4 Parking restrictions in fee paying zones

A person must not park a vehicle in a fee paying zone except in accordance with signs referable to the zone.

2.5 Parking in a ticket parking zone or ticket parking area

A person must not park a vehicle, except a motorcycle in a motorcycle bay, in a parking zone, parking area or parking station which is equipped with a parking ticket machine without—

- (a) purchasing or obtaining a ticket, from the ticket machine for that area, which remains valid for the period the vehicle is parked; and
- (b) displaying the ticket inside the vehicle in a prominent position, in such a manner as to be clearly visible from the front of the vehicle at all times while that vehicle remains parked in that ticket parking zone, ticket parking area or parking station.
- (c) If a parking ticket machine allows for number plate recognition, a person must purchase a ticket for a motorcycle.

2.6 Methods of payment

(1) The local government may introduce and apply methods of payment for parking fees which may include but not be limited to payment by—

- (a) Australian currency including coins and or bank notes;
- (b) credit or debit card;
- (c) payment by telephone; or
- (d) any other approved method of payment.

(2) The local government may introduce various paid parking processes which may include but not be limited to the following—

- (a) ticket parking;
- (b) pay by vehicle registration number; or
- (c) pay by parking bay.

2.7 Reserved fee paying zones

Unless authorised by the local government 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 issuing machine is hooded with a cover bearing the words No Parking, Reserved Parking, Temporary Bus Stop, No Stopping, Tow Away Zone 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 including temporary signage.

2.8 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 3—PARKING GENERALLY

3.1 Restrictions on parking in particular areas

(1) A person must not park a vehicle in a parking station or part of a parking station or parking area—

- (a) if by a sign it is set apart for the parking of vehicles of a different class;
- (b) if by a sign it is set apart for the parking of vehicles by persons displaying a valid parking permit; or
- (c) during any period when the parking of vehicles is prohibited by a sign, but does not include a clearway.

(2) Unless a sign or road markings indicate otherwise a person must not park any portion of a vehicle in a parking station or parking area—

- (a) for more than the maximum time specified;
- (b) in a bay marked 'M/C' unless it is a motorcycle without a sidecar or a trailer;
- (c) so as to obstruct an entrance to or an exit from a parking station, or an access way within a parking station; or
- (d) park or attempt to park a vehicle in a parking bay in which another vehicle is parked.

(3) Notwithstanding the provisions of subclause (2)(a), a person may park a vehicle in a permissive parking bay or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—

- (a) the person's vehicle displays a current disability parking permit sticker; and
- (b) a disabled person to whom that disability parking permit sticker relates, is either the driver or a passenger in the vehicle.

(4) A person must not park a vehicle or permit a vehicle to remain parked in a parking facility controlled by a sign stating 'Authorised Vehicles Only', without—

- (a) a valid permit displayed inside the vehicle that must be displayed in a prominent position, in such a manner as to be clearly visible from the front of the vehicle; or

- (b) prior written permission of the local government or an Authorised Person to park within the area has been obtained and the written permission is displayed in a prominent position, in such a manner as to be clearly visible from the front of the vehicle to indicate it has authorisation to park.

3.2 Parking and stopping on a carriageway

- (1) Subclauses (4)(b), (d), (h) and (i) do not apply to a bus which stops in a bus embayment.
- (2) A person parking a vehicle on a carriageway other than in a parking bay must 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 carriageway on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic;
 - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law;
 - (e) so that it does not obstruct any vehicle on the carriageway, or
 - (f) so that the vehicle is not faced against the normal flow of traffic on that side of the carriageway;

unless otherwise indicated on a parking control sign or markings on the carriageway.

- (3) A person must not stop a vehicle on a carriageway or any part of a carriageway—
 - (a) if the parking of a vehicle is prohibited at all times by a sign; or
 - (b) during a period in which the parking of vehicles on that part is prohibited by a sign.
- (4) A person must not stop a vehicle on a carriageway so that any portion of the vehicle—
 - (a) is on or adjacent to a median strip;
 - (b) obstructs a private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
 - (c) is alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway if the vehicle would obstruct traffic;
 - (d) is on or within 10 metres of any portion of a carriageway bounded by a traffic island;
 - (e) is on any pedestrian crossing;
 - (f) is within 10 metres of the departure side or within 20 metres of the approach side of a children's crossing or pedestrian crossing;
 - (g) is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing;
 - (h) is between the boundaries of a carriageway and any double longitudinal line consisting of two continuous dividing lines or a continuous dividing line and a broken or dotted line, unless there is a distance of at least 3 metres clear between the vehicle and the nearer continuous dividing line; or
 - (i) is contrary to a clearway sign referable to that part,

unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under this local law.

- (5) A person must not stop a vehicle on a carriageway—
 - (a) if the parking of a vehicle is prohibited at all times by a sign; or
 - (b) during a period in which the parking of vehicles on that part is prohibited by a sign;
 - (c) or in an area to which a 'no stopping' sign applies;
 - (d) marked with a continuous yellow edge line;
 - (e) if by a sign it is set apart for the parking of vehicles of a different class; or
 - (f) if by a sign it is set apart for the parking of vehicles by persons of a different class,

unless the person stops the vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under this local law.

- (6) A person must not park a vehicle on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver—
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

3.3 When parallel and right-angled parking apply

- (1) Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking

area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area must park it as near as practicable to and parallel with that boundary; or
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area must park it at approximately right angles to the center of the carriageway.

(2) Clause 3.3(1)(a) does not apply to the rider of a motorcycle if the rider positions the motorcycle so at least one wheel is as near as practicable to the far left or far right side of the carriageway.

3.4 When angle parking applies

(1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
- (b) a person parking a motorcycle without a trailer.

(2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or marks on the carriageway that indicate the required angle of parking.

(3) Where a sign associated with an angle parking area is inscribed with the words 'reverse in' a person parking a vehicle in the area must reverse the vehicle into the parking bay so that the vehicle is driven forward when it is leaving the parking bay.

3.5 Parking of heavy and long vehicles

(1) A person must not park a heavy or long vehicle—

- (a) on a carriageway for any period exceeding one hour, unless actively engaged in the loading or unloading of goods; or
- (b) on a carriageway except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of heavy or long vehicles.

(2) Nothing in this clause mitigates the limitations or condition imposed by any other clause in this local law, any other written law or traffic sign relating to the parking or stopping of vehicles.

3.6 Authorised Person may order vehicle on thoroughfare to be moved

A person must not park a vehicle on any part of a thoroughfare in contravention of this local law after an Authorised Person has directed that person to move the vehicle.

3.7 Authorised Person

(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 for a purpose connected with or arising out of his or her duties or powers;
- (b) take a valve stem reading of the vehicle;
- (c) record vehicle registration numbers; and
- (d) place a notice or parking fact sheet upon a vehicle.

(2) A person must not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

(3) An Authorised Person may in the course of performing his/her duties, park contrary to the provisions of a parking control sign for the minimum amount of time required to complete those duties.

3.8 No movement of vehicles to avoid time limitation

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility, unless the vehicle has first been removed from the parking facility for at least one hour.

(2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person must not move a vehicle along a section of thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from that section of thoroughfare for at least one hour.

(3) For the purposes of this local law a section of thoroughfare ends and another begins whenever an intersecting carriageway occurs.

3.9 No parking of vehicles exposed for sale and in other circumstances

A person must not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale or hire;
- (b) if that vehicle is not licensed under the *Road Traffic Act 1974*;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle;
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

3.10 Parking on private land

- (1) In this clause, a reference to 'land' does not include land—
- (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*; or
 - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act.
- (2) A person must not park a vehicle on private land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of private land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.
- (4) The owner or occupier of private land must not permit a private property parking enforcement agreement sign to remain erected and visible to the public if the owner or occupier no longer has a current private property parking enforcement agreement with the local government.

3.11 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government may drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

3.12 Right of ways

A person must not stop or park a vehicle at any time in a right of way so as to cause an obstruction or so as to prevent a vehicle reasonable access to or egress from the right of way.

3.13 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government or an Authorised Person, may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.
- (3) An Authorised Person may, in the course of performing his or her duties, park a vehicle contrary to a sign or other restriction in this local law for the minimum amount of time required to complete those duties.

PART 4—PARKING AND STOPPING IN ZONES FOR PARTICULAR VEHICLES

4.1 Stopping at intersections

- (1) A person must not stop any portion of a vehicle on a thoroughfare within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the person stops at a place on a length of thoroughfare, or in an area, to which a parking control sign applies and the person is permitted to stop at the place under this local law.
- (2) A person must not stop any portion of a vehicle on a thoroughfare so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops—
- (a) at a place on the thoroughfare, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under this local law; or
 - (b) if the intersection is a T-intersection—along the continuous side of the continuing carriageway at the intersection.

4.2 Stopping in a loading zone

A person must not stop a vehicle in a loading zone—

- (a) unless it is a commercial vehicle continuously engaged in the picking up or setting down of goods;
- (b) (if no time is indicated on the sign) for longer than a time indicated on the loading zone sign; or
- (c) for longer than 30 minutes.

4.3 Stopping in a taxi zone or a bus zone

- (1) A person must not stop a vehicle in a taxi zone, unless that person is driving a taxi.
- (2) A person must not stop a vehicle in a bus zone unless that vehicle is a bus that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

4.4 Stopping in a mail zone

A person must not stop a vehicle in a mail zone unless authorised under a written law.

4.5 Construction site vehicle parking

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

builder has the meaning given to it in the *Building Act 2011*;

construction site means any land subject to development;

construction site vehicle means a commercial vehicle, truck heavy or long vehicle;

daily fee means the applicable daily fee as determined in accordance with section 6.16 of the Act;

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 applicable establishment fee as determined in accordance with section 6.16 of the Act;

work zone means any carriageway or part of a carriageway, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the local government by 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 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 and daily fee applicable.

(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 in the event that, the applicant or any person authorised by the applicant to use the work zone stops or parks a vehicle other than in accordance with—

- (a) any condition stipulated in the notice issued to the applicant pursuant to subclause (3);
- (b) any sign applicable to the work zone;
- (c) the applicant fails to pay the daily fee as required pursuant to subclause (5); or
- (d) if the local government or a person authorised by the local government 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.

4.6 Other limitations in zones

A person must not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

PART 5—OTHER PLACES WHERE STOPPING IS RESTRICTED

5.1 Stopping in a shared zone

A person must not stop a vehicle in a shared zone unless—

- (a) the person stops a vehicle at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under this local law;
- (b) the person stops a vehicle in a parking bay and the person is permitted to stop in the parking bay under this local law; or
- (c) the person is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

5.2 Double parking

(1) A person must not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.

(2) This clause does not apply to—

- (a) a vehicle stopped in traffic; or
- (b) a vehicle angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

5.3 Stopping near an obstruction

A person must not stop a vehicle on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

5.4 Stopping in a bus lane, transit lane or truck lane

A driver must not stop in—

- (a) a bus lane;
- (b) a transit lane;
- (c) a truck lane; or
- (d) a bicycle lane,

unless the driver is driving a public bus or taxi, and is dropping off, or picking up, passengers.

5.5 Stopping on a bridge, causeway, ramp or in a tunnel

(1) A person must not stop a vehicle on a bridge, causeway, ramp or similar structure unless—

- (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a sign does not prohibit stopping or parking; or
- (b) the person stops a vehicle at a place on a length of carriageway, or in an area to which a parking control sign applies and the person is permitted to stop at that place under this local law.

(2) A person must not stop a vehicle in a tunnel or underpass unless—

- (c) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a sign does not prohibit stopping or parking; or
- (d) the vehicle is a bus stopped at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

5.6 Stopping on crests and curves

(1) Subject to subclause (2), a person must not stop a vehicle on, or partly on, a carriageway within the parking region, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres.

(2) A person may stop a vehicle on a crest or curve on a carriageway within the parking region if the vehicle stops at a place on the 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.

5.7 Stopping near a fire hydrant

A person must not stop a vehicle so that any portion of the vehicle is 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, unless—

- (a) the person is driving a public bus, and stops in a bus zone or at a bus stop and does not leave the bus unattended; or
- (b) the person is driving a taxi and stops in a taxi zone and does not leave the taxi unattended.

5.8 Stopping near a bus stop

(1) A person must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop or within 10 metres of the departure side of a bus stop, unless—

- (a) the vehicle is a public bus stopped to take up or set down passengers; or
- (b) the person stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under this local law.

(2) In this clause a trailer attached to a public bus is deemed to be a part of the public bus.

5.9 Stopping on a traffic island

A person must not stop a vehicle (other than a bicycle) so that any portion of the vehicle is on a traffic island, unless the vehicle stops in an area to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law.

5.10 Stopping on a verge

(1) A person must not stop—

- (a) a vehicle (other than a bicycle);
- (b) a commercial vehicle, a bus, a trailer, a boat, a caravan, a truck or any other vehicle with a GVM in excess of 2.5 tonnes or 7.5 metres in length; or
- (c) a vehicle during any period when stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the driver if he or she is the owner or occupier of a premises that abuts the verge or is a person authorised by the owner or occupier of those premises to park the vehicle so that any portion of it is on the verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods or materials collected from or delivered to the premises that abuts the verge on which the commercial vehicle is parked, (but in any event not for any period exceeding 3 consecutive hours between the hours of 7am and 6pm Western Australian Standard Time and not at any other time), provided no obstruction is caused to the passage of any other vehicle or person using a carriageway or path.

(4) Notwithstanding subclause (2) and (3), clause 4.1 applies.

5.11 Obstructing access to a footpath, path or crossover

(1) A person must not stop a vehicle so that any portion of the vehicle is on or across a footpath, path or in a position that it obstructs access or egress by pedestrians using that footpath or path or other vehicles to that path, unless—

- (a) the driver is dropping off or picking up passengers and must not remain for longer than 2 minutes; or
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law.

(2) A person must not stop a vehicle on or across a crossover or other way of access for vehicles travelling to or from adjacent land, unless—

- (a) the vehicle is dropping off, or picking up, passengers and must not remain for longer than 2 minutes;
- (b) the vehicle stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law; or
- (c) the driver is the owner or occupier of the premises that abuts the crossover or is a person permitted by the owner or occupier of the premises.

(3) A person must not park a vehicle on a crossover if any portion of the vehicle obstructs a footpath or prolongation thereof.

5.12 Stopping near a public letter box

A person must not stop a vehicle other than a postal vehicle, so that any portion of the vehicle is within 3 metres of a public letter box, unless the vehicle 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.

5.13 Stopping on a carriageway with a bicycle parking sign

A person must not stop a vehicle (other than a bicycle) on a length of carriageway to which a 'bicycle parking' sign applies, unless the vehicle is dropping off or picking up passengers.

5.14 Stopping on a carriageway with motorcycle parking sign

A person must not stop a vehicle on a length of carriageway, or in a parking bay to which a 'motorcycle parking' sign applies, or an area marked 'M/C', unless the vehicle is a motor cycle.

5.15 Stopping on a median strip

A person must not stop a vehicle (other than a bicycle) so that any portion of the vehicle is on a median strip, unless the vehicle stops in an area to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law.

5.16 Eating Areas in parking bays

A person must not stop a vehicle in a parking bay which has been authorised in writing by the local government, to be set up or conducted as an eating area and which is designated by signs as such at that time.

PART 6—PARKING PERMITS

6.1 Interpretation

In this part of this Local Law, unless the context requires otherwise—

Commercial Parking Permit means a permit issued by the local government pursuant to clause 6.2(3).

dwelling unit means premises lawfully used for self-contained living quarters.

eligible person means the owner of a vehicle registered under the Road Traffic Act at the address shown on the application for the parking permit, where used—

- (a) in relation to an application for a residential parking permit means a single house occupier, a unit occupier, a unit owner;
- (b) in relation to an application for a visitor's parking permit means—
 - (i) a single house occupier;
 - (ii) a strata company; or
 - (iii) a unit owner of a residential unit which is not a strata lot;
- (c) in relation to an application for a commercial parking permit means the proprietor of a commercial business.

Residential Parking Permit means a permit issued by the local government pursuant to Clause 6.2(1).

Residential Unit means a dwelling unit which is part of a building adjacent to a part of a road on which road the stopping or parking of vehicles is prohibited for more than a specified period and which building contains—

- (a) 2 or more dwelling units with or without any non-residential units; or
- (b) 1 dwelling unit with one or more non-residential units.

single house means a dwelling unit constructed on its own lot and used for self-contained living quarters and which is adjacent to a part of a road on which the stopping or parking of vehicles is prohibited for more than a specified period.

single house occupier means an occupier of a single house.

strata company means a body corporate constituted under section 32 of the *Strata Titles Act 1985*.

unit occupier means an occupier of a residential unit but does not include a unit owner.

unit owner means a person who is the owner of a residential unit.

Visitors Parking Permit means a permit issued by the local government pursuant to Clause 6.2(2).

6.2 Issue of a parking permit

- (1) The local government may upon a written application of an eligible person issue a residential parking permit in the prescribed form approved by the local government and for the prescribed fee.
- (2) The local government may upon a written application of an eligible person issue a visitor's parking permit in the prescribed form approved by the local government and for the prescribed fee.
- (3) The local government may upon a written application of an eligible person issue a commercial parking permit in the prescribed form approved by the local government and for the prescribed fee.
- (4) The local government's power to issue, replace and revoke permits under this Part may be exercised by an Authorised Person.

6.3 Validity of a parking permit

Every parking permit as the case may be, must cease to be valid upon—

- (a) on 31 December of the year of expiry of a period of either 1 or 3 years (depending upon the permit issued) from and including the date on which it is issued;
- (b) the holder of the permit ceasing to be an eligible person;
- (c) the revocation of the permit by the local government pursuant to clause 6.4; or
- (d) the replacement of any permit by a new permit issued by the local government pursuant to clause 6.2.

6.4 Revoking a parking permit

- (1) The local government may revoke a parking permit if the permit holder breaches any of the conditions for its use or the prerequisites for the issue of the permit no longer apply.
- (2) The local government may at any time give an eligible person to whom a permit was issued pursuant to the provisions of this local law a notice of intention in the prescribed form approved by the local government requiring that person to notify the local government of any reason why that permit should not be revoked.
- (3) The local government must give notice referred to in subclause (2) by serving a notice of intention on the eligible person to whom the permit was issued.
- (4) If within 7 days after the date of receipt of the notice of intention referred to in subclause (2) the eligible person to whom the permit was issued—
 - (a) fails to give the local government notice in writing of any reason why the permit should not be revoked;
 - (b) gives the local government notice in writing of any reasons why the permit should not be revoked,

then the local government may in its absolute discretion revoke that permit.

- (5) For the purpose of subclause (2) the date of receipt of the notice must be the date the notice was served.
- (6) The local government must give notice in the prescribed form of the revocation by serving a notice of revocation on the eligible person to whom the permit was issued.

6.5 Where a parking permit applies

- (1) Where the parking of a vehicle on any part of a carriageway within the parking region is prohibited for more than a specified time, or in a ticket parking zone without an unexpired parking ticket being displayed within the vehicle, or in a parking fee zone requiring the fee to be paid, the holder of a permit issued under this clause is exempt from such prohibition, provided that such exemption must only apply—
 - (a) to the part of the carriageway specified in the permit;
 - (b) if the permit is displayed inside the vehicle in a prominent position, in such a manner as to be clearly visible from the front of the vehicle;
 - (c) if the permit was validly issued and has not expired; and
 - (d) if the permit holder occupies the premises in respect of which the permit is issued.

(2) A person must not stop or park a vehicle in an area set aside for persons or vehicles of a particular class during any permitted period unless a permit is displayed inside the vehicle in a prominent position, in such a manner as to be clearly visible from the front of the vehicle and able to be read by an Authorised Person at all times while the vehicle remains stopped or parked in the zone.

6.6 Return of a parking permit to the local government

A parking permit holder who ceases to occupy the premises or own a vehicle for which a parking permit was issued, must remove any permit displayed in or affixed to the windscreen of any vehicle and return the permit(s) to the local government.

6.7 Counterfeit or altered parking permit

A person must not use or display in a vehicle, a parking permit that has in any way been counterfeited, altered, obliterated or interfered with.

6.8 Replacement of a parking permit

The local government may issue a replacement residential, visitors or commercial parking permit when a written application is made and the appropriate fee is paid.

6.9 Discretionary Authority

Notwithstanding any other provisions in this local law or a policy adopted by the local government which restricts the number of parking permits that may be issued, the local government may approve the issue of additional parking permits to any eligible person on such terms and conditions as the local government sees fit.

6.10 Fees payable

Fees payable for the issue of a permit must be determined in accordance with section 6.16 to 6.19 of the Act.

PART 7—MISCELLANEOUS

7.1 Impersonating an Authorised Person

A person who is not an Authorised Person of the local government must not impersonate or assume the duties of an Authorised Person.

7.2 Removal of notices from a vehicle

A person, other than the owner or driver of the vehicle or a person acting under the direction of the owner or driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an Authorised Person.

7.3 Unauthorised signs and defacing signs

A person must not without the authority of the local government—

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

7.4 Contravention of signs

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

7.5 General provisions about signs

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

7.6 Damage to parking areas and associated infrastructure

- (1) A person must not, nor attempt to, remove, damage, deface, misuse or interfere with any part of a parking station, parking facility, parking area or any infrastructure appurtenant to those areas.
- (2) A person must not operate or attempt to operate a ticket issuing machine or pay station except in accordance with the operating instructions appearing on those devices.

7.7 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of—

- (a) a special purpose vehicle may, only in the course of performing his or her duties and when it is expedient and safe to do so, stop or park the vehicle in any place, at any time; and
- (b) an emergency vehicle may, in the course of performing his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop or park the vehicle at any place, at any time.

7.8 Vehicles not to obstruct a public place

(1) A person must not park or leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.

- (2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction and may be impounded where—
- (a) the vehicle is parked for any period exceeding 24 hours;
 - (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign; or
 - (c) the vehicle is abandoned, unregistered or disused.
- (3) The powers of the local government to remove and impound vehicles are set out in Part 3 Division 3 Subdivision 4 of the Act.

PART 8—ENFORCEMENT

8.1 Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything, which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law is to be liable, upon conviction, to a penalty not less than \$1000 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 has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Form of notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

SCHEDULE 1—PARKING REGION

[Clause 1.7(1)]

The parking region is the whole of the district, but excludes the following portions of the district—

- (1) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (2) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (3) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

SCHEDULE 2—PRESCRIBED OFFENCES

[Clause 8.1(4)]

Item No.	Clause No.	Nature of offence	Modified Penalty \$
1.	2.2(1)(b)	Failure to park wholly within a parking bay	80
2.	2.2(1)(c)	Parking against the flow of traffic	80
3.	2.2(3)	Failure to park wholly within a parking area	80
4.	2.3(a)	Parking in fee paying area contrary to instructions	80
5.	2.3(b)	Failure to pay the required fees	80
6.	2.4	Parking contrary to signage where fees are payable	80
7.	2.5(a)	Parking with an expired parking ticket	80
8.	2.5(b)	Failing to clearly display parking ticket	80
9.	2.7	Stopping a vehicle when stopping is not permitted within a fee paying zone	80
10.	2.8	Use counterfeit or altered parking ticket	250
11.	3.1(1)(a)	Parking wrong class of vehicle	80
12.	3.1(1)(b)	Parking by persons of a different class	80
13.	3.1(1)(c)	Parking during prohibited period, excluding clearways	80
14.	3.1(2)(a)	Parking in excess of maximum time	80
15.	3.1(2)(b)	Parking vehicle in a motorcycle only area	80
16.	3.1(2)(c)	Causing obstruction in a parking station	80
17.	3.1(2)(d)	Parking or attempting to park a vehicle in a parking bay occupied by another vehicle	80
18.	3.1(4)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100
19.	3.2(2)(a)	Failure to park as near as practicable to the left side of the carriageway	80
20.	3.2(2)(b)	Failure to park as near as practicable to the side of the carriageway along a one way carriageway	80
21.	3.2(2)(c)	Parking within 3 metres of the farther carriageway boundary, median strip or a vehicle parked on the farther carriageway boundary	80
22.	3.2(2)(d)	Parking closer than 1 metre from another vehicle	80
23.	3.2(2)(e)	Causing obstruction to another vehicle on a carriageway	100
24.	3.2(2)(f)	Parking a vehicle against the normal flow of traffic whilst on a carriageway	80
25.	3.2(3)(a)	Parking on a carriageway when prohibited at all times by a sign	80
26.	3.2(3)(b)	Parking on a carriageway when prohibited during a period by a sign	80
27.	3.2(4)(a)	Parking on or adjacent to a median strip	80
28.	3.2(4)(b)	Obstructs a private drive or carriageway or denies reasonable access to a private drive or right of way or carriageway	150
29.	3.2(4)(c)	Stopping beside excavation or obstruction so as to obstruct traffic	80
30.	3.2(4)(d)	Stopping within 10 metres of traffic island	80
31.	3.2(4)(e)	Stopping on pedestrian crossing	100
32.	3.2(4)(f)	Stopping a vehicle within 10 metres of departure side or 20 metres approach side of a children's or pedestrian crossing	100

Item No.	Clause No.	Nature of offence	Modified Penalty \$
33.	3.2(4)(g)	Stopping a vehicle within 20 metres of approach side or departure side of railway level crossing	80
34.	3.2(4)(h)	Stopping within 3 metres of continuous dividing line markings	80
35.	3.2(4)(i)	Stopping in a clearway	150
36.	3.2(5)(a)	Stopping on a carriageway when prohibited by a sign	80
37.	3.2(5)(b)	Stopping on a carriageway when prohibited during a period by a sign	80
38.	3.2(5)(c)	Stopping contrary to a 'no stopping' sign	100
39.	3.2(5)(d)	Stopping within continuous yellow line	100
40.	3.2(5)(e)	Stopping in an area set aside for vehicles of a different class	100
41.	3.2(5)(f)	Stopping in an area set aside for persons of a different class	100
42.	3.2(6)	Parked in a 'no parking' area	100
43.	3.3(1)(a)	Failure to park as near as practicable or parallel with the boundary	80
44.	3.3(1)(b)	Failure to park at approximate right angle	80
45.	3.4(2)	Failure to park at an appropriate angle	80
46.	3.4(3)	Vehicle not reversed in to a parking bay in accordance with signage	80
47.	3.5(1)(a)	Parking a heavy or long vehicle on a carriageway in excess of 1 hour when not actively engaged in loading or unloading	80
48.	3.5(1)(b)	Parking a heavy or long vehicle not on the shoulder of a carriageway or other specified area	80
49.	3.6	Parking contrary to directions of an Authorised Person	250
50.	3.7(2)	Removing a mark made by an Authorised Person	250
51.	3.9(a)	Parking in thoroughfare for purpose of sale	80
52.	3.9(b)	Parking unlicensed vehicle in thoroughfare	80
53.	3.9(c)	Parking a trailer or caravan on a thoroughfare unattached to a motor vehicle	80
54.	3.9(d)	Parking in thoroughfare in order to effect repairs	80
55.	3.10(2)	Parking on private land without consent	100
56.	3.10(3)	Parking on land not in accordance with consent	100
57.	3.10(4)	Displaying a Private Property Parking Enforcement Agreement sign without a current Private Property Parking Enforcement Agreement	250
58.	3.11	Driving or parking on a reserve	150
59.	3.12	Vehicle stopped or parked in a right of way causing an obstruction	150
60.	3.13(2)	Parking without authorisation	100
61.	4.1(1)	Parking on thoroughfare within 20 metres of a signaled intersection	100
62.	4.1(2)	Parking on thoroughfare within 10 metres of an intersection	100
63.	4.2(a)	Not engaged in loading or unloading whilst stopped in a loading zone	80
64.	4.2(b),(c)	Stopping in a loading zone in excess of maximum time allowed	80
65.	4.3	Stopping unlawfully in a taxi zone or bus zone	80
66.	4.4	Stopping unlawfully in a mail zone	80
67.	4.5(8)	Unauthorised stopping in a construction site work zone	100
68.	5.1	Stopping unlawfully in a shared zone	80
69.	5.2(1)	Double parking	100
70.	5.3	Stopping near an obstruction	80
71.	5.4(a)	Stopping in a bus lane	80
72.	5.4(b)	Stopping in a transit lane	80
73.	5.4(c)	Stopping in a truck lane	80
74.	5.4(d)	Stopping in a bicycle lane	80
75.	5.5(1)	Stopping on a bridge, causeway or ramp	100
76.	5.5(2)	Stopping in a tunnel or underpass	100

Item No.	Clause No.	Nature of offence	Modified Penalty \$
77.	5.6(1)	Stopping on a crest or curve	100
78.	5.7	Stopping within 1 metre of a fire hydrant or fire plug	100
79.	5.8(1)	Stopping near a bus stop	100
80.	5.9	Stopping on a traffic island	100
81.	5.10(1)(a)	Stopping on a verge without consent of adjacent owner or occupier	100
82.	5.10(1)(b)	Stopping a commercial vehicle, bus, trailer, boat, caravan or truck on a verge	100
83.	5.10(1)(c)	Stopping on a verge contrary to a sign	100
84.	5.11	Driving a vehicle across a footpath or verge adjacent to a length of carriageway	100
85.	5.12(1)	Causing an obstruction to a footpath or path	100
86.	5.12(2)	Stopped on or across a crossover to deny access to the adjacent premises or land	150
87.	5.12(3)	Stopped on or across a crossover obstructing a footpath	150
88.	5.13	Stopping within 3 metres of a public letter box	80
89.	5.14	Stopping in a bicycle parking area	80
90.	5.15	Stopping in a motorcycle parking area	80
91.	5.16	Stopping on a median strip	100
92.	5.17	Stopping in an eating area	100
93.	6.5(2)	Failure to display a valid Permit	80
94.	6.7	Use of a counterfeit or altered parking permit	250
95.	7.1	Impersonating an Authorised Person	250
96.	7.2	Removing a notice from a vehicle without authority	100
97.	7.3(a)	Unauthorised exhibition of a parking control sign	100
98.	7.3(b)	Misuse or deface a sign exhibited by the local government	100
99.	7.3(c)	Affix anything to a sign exhibited by the local government	100
100.	7.6(1)	Cause or attempting to cause damage to a parking area or associated infrastructure	500
101.	7.6(2)	Operating a ticket machine or pay station not in accordance with instructions	100
102.	7.8(1)	Leaving a vehicle so as to obstruct a public place	150
103.	—	All other offences not specified	100

Dated this 22nd day of October 2019.

The Common Seal of the Shire of Northam was affixed by authority of a resolution of the Council in the presence of—

CHRISTOPHER ANTONIO, President.
JASON WHITEAKER, Chief Executive Officer.

LG301

LOCAL GOVERNMENT ACT 1995

City of Fremantle

LIBRARY ADVISORY COMMITTEE REPEAL LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Fremantle resolved on 16 October 2019 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law is the *City of Fremantle Library Advisory Committee Repeal Local Law 2019*.

1.2 Commencement

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

PART 2—LIBRARY ADVISORY COMMITTEE LOCAL LAW

2.1 Repeal

The *City of Fremantle Library Advisory Committee Local Law* published in the *Government Gazette* on 18 May 2001 and as amended is repealed.

Dated this 21st day of October 2019.

The Common Seal of the City of Fremantle was affixed by authority of a resolution of the Council in the presence of—

Dr BRAD PETTITT, Mayor.
PHILIP ST JOHN, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF DANDARAGAN

LOCAL GOVERNMENT (COUNCIL MEETINGS) LOCAL LAW 2019

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LOCAL GOVERNMENT ACT 1995

SHIRE OF DANDARAGAN

LOCAL GOVERNMENT (COUNCIL MEETINGS) LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Shire of Dandaragan resolved on 22 August 2019 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dandaragan Local Government (Council Meetings) Local Law 2019*.

1.2 Commencement

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

1.3 Application and intent

- (1) This local law provides rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This local law is intended to result in—
 - (a) better decision-making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) more efficient and effective use of time at meetings.

1.4 Interpretation

- (1) In this local law unless the context otherwise requires—
 - absolute majority** has the meaning given to it in the Act;
 - 75% majority** has the meaning given to it in the Act;
 - Act** means the *Local Government Act 1995*;
 - CEO** means the Chief Executive Officer of the Local Government;
 - committee** means a committee of the Council established under section 5.8 of the Act;
 - committee meeting** means a meeting of a committee;
 - Council** means the Council of the Shire of Dandaragan;
 - local government** means the Shire of Dandaragan;
 - meeting** means a meeting of the Council or a committee, as the context requires;
 - Member** has the meaning given to it in the Act;
 - officer** means an employee as defined in the Act or another person engaged by the local government in a contractual relationship;
 - President** means the President of the local government or other Presiding Member at a Council meeting under section 5.6 of the Act;
 - Presiding Member** means—
 - (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
 - (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;
 - Regulations** means the *Local Government (Administration) Regulations 1996*;
 - simple majority** means more than 50% of the members present and voting; and
 - substantive motion** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

(2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

1.5 Repeal

This local law repeals the *Shire of Dandaragan Standing Orders Local Law 2001* as published in the *Government Gazette* on 9 May 2001.

PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include—
 - (a) the terms of reference of the committee;
 - (b) the number of council members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the council members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) This local law are to apply to the conduct of committee meetings.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

2.7 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.9 Committees to report

A committee—

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

PART 3—CALLING AND CONVENING MEETINGS

3.1 Ordinary and special Council meetings

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

3.2 Calling Council meetings

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

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the President, the Presiding Member of a committee or any two members of that committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

PART 4—PRESIDING MEMBER AND QUORUM

Division 1—Who presides

4.1 Who presides

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

4.2 When the Deputy President can act

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

4.3 Who acts if no President

Who acts if there is no President is dealt with in the Act.

4.4 Election of Presiding Members of committees

The election of Presiding Members of committees and their deputies is dealt with in the Act.

4.5 Election of Deputy Presiding Members of committees

The election of Deputy Presiding Members of committees is dealt with in the Act.

4.6 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

4.7 Who acts if no Presiding Member

Who acts if no Presiding Member is dealt with in the Act.

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4.10 Reduction of quorum for committee meetings

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

4.11 Procedure where no quorum to begin a meeting

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

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the Presiding Member is—

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum, the names of the Members then present are to be recorded in the minutes.

PART 5—BUSINESS OF A MEETING

5.1 Business to be specified

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that—

- (a) specified in the notice of the meeting which had been adjourned; and
- (b) which remains unresolved.

(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 8) at that ordinary meeting.

5.2 Order of business

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

1. Declaration of Opening/Announcement of Visitors
2. Announcements from the Presiding Member

3. Attendance
 - 3.1 Apologies
 - 3.2 Approved leave of absence
 - 3.3 Applications for leave of absence
4. Declaration of interest
5. Public Question Time
 - 5.1 Response to previous public questions taken on notice
 - 5.2 Public question time
6. Confirmation of minutes
7. Presentations
 - 7.1 Petitions
 - 7.2 Presentations
 - 7.3 Deputations
8. Reports
9. Councillor Information Bulletin
10. Motions of which previous notice has been given
11. New business of an urgent nature introduced by decision of the meeting
12. Meeting closed to public
 - 12.1 Matters for which the meeting may be closed
 - 12.2 Public reading of resolutions that may be made public
13. Closure

(2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.

(3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

5.3 Motions of which previous notice has been given

(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good governance of the district.

(4) The CEO—

- (a) may, with the concurrence of the President, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
- (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
- (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
- (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—

- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

(1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In subclause (1), ‘cases of extreme urgency or other special circumstances’ means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.

5.5 Adoption by exception resolution

(1) In this clause ‘adoption by exception resolution’ means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.

(2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter—

- (a) that requires a 75% majority or a special majority;
- (b) in which an interest has been disclosed;
- (c) that has been the subject of a petition or deputation;
- (d) that is a matter on which a Member wishes to make a statement; or
- (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

PART 6—PUBLIC PARTICIPATION

6.1 Meetings generally open to the public

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

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried—
 - (a) the Presiding Member is to direct everyone to leave the meeting except—
 - (i) the Members;
 - (ii) the CEO; and
 - (iii) any officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

6.3 Question time for the public

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

6.4 Question time for the public at certain meetings

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

6.5 Minimum question time for the public

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

6.6 Procedures for question time for the public

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

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where—
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either—
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either—
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting—
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to—
 - (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition.
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, a *presentation* means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who—
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.

- (2) The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall—
- (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions and the Council shall not make resolutions at a meeting held to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Shire of Dandaragan offices at 69 Bashford Street Dandaragan and on the Local Government's website.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—
- (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
 - (b) marked "*Confidential*" in the agenda; and
 - (c) kept confidential by officers and Members until the Council resolves otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.16 Recording of proceedings

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

6.17 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.
- (5) A person shall not behave in a manner that is contrary to section 75 of the *Criminal Code*.

PART 7—QUESTIONS BY MEMBERS

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A Member requesting general information from an officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that officer or another officer present at the meeting.

(3) Where possible the officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the officer may ask that—

- (a) the question be placed on notice for the next meeting of Council; and
- (b) the answer to the question be given to the Member who asked it within 14 days.

(4) Every question and answer—

- (a) is to be brief and concise; and
- (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.

(5) In answering any question, an officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

PART 8—CONDUCT OF MEMBERS

8.1 Respect to the Presiding Member

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

8.2 Titles to be used

A speaker, when referring to the President, Deputy President or Presiding Member, or a Member or officer, is to use the title of that person's office.

8.3 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time or entry or departure.

8.4 Members to indicate their intention to speak

A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

8.5 Priority of speaking

(1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.

(2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.

(3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.6 Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

8.7 Relevance

(1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

(2) The Presiding Member, at any time, may—

- (a) call the attention of the meeting to—
 - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
 - (ii) any breach of order by a Member; and
- (b) direct that Member, if speaking, to discontinue his or her speech.

(3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

8.8 Speaking twice

A Member is not to address the Council more than once on any motion or amendment except—

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.9 Duration of speeches

(1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.

(2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

8.10 No speaking after conclusion of debate

A Member is not to speak on any motion or amendment—

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

8.11 No interruption

A Member is not to interrupt another Member who is speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.12; or
- (d) to move a procedural motion that the Member be no longer heard.

8.12 Personal explanations

(1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.

(2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.

(3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.13 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

8.14 Adverse reflection

(1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered.

(2) A Member is not—

- (a) to reflect adversely on the character or actions of another Member or officer; or
- (b) to impute any motive to a Member or officer,

unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

(3) A Member is not to use offensive or insulting expressions in reference to any Member, officer or other person.

(4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes—

- (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
- (b) the Council may, by resolution, decide to record those words in the minutes.

8.15 Withdrawal of offensive language

(1) A Member who, in the opinion of the Presiding Member, uses an expression which—

- (a) in the absence of a resolution under clause 8.14—
 - (i) reflects adversely on the character or actions of another Member or officer; or
 - (ii) imputes any motive to a Member or officer; or
- (b) is offensive or insulting, must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.

(2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

PART 9—PRESERVING ORDER

9.1 Presiding Member to preserve order

(1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.

(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is to preserve strict silence so that the Presiding Member may be heard without interruption.

(3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.6, but to preserve order.

9.2 Point of order

(1) A Member may object, by way of a point of order, only to a breach of—

- (a) this local law; or
- (b) any other written law.

(2) Despite anything in this local law to the contrary, a point of order—

- (a) takes precedence over any discussion; and
- (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume his or her seat until—
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order, and, if permitted, the Member who has been interrupted may then proceed.

9.4 Calling attention to breach

A Member may, at any time, draw the attention of the Presiding Member to any breach of this local law.

9.5 Ruling by the Presiding Member

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that—
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a Member—

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in the debate of that item, other than by voting, and the Member is to comply with that direction.

9.7 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

PART 10—DEBATE OF SUBSTANTIVE MOTIONS

10.1 Motions to be stated and in writing

Any Member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

10.4 Only one substantive motion at a time

- (a) When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted; and
- (b) The Council is not to consider more than one substantive motion at any time.

10.5 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order—

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

10.6 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

10.7 Member may require question to be read

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

10.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.10 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.12 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.13 Mover of motion may speak on amendment

Any Member may speak during debate on an amendment.

10.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

10.15 Withdrawal of motion or amendment

(1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised—
 - (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply—
 - (a) no other Member is to speak on the question; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

PART 11—PROCEDURAL MOTIONS

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions—

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public; or
- (h) that the motion be deferred.

11.2 No debate

(1) The mover of a motion specified in subclauses (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion specified in subclause (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions—right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Meeting to proceed to the next business

The motion “that the meeting proceed to the next item of business”, if carried, has the effect that—

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned

A motion “that the debate be adjourned”—

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.7 Meeting now adjourn

(1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.

(2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution.

(3) A motion “that the meeting now adjourn”—

- (a) is to state the time and date to which the meeting is to be adjourned; and
- (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

11.8 Question to be put

(1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.

(2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

11.9 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.10 Ruling of the Presiding Member to be disagreed with

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

11.11 The motion be deferred

- (1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion “that the motion be deferred” must not be moved in respect of the election of a Presiding Member or Deputy Presiding Member.
- (3) A member must not, at the same meeting, move or second more than one motion “that the motion be deferred” in respect of the same item.

PART 12—DISCLOSURE OF INTERESTS

12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

PART 13—VOTING

13.1 Question—when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—
 - (a) is to put the question to the Council; and
 - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

13.2 Voting

Voting is dealt with in the Act and the Regulations.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding Member—
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and,
 - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of Council or a committee specifically requests that there be recorded—
 - (a) his or her vote; or,
 - (b) the vote of all members present, on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (4) If a Member calls for a division—
 - (a) those voting in the affirmative are to pass to the right of the Chair; and
 - (b) those voting in the negative are to pass to the left of the Chair.
- (5) For every division, the CEO is to record—
 - (a) the name of each member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

PART 14—MINUTES OF MEETINGS

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes—
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

PART 15—ADJOURNMENT OF MEETING

15.1 Meeting may be adjourned

The Council may adjourn any meeting—

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law—

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.8 [speaking twice] apply when the debate is resumed.

PART 16—REVOKING OR CHANGING DECISIONS

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision—
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause—
 - (a) **authorisation** means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) **implement**, in relation to a decision, includes—
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
 - (c) **valid notice of revocation motion** means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person—
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.

- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—
- (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

PART 17—SUSPENSION OF LOCAL LAWS

17.1 Suspension of Local Laws

- (1) A Member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is—
- (a) seconded; and
 - (b) carried by an absolute majority, is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where Local Laws do not apply

- (1) In situations where—
- (a) one or more provisions of this local law have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this Local Law, the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in Local Laws

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent and the decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

PART 18—MEETINGS OF ELECTORS

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to this local law.

18.8 Participation of non-electors

A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

PART 19—ENFORCEMENT

19.1 Penalty for breach

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000.00 and where the offence is of a continuing nature, a daily penalty of \$100.00.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

The Common Seal of the Shire of Dandaragan was affixed in the presence of—

L. HOLMES, Shire President.
B. BAILEY, Chief Executive Officer.

Dated: 23 August 2019.

LOCAL GOVERNMENT ACT 1995

SHIRE OF DANDARAGAN

SITE EROSION AND SAND DRIFT PREVENTION LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the Shire of Dandaragan resolved on 22 August 2019 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *Shire of Dandaragan Site Erosion and Sand Drift Prevention Local Law 2019*.

1.2 Commencement

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

1.3 Repeal

The *Shire of Dandaragan Sand Drift Prevention and Abatement Local Law 2009* as published in the *Government Gazette* on 18 December 2009 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Terms used

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995*;

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;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

dust and sand means granules or particles of rock, earth, clay, loam, silt and any other granular, or airborne particle or like material, and includes gravel;

land includes any building or structures on the land;

local government means the Shire of Dandaragan;

occupier means any person who, at the time a notice is served, is in control of any place or part of any place or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place to perform any work in relation to any place and includes a builder or contractor;

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

Schedule means a schedule to this local law.

1.6 Interpretation

(1) A term used in this local law that is not defined in clause 1.5 is to have the meaning given to it in the Act.

(2) Where, under this local law a duty, obligation or liability is imposed on an 'owner or occupier', the duty is taken to be imposed jointly and severally on each owner and occupier.

(3) Where under this local law an act is required to be done or forbidden to be done in relation to any land, an owner or occupier of the land has the duty of causing to be done the act so required to be done, or preventing from being done the act forbidden to be done.

(4) Where this local law refers to the giving of a notice, other than the giving of an infringement notice, no particular form is prescribed and it is sufficient if the notice is in writing giving sufficient details to enable the owner or occupier to know the offence (if any) committed and the measures required to be taken or conditions to be complied with, as the case may be.

PART 2—SITE EROSION AND DUST

2.1 Prevention of erosion and the escape of sand and dust

An owner or occupier of land must take reasonable measures to—

- (a) stabilise sand on the land; and
- (b) ensure no sand or dust is released from or escapes from the land, whether by means of wind, water or any other cause.

2.2 Notice may require specified action to prevent

(1) Where the local government or an authorised person is satisfied that—

- (a) an owner or occupier of land has not complied with clause 2.1; or
- (b) sand or dust is escaping, being released or being carried, or is likely to escape, be released or be carried, from any land,

the local government or an authorised person may, by notice in writing, direct the owner or occupier, within a time specified in the notice—

- (c) to comply with clause 2.1;
- (d) clean up and make good any damage resulting from the release or escape of dust or sand from the land; or
- (e) take such other actions or comply with such other conditions as the local government or authorised person considers necessary to prevent or stop the escape, release or carriage of sand or dust from the land, as stipulated in the notice.

(2) An owner or occupier of land to whom a notice is issued under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

PART 3—OBJECTIONS AND REVIEW

3.1 Objections and review

If the local government or an authorised person gives a person notice under clause 2.2(1), Division 1 of Part 9 of the Act and regulation 33 of the Regulations are to apply.

PART 4—OFFENCES AND PENALTIES

4.1 Offences

(1) Any person who—

- (a) fails to comply with a notice under clause 2.2(2);
- (b) fails to do anything required or directed to be done under this local law; or
- (c) 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 less than \$500 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 has continued.

4.2 Prescribed offences

(1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The modified penalty for a prescribed offence is the amount specified adjacent to the clause in Schedule 1.

4.3 Form of notices

(1) The form of the infringement notice give under section 9.16 of the Act is Form 2 in Schedule 1 of the Regulations.

(2) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE—MODIFIED PENALTIES

[Clause 4.2]

Offences in respect of which modified penalties apply

Clause	Description	Modified Penalty
4.1(1)(a)	Failure to comply with a notice	\$200
4.1(1)(b)	Failure to comply with a direction given	\$200
4.1(1)(c)	Prohibited action under local law	\$200

The Common Seal of the Shire of Dandaragan was affixed in the presence of—

L. HOLMES, Shire President.
B. BAILEY, Chief Executive Officer.
August 2019.

Dated:

23

**LOCAL GOVERNMENT ACT 1995
CEMETERIES ACT 1986
BUSH FIRES ACT 1954**

SHIRE OF DANDARAGAN

GENERAL AMENDMENT LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995*, the *Cemeteries Act 1986*, the *Bush Fires Act 1954* and all other powers enabling it, the Council of the Shire of Dandaragan resolved on the 22 August 2019 to make the following local law.

1. Citation

The local law may be cited as the *Shire of Dandaragan General Amendment Local Law 2019*.

2. Commencement

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

3. Repeal

The *Shire of Dandaragan Local Law Relating to Beekeeping*, as published in the *Government Gazette* of 9 May 2001, is repealed.

4. Shire of Dandaragan Local Government Property Local Law amended

The *Shire of Dandaragan Local Government Property Local Law*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 4.1 In the Table of Contents after Schedule 1—Prescribed Offences insert the words “and Modified Penalties”;
- 4.2 In clause 1.2 delete the definition of “*liquor*” and insert—“ “*liquor*” has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*”;
- 4.3 In clause 3.4(2)(h) delete the word “*Licensing*” and insert the word “*Control*”;
- 4.4 In clause 3.15(1)(a) delete the word “*Licensing*” and insert the word “*Control*”;
- 4.5 In clause 3.16(d) delete the word “*Licensing*” and insert the word “*Control*”; and
- 4.6 Delete Schedule 1 and insert the following—

“SCHEDULE 1

PRESCRIBED OFFENCES AND MODIFIED PENALTIES

Clause	Nature of offence	Modified penalty \$
2.4	Failure to comply with determination	300
3.6	Failure to comply with conditions of permit	300
3.13(1)	Failure to obtain a permit	300
3.14(3)	Failure to obtain permit to camp outside a facility	300
3.15(1)	Failure to obtain permit for liquor	300
3.16	Failure of permit holder to comply with responsibilities	300
4.2(1)	Behaviour detrimental to property	300
4.4	Under influence of liquor or prohibited drug	300
4.6(2)	Failure to comply with sign on local government property	300
5.3	Failure to comply with sign or direction on beach	300
5.4	Unauthorized entry to fenced or closed local government property	300
5.5	Gender not specified using entry of toilet block or change room	300
5.6(1)	Unauthorized presence of animal on aerodrome	300
5.6(2)	Animal wandering at large on aerodrome—person in charge	500

Clause	Nature of offence	Modified penalty \$
5.6(3)	Animal wandering at large on aerodrome—owner	500
6.1(1)	Unauthorized entry to function on local government property	300
9.1	Failure to comply with notice	400

5. *Shire of Dandaragan Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* amended

The *Shire of Dandaragan Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 5.1 In the Table of Contents after Schedule 1—Prescribed Offences insert the words “and Modified Penalties”;
- 5.2 In clause 1.2 delete the definition of “**built up area**” and insert—“ **“built up area**” has the meaning given to it in the *Road Traffic Code 2000*”;
- 5.3 In clause 1.2 delete the definition of “**intersection**” and insert—“ **“intersection**” has the meaning given to it in the *Road Traffic Code 2000*”;
- 5.4 In clause 1.2 delete the definition of “**liquor**” and insert—“ **“liquor**” has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*”;
- 5.5 In clause 1.2 insert the following definition in alphabetical order—“ **“local planning scheme**” means a local planning scheme of the local government made under the *Planning and Development Act 2005*”;
- 5.6 In clause 1.2 delete the definition of “**lot**” and insert—“ **“lot**” has the meaning given to it in *Planning and Development Act 2005*”;
- 5.7 In clause 1.2 delete the definition of “**town planning scheme**”;
- 5.8 In clause 2.1(a) delete the words “which exceeds or which may exceed 0.75m in height on a thoroughfare so that the plant is” and insert “(except grasses or a similar plant)”;
- 5.9 In clause 2.3(1)(a) delete the word “*Licensing*” and insert the word “*Control*”;
- 5.10 In clause 2.4(2)(a) delete “licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*” and insert “permit issued in accordance with the *Building Act 2011* and *Building Regulations 2012*”;
- 5.11 In clause 2.4(2)(b) delete “licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960*” and insert “permit has been issued in accordance with the *Building Act 2011* and *Building Regulations 2012*”;
- 5.12 In clause 2.6 delete the definition of “**acceptable material**” and insert—“ **“acceptable material**” means any of the following materials—
 - (a) brick, concrete, stone or other hard preformed paving materials;
 - (b) bitumen;
 - (c) cement-based materials, including concrete and poured limestone, and
 - (d) synthetic turf.”;
- 5.13 In clause 5.1 delete the definition of “**Roadside Conservation Committee**” and insert—“ **“Roadside Conservation Committee**” means the Roadside Conservation Committee appointed by the Minister for Environment; and”;
- 5.14 In clause 5.4 delete “ ‘Code of Practice for Roadside Conservation and Road Maintenance’ ” and insert “ ‘Handbook of Environmental Practice for Road Construction and Road Maintenance Works’ ”;
- 5.15 Delete clause 6.3(3);
- 5.16 In clause 6.8(1)(c) delete “*Weights and Measures Act 1915*” and insert “*National Measurement Act 1960 (Cth)*”;
- 5.17 In clause 6.8(2) delete paragraph (a) and renumber paragraphs (b) to (e) inclusive to “(a)” to “(d)” respectively;
- 5.18 Delete clause 6.11(a) and insert a new clause “6.11(a) the Facility is conducted in conjunction with and as an extension of a food business which abut on the Facility, and whether the applicant is the person conducting such food business”;
- 5.19 In clause 6.11(b) delete the word “premises” in both places where it appears and insert the word “business” and delete “*Health Act 1911*” and insert “*Food Act 2008*”;
- 5.20 Delete clause 6.11(c) and renumber paragraphs (d) to (f) inclusive to “(c)” to “(e)” respectively;
- 5.21 In clause 6.12(1)(a) delete the words “and any local law made under section 172 of the *Health Act 1911*”;
- 5.22 In clause 7.7(2)(b) delete the words “*mutatis mutandis*” and insert the words “with all the necessary changes as required.”;
- 5.23 In clause 8.1 delete the words “and regulations 33 and 34” and insert “regulation 33”; and

5.24 Delete Schedule 1 and insert the following—

**Schedule 1
Prescribed Offences and Modified Penalties**

[Clause 10.4]

Clause	Nature of Offence	Modified Penalty \$
2.1(a)	Plant other than grass or a similar plant	300
2.1(b)	Damaging lawn or garden	300
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	300
2.1(d)	Placing hazardous substance on footpath	300
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	500
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	300
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	300
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	300
2.2(1)(b)	Throwing or placing anything on a verge without a permit	300
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	300
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	400
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	300
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	500
2.2(1)(h)	Felling tree onto thoroughfare without a permit	300
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	300
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	500
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	300
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	300
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	300
2.3(1)	Consumption or possession of liquor on thoroughfare	300
2.4(1)	Failure to obtain permit for temporary crossing	400
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	500
2.9(1)	Installation of verge treatment other than permissible verge treatment	400
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	300
2.11	Failure to comply with notice to rectify a verge treatment	300
2.17(2)	Failure to comply with sign on public place	300
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	500
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	300
3.2(3)	Erecting or placing of advertising sign in a prohibited area	300
4.1(1)	Animal or vehicle obstructing a public place or local government property	300
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	300
4.2(2)(b)	Animal on public place with infectious disease	300
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	300
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	300
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	400
5.9	Planting in thoroughfare without a permit	400
5.11	Failure to obtain permit to clear a thoroughfare	500
5.13	Burning of thoroughfare without a permit	500
5.17	Construction of firebreak on thoroughfare without a permit	500
5.19	Commercial harvesting of native flora on thoroughfare	500

Clause	Nature of Offence	Modified Penalty \$
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	500
6.2(1)	Conducting of stall in public place without a permit	500
6.3(1)	Trading without a permit	500
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	300
6.8(1)(b)	Stallholder or trader not displaying valid permit	300
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	300
6.8(2)	Stallholder or trader engaged in prohibited conduct	300
6.10	Conducting a facility without a permit.	500
6.12	Failure of permit holder of outdoor eating facility to comply with obligations	300
6.14(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	100
6.14(2)	Failing to leave a facility when requested to do so by permit holder	100
7.5	Failure to comply with a condition of a permit	300
7.9	Failure to produce permit on request of authorized person	300
10.1	Failure to comply with notice given under local law	300

6. *Shire of Dandaragan Extractive Industries Local Law* amended

The *Shire of Dandaragan Extractive Industries Local Law*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 6.1 At the end of the Table of Contents delete the words “Part 9 Modified Penalties” and “Schedule” and insert “Schedule 1—Prescribed Offences and Modified Penalties”;
- 6.2 In clause 8.1 delete the words “and regulations 33 and 34” and insert “regulation 33”; and
- 6.3 Delete the existing Schedule of Prescribed Offences at the end of the local law and insert the following—

**“Schedule 1
Prescribed Offences and Modified Penalties**

[Clause 9.1]

Clause	Nature of Offence	Modified Penalty \$
2.1	Carry on extractive Industry without licence or in breach of terms and conditions	500
6.1	Excavate near boundary	200
6.2(a)	Gateways not kept locked where required	500
6.2(b)	Warning signs not erected or maintained as required	300
6.2(c)	Excavation not drained as required	500
6.3(a)	Remove trees or shrubs near boundary without approval	500
6.3(b)	Store without required approval explosives or explosive devices	300
6.3(c)	Fill or excavate in breach of licence	500
6.4(1)(a)	Blasting without approval of the local government	400
6.4(1)(b)	Blasting outside times authorised	500
6.4(1)(d)	Blasting in breach of conditions imposed by the local government	400
6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	300

7. *Shire of Dandaragan, Local Laws Relating to Fencing* amended

The *Shire of Dandaragan, Local Laws Relating to Fencing*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 7.1 In clause 4 insert the following definition in alphabetical order—“**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;
- 7.2 In clause 4 delete the definition of “**Building Surveyor**”;
- 7.3 In clause 4 insert the following definition in alphabetical order “**Local Planning Scheme**” means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

- 7.4 In clause 4 delete the definition of **“lot”** and insert—**“lot”** has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;
- 7.5 In clause 4 delete the definition of **“Special Rural Lot”** and insert—**“Special Rural Lot”** means a lot where a special rural use—
- (a) is or may be permitted under the town planning scheme; and
 - (b) is or will be the predominant use of the lot; and
- 7.6 In clause 4 delete the definition of **“sufficient fence”** and insert—**“sufficient fence”** means a fence described in clause 6.
- 7.7 In clause 4 delete the definition of **“Town Planning Scheme”**;
- 7.8 In clause 6(4) and every subsequent place where they appear delete the words “the Building Surveyor” and insert “an authorised person”;
- 7.9 In clause 7(2) delete the words “The Building Surveyor” and insert “An authorised person”;
- 7.10 In clause 13(2) delete the year “1994” and insert “2002”; and
- 7.11 in clause 18(2) delete “\$100” and insert “\$300”.

8. Shire of Dandaragan, Parking and Parking Facilities Local Law 2010 amended

The *Shire of Dandaragan, Parking and Parking Facilities Local Law 2010*, as published in the *Government Gazette* of 21 December 2010, is amended as follows—

- 8.1 In the Table of Contents after Schedule 2—Prescribed Offences insert the words “and Modified Penalties”;
- 8.2 In clause 1.2 delete the definition of **‘symbol’** and insert—**‘symbol’** includes any symbol specified by Australian Standard 1742.11-2016 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;
- 8.3 In clause 6.15(2)(d) delete **“Local Government (Parking for Disabled Persons) Regulations 1988”** and insert **“Local Government (Parking for People with Disabilities) Regulations 2014”**;
- 8.4 Delete Schedule 2 and insert the following—

“Schedule 2

Prescribed Offences and Modified Penalties

[Clause 8.1]

Clause	Nature of Offence	Modified Penalty \$
2.2	Failure to park wholly within parking stall	50
2.2(3)	Failure to park wholly within parking area	50
2.3(1)(a)	Causing obstruction in parking station	70
2.3(1)(b)	Parking contrary to sign in parking station	70
2.3(1)(c)	Parking contrary to directions of Authorized Person	70
2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	50
3.1(1)(a)	Parking wrong class of vehicle	50
3.1(1)(b)	Parking by persons of a different class	60
3.1(1)(c)	Parking during prohibited period	60
3.1(3)(a)	Parking in no parking area	70
3.1(3)(b)	Parking contrary to signs or limitations	50
3.1(3)(c)	Parking vehicle in motor cycle only area	50
3.1(4)	Parking motor cycle in stall not marked ‘M/C’	50
3.1(5)	Parking without permission in an area designated for ‘Authorised Vehicles Only’	60
3.2(1)(a)	Failure to park on the left of two-way carriageway	50
3.2(1)(b)	Failure to park on boundary of one-way carriageway	50
3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	60
3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	60
3.2(1)(d)	Parking closer than 1 metre from another vehicle	50
3.2(1)(e)	Causing obstruction	70
3.3(b)	Failure to park at approximate right angle	50
3.4(2)	Failure to park at an appropriate angle	50

Clause	Nature of Offence	Modified Penalty \$
3.5(2)(a) and 6.2	Double parking	60
3.5(2)(b)	Parking on or adjacent to a median strip	50
3.5(2)(c)	Denying access to private drive or right of way	60
3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	70
3.5(2)(e)	Parking within 10 metres of traffic island	60
3.5(2)(f)	Parking on footpath/pedestrian crossing	70
3.5(2)(g)	Parking contrary to continuous line markings	60
3.5(2)(h)	Parking on intersection	60
3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	70
3.5(2)(j)	Parking within 3 metres of public letter box	60
3.5(2)(k)	Parking within 10 metres of intersection	60
3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	70
3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	70
3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	70
3.6	Parking contrary to direction of Authorized Person	70
3.7(2)	Removing mark of Authorized Person	80
3.8	Moving vehicle to avoid time limitation	50
3.9(a)	Parking in thoroughfare for purpose of sale	50
3.9(b)	Parking unlicensed vehicle in thoroughfare	50
3.9(c)	Parking a trailer/caravan on a thoroughfare	50
3.9(d)	Parking in thoroughfare for purpose of repairs	50
3.10(1) or (2)	Parking on land that is not a parking facility without consent	60
3.10(3)	Parking on land not in accordance with consent	50
3.11	Driving or parking on reserve	50
4.1(1)	Stopping contrary to a 'no stopping' sign	50
4.1(2)	Parking contrary to a 'no parking' sign	50
4.1(3)	Stopping within continuous yellow lines	50
5.1	Stopping unlawfully in a loading zone	50
5.2	Stopping unlawfully in a taxi zone or bus zone	50
5.3	Stopping unlawfully in a mail zone	50
5.4	Stopping in a zone contrary to a sign	50
6.1	Stopping in a shared zone	50
6.3	Stopping near an obstruction	60
6.4	Stopping on a bridge or tunnel	50
6.5	Stopping on crests/curves etc	80
6.6	Stopping near fire hydrant	80
6.7	Stopping near bus stop	60
6.8	Stopping on path, median strip or traffic island	50
6.9	Stopping on verge	50
6.10	Obstructing path, a driveway etc	50
6.11	Stopping near letter box	50
6.12	Stopping heavy or long vehicles on carriageway	60
6.13	Stopping in bicycle parking area	50
6.14	Stopping in motorcycle parking area	50
6.15	Stopping in disabled parking area	100
7.6	Leaving vehicle so as to obstruct a public place	70
	All other offences not specified	40

9. Shire of Dandaragan Cemeteries Local Law 2001 amended

The *Shire of Dandaragan Cemeteries Local Law 2001*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 9.1 In the title of the local law delete the words “Local Laws Relating to the” and insert “Local Law 2001” after the word “Cemeteries”;
- 9.2 In clause 1.1 after “Dandaragan” insert the words “Badgingarra, Dandaragan and Jurien Bay Public”;
- 9.3 In clause 1.2 at the end of each existing definition with a colon, delete the colon and insert a semicolon;
- 9.4 In clause 1.2 insert in the appropriate alphabetical order the following definition—“**Act**” means the *Cemeteries Act 1986*;
- 9.5 In clause 1.2 delete the definition of “**single funeral permit**” and insert—“ **single funeral permit**” means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit;” ;
- 9.6 In clause 1.2 delete the definition of “**vault**” and insert—“ **vault**” means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board; and”;
- 9.7 In clause 1.2 insert in the appropriate alphabetical order the following definition—“ **vehicle**” has the same meaning as is given to that word in the *Road Traffic (Administration) Act 2008* (as amended from time to time), and includes trail bikes, beach buggies and other recreational vehicles licenced or unlicensed, but excludes a wheelchair being used by a physically impaired person.”;
- 9.8 In Part 3 renumber clause “3.3” to “3.2” and each subsequent clause in numerical order;
- 9.9 In Part 5 renumber clause “5.12” to “5.7”; and
- 9.10 In Part 7 renumber clause “7.15” to “7.13” and each subsequent clause in numerical order.

10. Shire of Dandaragan Bush Fire Brigades Local Law amended

The *Shire of Dandaragan Bush Fire Brigades Local Law*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 10.1 In clause 1.2 delete the definition of “**Authority**”;
- 10.2 In clause 1.2 insert the following definition in alphabetical order—“ **Department**” means the Department of the Public Service principally assisting in the administration of the *Fire and Emergency Services Act 1998*;” ;
- 10.3 In clause 4.4(f) delete “Authority’s” and insert “Department’s”;
- 10.4 In the heading of clause 2.6 of the First Schedule delete “FESA” and insert “Department”;
- 10.5 In clause 2.6 of the First Schedule delete “Authority” in both places that it appears and insert “Department”;
- 10.6 In clause 3.3(1)(e) of the First Schedule delete “Authority” in both places that it appears and insert “Department”.

The Common Seal of the Shire of Dandaragan was affixed in the presence of—

L. HOLMES, Shire President.
B. BAILEY, Chief Executive Officer.

Dated: 23 August 2019.

LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

PARKING LOCAL LAW 2019

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LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

PARKING LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Bassendean resolved on the 23 July 2019 to adopt the following local law.

PART 1—DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as *Town of Bassendean Parking Local Law 2019*.

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 *Town of Bassendean Parking and Parking Facilities Local Law 2010* published in the *Government Gazette* on 7 June 2011 is repealed.

1.4 Interpretation

In this local law unless the context otherwise requires—

Act means the *Local Government Act 1995*;

Authorised Person means a person authorised 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, CEO, Authorised Person or by any written law to park on a thoroughfare or parking facility;

bicycle has the meaning given to it by the Code;

bicycle lane has the meaning given to it by the Code;

bus has the meaning given to it by the Code;

bus embayment has the meaning given to it by the Code;

bus stop has the meaning given to it by the Code;

bus zone has the meaning given to it by the Code;

caravan has the meaning given to it by the *Caravan Parks and Camping Grounds Act 1995*;

carriageway has the meaning given to it by the Code;

centre in relation to a carriageway, means a line or a series of lines, marks or other indications—

(a) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

(b) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

children's crossing has the meaning given to it by the Code;

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

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

district means the district of the local government;

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

drop-off zone means the parking stalls which are set aside for the use by persons collecting and setting down of people;

emergency vehicle has the meaning given to it by the Code;

footpath has the meaning given to it by the Code;

GVM (which stands for 'gross vehicle mass') has the meaning given to it by the Code;

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

Loading Zone means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'Loading Zone';

local government means the Town of Bassendean;

mail zone has the meaning given to it by the Code;

median strip has the meaning given to it by the Code;

motorcycle has the meaning given to it by the Code;

motor vehicle means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

no parking area has the meaning given to it by the Code;

no parking sign means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given to it by the Code;

no stopping sign means a sign with the words 'no stopping' or 'no standing' in red letters on a white background or the letter 'S' within a red annulus and a red diagonal line across it on a white background;

notice means a notice in the form of Form 1, Form 2 or Form 3, in Schedule 1 of the Regulations;

obstruct means to prevent or impede or make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian and 'obstruction' shall have a similar meaning;

occupier has the meaning given to it by the Act;

offence shall have the same meaning as defined in the Act;

owner—

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, 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 that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

park, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);

parking area has the meaning given to it by the Code;

parking facilities includes land, buildings, shelters, parking stalls 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 region means the area described in Schedule 1;

parking stall means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking station means any land, or structure provided for the purpose of accommodating vehicles;

pedestrian crossing has the meaning given to it by the Code;

permit means a permit issued under this local law;

private driveway means that area of land located within the boundaries of privately owned property which has been constructed, formed, shaped or otherwise designated for use by vehicles;

property line means the boundary between the land comprising a street and the land that abuts thereon;

public place means any place to which the public has access whether or not that place is on private property;

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

reserve means any land—

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

right of way means any lane, passage, thoroughfare or way, whether private or public, over which any person in addition to the owner, has a right of carriageway;

Road Traffic Act means the *Road Traffic Act 1974*;

Schedule means a Schedule to this local law;

shared zone has the meaning given to it by the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

stop in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

symbol includes any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

taxi means an 'on-demand passenger transport service' as per the *Transport (Road Passenger Services) Act 2018*;

taxi zone has the meaning given to it by the Code;

thoroughfare has the meaning given to it by the Act;

traffic island has the meaning given to it by the Code;

trailer means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

vehicle has the meaning given to it by the Code; 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.

1.5 Application of Particular Definitions

(1) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

(2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.6 Application and pre-existing signs

(1) Subject to subclause (2), this local law applies to the parking region.

(2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.

(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

(4) Where a parking facility or a parking station is identified in Schedule 3, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

(5) A sign that—

(a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and

(b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

(7) The provisions of Parts (2), (3), (4) and (5) do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.7 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows—

(a) buses;

(b) commercial vehicles;

(c) motorcycles and bicycles;

(d) taxis; and

(e) all other vehicles.

1.8 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

1.9 Powers of the local government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

PART 2—PARKING STALLS AND PARKING STATIONS

2.1 Determination of parking stalls and parking stations

- (1) The local government may by resolution constitute, determine and vary—
 - (a) parking stalls;
 - (b) parking facilities and parking stations;
 - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
 - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
 - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
 - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government determination under subclause (1) it shall erect signs to give effect to the determination.
- (3) Where a parking facility or a parking station is identified in the Schedule 3, then the facility or station shall be deemed to be a parking station to which this local law applies.

2.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.
- (5) Where a vehicle is parked such that any part of it is in a prohibited or restricted area, the whole of the vehicle may be deemed to be in the prohibited or restricted area for the purposes of this local law.

2.3 Parking prohibitions and restrictions

- (1) A person shall not—
 - (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
 - (b) except with the permission of the local government or an Authorised Person park a vehicle on any part of a parking station contrary to a sign referable to that part;
 - (c) permit a vehicle to park on any part of a parking station, if an Authorised Person directs the driver of such vehicle to move the vehicle; or
 - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle—
 - (a) in a parking stall other than in a stall marked 'M/C'; and
 - (b) in such stall other than against the kerb.
- (3) Despite subclause (1)(b), a driver may park a vehicle in a stall that is in a parking station (except where it is in a parking area for people with a disability) for twice the length of time allowed if—
 - (a) the driver's vehicle displays a valid disability parking permit; and
 - (b) a person with a disability to whom that disability parking permit relates is either the driver of, or a passenger in, the vehicle.

PART 3—PARKING GENERALLY

3.1 Restrictions on parking in particular areas

- (1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) A person may park a vehicle in a thoroughfare or part of a thoroughfare or part of a parking station, except in a thoroughfare or part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the time period indicated on the sign if—
 - (a) the driver's vehicle displays a valid disability parking permit; and
 - (b) a person with a disability to whom that disability parking permit relates is either the driver of, or a passenger in, the vehicle.
- (3) A person shall not park a vehicle—
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
 - (c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked 'M/C'.
- (5) A person shall not, without the prior permission of the local government, the CEO, or an Authorised Person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

3.2 Parking with a permit

- (1) A sign may indicate that all or part of a parking station or road is set aside, during the period indicated on the sign, for the parking of vehicles with a permit.
- (2) The local government may upon a written application of an eligible person, issue a parking permit, in the form of a permit issued by the local government, in respect of all or part of a parking station or road referred to in subclause (1).
- (3) A parking permit may be issued as—
 - (a) a temporary parking permit for a period as specified on the permit; or
 - (b) an annual residential parking permit for a period of not more than twelve months, expiring on 31 December of the year of issue; or
 - (c) an annual visitor parking permit for a period of not more than twelve months, expiring on 31 December of the year of issue.
- (4) The local government's power to issue, replace and revoke permits under subclause (2) may be exercised by an authorised person.
- (5) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in a parking station or road that is set aside under subclause (1) unless the permit issued under subclause (2) is displayed inside the vehicle so that it is clearly visible to an authorised person examining the permit from outside the vehicle.
- (6) The local government may, at any time, revoke a permit issued under subclause (2).

3.3 Parking vehicle on a carriageway

- (1) Unless otherwise permitted by a sign or markings on the roadway, a person parking a vehicle on a carriageway shall park it—
 - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked.
- (2) Unless otherwise permitted by a sign or markings on the roadway, a person parking a vehicle on a carriageway other than in a parking stall, shall park it—
 - (a) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (b) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (c) so that it does not obstruct any vehicle on the carriageway.
- (3) In this clause, 'continuous line' means—
 - (a) a single continuous dividing line only;
 - (b) a single continuous dividing line to the left or right of a broken dividing line; or
 - (c) 2 parallel continuous dividing lines.

3.4 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

3.5 When angle parking applies

(1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

3.6 General prohibitions on parking

(1) (a) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.

(b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.

(2) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) between the boundaries of a carriageway and any continuous line, double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the continuous or double longitudinal line;
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box;
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked;
- (l) on a bridge or other elevated structure or within a tunnel or underpass; or
- (m) within the head of a cul-de-sac,

unless a sign or markings on the carriageway indicate otherwise.

(3) A person shall not stop a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
- (b) a children's crossing or pedestrian crossing.

(4) A person shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a children's crossing or pedestrian crossing.

(5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

3.7 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an Authorised Person has directed the driver to move it.

3.8 Authorised person may mark tyres

(1) An Authorised Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

(2) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

3.9 No movement of vehicles to avoid time limitation

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility unless the vehicle has first been removed from the parking facility for at least 2 hours.

(2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least 2 hours.

3.10 No parking of vehicles exposed for sale and in other circumstances

A person shall not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it, or goods thereon, for sale or hire;
- (b) if where the vehicle is required to be licensed under the Road Traffic Act—
 - (i) the vehicle is not licensed under the Road Traffic Act; or
 - (ii) each number plate issued for the vehicle is not fixed to the vehicle and displayed in accordance with regulation 119 of the *Road Traffic (Vehicles) Regulations 2014*;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

3.11 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

3.12 Suspension of parking limitations for urgent, essential or official duties

(1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorised Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

(2) Where permission is granted under subclause (1), the local government, the CEO or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 4—PARKING AND STOPPING GENERALLY

4.1 No stopping and no parking signs, yellow edge lines and bicycle lanes

(1) A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.

(2) A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver is—

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

(3) In subclause (2) 'unattended', in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

(4) A driver shall not stop a vehicle at the side of a carriageway marked with a continuous yellow edge line.

(5) A driver must not stop in a bicycle lane unless the driver is driving a public bus or taxi, and is dropping off, or picking up, passengers.

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is—

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods;

but, in any event, shall not remain in that loading zone—

- (b) for longer than a time indicated on the 'loading zone' sign; or
- (c) longer than 30 minutes (if no time is indicated on the sign).

5.2 Stopping in a taxi zone or bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

5.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

5.4 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless—

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

6.2 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to—
 - (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

6.3 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.4 Stopping on a bridge

A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless—

- (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
- (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.6 Stopping near a fire hydrant etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is 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, unless—
 - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

6.7 Stopping at or near a bus stop

(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—

- (a) the vehicle is a public bus stopped to take up or set down passengers; or
- (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

(2) In this clause—

- (a) distances are measured in the direction in which the driver is driving; and
- (b) a trailer attached to a public bus is deemed to be a part of the public bus.

6.8 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.9 Stopping on verge

(1) A person shall not—

- (a) stop a vehicle (other than a bicycle);
- (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
- (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

6.10 Obstructing access to and from a path, driveway, etc.

(1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

(2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

6.11 Stopping near a letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver—

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.12 Stopping on a carriageway or verge—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 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway or verge in a built-up area, for any period exceeding 1 hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway or verge 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 mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

6.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

6.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless—

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

PART 7—MISCELLANEOUS

7.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorised Person.

7.2 Unauthorised signs and defacing of signs

A person shall not without the authority of the local government—

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

7.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

7.4 General provisions about signs

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

(2) The first three letters of any day of the week when used on a sign indicate that day of the week.

7.5 Special purpose, emergency and vehicles driven by authorised persons

Notwithstanding anything to the contrary in this local law, the driver of—

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time;
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time; and
- (c) an authorised person may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park a vehicle at any place, at any time.

7.6 Vehicles not to obstruct a public place

(1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

(3) The powers of the local government to remove and impound goods including vehicles are set out in Part 3 Division 3 Subdivision 4 of the Act.

PART 8—PENALTIES

8.1 Offences and penalties

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not less than \$250 and not exceeding \$5000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

(4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Form of notices

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1—PARKING REGION

[CI 1.4]

The parking region is the whole of the district, but excludes the following portions of the district—

1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
3. any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.
4. private land, other than private land which Council has resolved to control at the landowners request.

SCHEDULE 2—PRESCRIBED OFFENCES

[CI 8.1(4)]

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to park wholly within parking stall	75
2	2.2(4)	Failure to park wholly within parking area	75
3	2.3(1)(a)	Causing obstruction in parking station	100
4	2.3(1)(b)	Parking contrary to sign in parking station	100
5	2.3(1)(c)	Parking contrary to directions of Authorised Person	100
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	75
7	3.1(1)(a)	Parking wrong class of vehicle	75
8	3.1(1)(b)	Parking by persons of a different class	75
9	3.1(1)(c)	Parking during prohibited period	75
10	3.1(3)(a)	Parking in no parking area	100
11	3.1(3)(b)	Parking contrary to signs or limitations	75
12	3.1(3)(c)	Parking vehicle in motor cycle only area	75
13	3.1(4)	Parking motor cycle in stall not marked 'M/C'	75
14	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	80
15	3.2(5)	Failure to display valid parking permit	75
16	3.3(1)(a)	Failure to park on the left of two-way carriageway	75
17	3.3(1)(b)	Failure to park on boundary of one-way carriageway	75
18	3.3(1)(a) or 3.3(1)(b)	Parking against the flow of traffic	80
19	3.3(2)(a)	Parking when distance from farther boundary less than 3 metres	80
20	3.3(2)(b)	Parking closer than 1 metre from another vehicle	75
21	3.3(2)(c)	Causing obstruction	100
22	3.4(a)	Failure to park close and parallel to the boundary	75
23	3.4(b)	Failure to park at approximate right angle	75
24	3.5(2)	Failure to park at an appropriate angle	75
25	3.6(2)(a) and 6.2	Double parking	80
26	3.6(2)(b)	Parking on or adjacent to a median strip	75
27	3.6(2)(c)	Denying access to private drive or right of way	80
28	3.6(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
29	3.6(2)(e)	Parking within 10 metres of traffic island	80
30	3.6(2)(f)	Parking on footpath/pedestrian crossing	100
31	3.6(2)(g)	Parking contrary to continuous line markings	80
32	3.6(2)(h)	Parking on intersection	80
33	3.6(2)(i)	Parking within 1 metre of fire hydrant or fire plug	100
34	3.6(2)(j)	Parking within 3 metres of public letter box	80
35	3.6(2)(k)	Parking within 10 metres of intersection	80

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
36	3.6(2)(m)	Parking within the head of a cul-de-sac	80
37	3.6(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
38	3.6(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
39	3.6(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
40	3.7	Parking contrary to direction of Authorised Person	100
41	3.8(2)	Removing mark of Authorised Person	100
42	3.9	Moving vehicle to avoid time limitation	75
43	3.10(a)	Parking in thoroughfare for purpose of sale or hire	75
44	3.10(b)	Parking unlicensed vehicle in thoroughfare	75
45	3.10(c)	Parking an unattached trailer/caravan on a thoroughfare	75
46	3.10(d)	Parking in thoroughfare for purpose of repairs	75
47	3.11	Driving or parking on reserve	75
48	4.1(1)	Stopping contrary to a 'no stopping' sign	75
49	4.1(2)	Parking contrary to a 'no parking' sign	75
50	4.1(4)	Stopping within continuous yellow edge lines	75
51	4.1(5)	Stopping in a bicycle lane	75
52	5.1	Stopping unlawfully in a loading zone	75
53	5.2(1)	Stopping unlawfully in a taxi zone	75
54	5.2(2)	Stopping unlawfully in a bus zone	75
55	5.3	Stopping unlawfully in a mail zone	75
56	5.4	Stopping in a zone contrary to a sign	75
57	6.1	Stopping in a shared zone	75
58	6.3	Stopping near an obstruction	80
59	6.4	Stopping on a bridge	75
60	6.5	Stopping on crests/curves etc.	100
61	6.6	Stopping near fire hydrant	100
62	6.7	Stopping near bus stop	80
63	6.8	Stopping on path, median strip or traffic island	75
64	6.9(1)(a) or 6.9(1)(c)	Stopping on verge	75
65	6.9(1)(b)	Stopping commercial vehicle or bus, or unattached trailer/caravan on verge	75
66	6.10	Obstructing path, a driveway etc.	75
67	6.11	Stopping near letter box	75
68	6.12	Stopping heavy or long vehicles on carriageway or verge	80
69	6.13	Stopping in bicycle parking area	75
70	6.14	Stopping in motorcycle parking area	75
71	7.6	Leaving vehicle so as to obstruct a public place	100
72		All other offences not specified	75

SCHEDULE 3—DEEMED PARKING STATIONS

[Cl 1.6(4) and Cl 2.1(3)]

- PARKING STATION NO. 1—WILSON STREET CARPARK, corner Guildford Road and Wilson Street, Bassendean (Lot 9644 Park Lane).

Dated: 15th October 2019.

The Common Seal of the Town of Bassendean was affixed by authority of a resolution of the Council in the presence of—

Cr RENEE JOY McLENNAN, Mayor.
Ms PETA MABBS, Chief Executive Officer.