

COMMUNITY SERVICES COMMITTEE

SUMMARY OF “A” ATTACHMENTS

31 MAY 2005

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COUNCIL-ESTABLISHED COMMITTEES

1. Aboriginal and Torres Strait Islander Advisory Committee

PURPOSE

To advise and make recommendations to Council, (via the Community Services Committee), on a range of issues which affect the quality of life of Aboriginal and Torres Strait Islander people living in the City of Armadale.

OBJECTIVES

- To assist with advice and support for the provision of services, activities, and facilities for Aboriginal and Torres Strait Islanders residing in the city of Armadale.
- To assist Council officers to research the needs of the Aboriginal and Torres Strait Islander people living in the City of Armadale.
- Through research and consultation, to identify opportunities to develop services and facilities relevant to the needs of Aboriginal and Torres Strait Islander people. This will include consideration of the support needs of the Aboriginal and Torres Strait Islander community based organisations and adequate resourcing and identification of funding options.
- To promote a positive image of Aboriginal and Torres Strait Islander people in the City of Armadale.
- To assist in promoting those organisations which provide services for Aboriginal and Torres Strait Islander people within the City.

MEMBERSHIP

In accordance with Section 5.10 (1) (a) of the Act, all members of the Committee shall be appointed by Council.

The Committee shall comprise the following membership:

1 x City of Armadale Councillor;

8 x community representatives who are people of Aboriginal or Torres Strait Islander descent.

1x representative of Armadale Health Services to be of Aboriginal or Torres Strait Islander descent.

1x representative of Department for Community Development to be of Aboriginal or Torres Strait Islander descent.

1x representative of Department for Housing and Works to be of Aboriginal or Torres Strait Islander Descent.

QUORUM

The quorum of the Committee shall be at least 50% of the number of offices, whether vacant or not and will consist of not less than three (3) community representatives at all times.

2. *Armadale Highland Gathering Advisory Committee*

PURPOSE

To assist Council in the management and coordination of the annual Armadale Highland Gathering.

OBJECTIVES

- To consult with relevant stakeholders and interested parties, and consider any new ideas for possible inclusion in the annual Armadale Highland Gathering event.
- To advise and assist Council officers with the development of the program and format for the annual Armadale Highland Gathering event.
- To advise Council on any matter relating to the annual Armadale Highland Gathering event that the committee believes Council should be aware of.

MEMBERSHIP

In accordance with Section 5.10 (1) (a) of the Act, all members of the Committee shall be appointed by Council.

The Committee shall comprise the following membership:

1 x City of Armadale Councillor;

1 x representative from the Pipe Band Association, WA Branch;

1 x representative from the Australian Pipe Band Association;

1 x representative from the Armadale Lions Club;

2 x representatives from the Southern Districts Cycling Club;

2 x representatives from the WA Metropolitan Regional Committee of Highland Dancing;

1 x representative from the Royal Scottish Country Dance Society;

1 x representative from the Caledonian Society of WA;

5 x community representatives.

QUORUM

The quorum for the Committee shall be at least 50% of the number of offices, whether vacant or not.

3. *Community Safety Advisory Committee*

PURPOSE

To represent key stakeholder groups within the local community and identify key community safety and crime prevention issues through research and community consultation.

To engage and involve the community, Local Government, State Government agencies and non-government organisations in the Armadale Community Safety and Crime Prevention Partnership

OBJECTIVES

- To support and facilitate the development and implementation of a local Community Safety and Crime Prevention Plan and to prioritise community safety and crime prevention strategies for implementation.
- To support and facilitate the development and implementation of a local Community Safety and Crime Prevention Plan and to prioritise community safety and crime prevention strategies for implementation.
- To monitor and evaluate the effectiveness of community safety and crime prevention activities.

MEMBERSHIP

In accordance with Section 5.10 (1) (a) of the Act, all members of the Committee shall be appointed by Council.

The Committee shall comprise the following membership:

- 1 x Councillor of the City of Armadale
- 1 x representative from the WA Police Service;
- 1 x representative from Armadale Community Policing;
- 1 x representative Armadale Neighbourhood Watch
- 1 x representative from the Department for Community Development;
- 1 x representative from the Department of Education;
- 1 x representative from the Department of Justice;
- 1 x representative from Armadale Health Service
- 1 x representative from Armadale & Gosnells Districts Youth Resources;
- 1 x representative from the Department of Housing & Works;
- 1 x Community Representative;
- 1 x Aboriginal Community Representative;
- 1 x representative from the Armadale Chamber of Commerce
- 1 x representative for Seniors' interests

QUORUM

The quorum for the Committee shall be at least 50% of the number of offices, whether vacant or not.

4. Disability Advisory Committee

PURPOSE

To advise Council on the monitoring, evaluation and review of the City of Armadale Disability Access and Inclusion Plan.

To advise and make recommendations to Council, (via the Community Services Committee), on a range of issues which affect the quality of life of disabled persons living in the City of Armadale.

OBJECTIVES

- To assist with advice and support for the provision of services, activities, and facilities for people with disabilities residing in the city of Armadale.
- To assist Council officers in the monitoring, evaluation and review of the City of Armadale Disability Access and Inclusion Plan.
- To assist Council officers to research the needs of disabled persons on a periodic basis.
- Through research and consultation, to identify opportunities to develop services and facilities relevant to the needs of disabled persons.
- To promote a positive image of disabled persons in the City of Armadale.
- To assist in promoting those organisations which provide services for disabled persons within the City.

MEMBERSHIP

In accordance with Section 5.10 (1) (a) of the Act, all members of the Committee shall be appointed by Council.

The Committee shall comprise the following membership:

1 x City of Armadale Councillor;

1 x Disability Services Commission Local Area Coordinator;

2 x representatives from local organisations providing services to people with disabilities within the City of Armadale;

3 x community representatives whose lives are directly impacted upon by disability (e.g. self, spouse, child);

The City of Armadale Property Services Manager;

The City of Armadale Building Services Manager.

QUORUM

The quorum for the Committee shall be at least 50% of the number of offices, whether vacant or not.

5. *Minnawarra Festival Committee*

PURPOSE

To assist Council in the management and coordination of the annual Minnawarra Festival.

OBJECTIVES

- To consult with relevant stakeholders and interested parties, and consider any new ideas for possible inclusion in the City’s annual Minnawarra Festival.
- To advise and assist Council officers with the development of the program and format for the Minnawarra Festival.
- To advise Council on any matter relating to the Minnawarra Festival.

MEMBERSHIP

In accordance with Section 5.10 (1) (a) of the Act, all members of the Committee shall be appointed by Council.

The Committee shall comprise the following membership:

2 x City of Armadale Councillors;

2 x representatives from service clubs operating within the City of Armadale;

1 x representative from the Armadale Visitor Centre;

5 x community representatives.

QUORUM

The quorum for the Committee shall be at least 50% of the number of offices, whether vacant or not.

6. *City of Armadale Public History Advisory Committee*

PURPOSE

To provide advice and recommendation to Council on relevant policies, procedures, guidelines, business/services plans and programmes associated with:

History House Museum
Birtwistle Local Studies Library
Bert Tyler Vintage Machinery Museum
Minnawarra Historic Precinct
(hereinafter called the “Facilities”.)

The Committee is to ensure that the Facilities are operated in a manner that ensures fair and equitable access to all patrons.

MEMBERSHIP

Membership of the Committee shall comprise the following:

1 x City of Armadale Councillor
1 x representative from the Heritage Country Tourism Association
1 x representative from the Western Australian Genealogical Society –
Armadale House Group
1 x representative from the Armadale and Districts Brickwork Preservation
Group Inc
1 x representative from the Public History Friends Group
3 x community representatives (preferably not associated with any of the
aforementioned representative organisations/groups)

QUORUM

The quorum for the Committee shall be at least 50% of the number of offices, whether vacant or not.

7. Seniors’ Interests Advisory Committee

PURPOSE

To advise and make recommendations to Council, (via the Community Services Committee), on a range of issues which affect the quality of life of seniors living in the City of Armadale.

OBJECTIVES

- To make recommendations to Council regarding budget priorities for the provision of services, activities and facilities for seniors within the City of Armadale.
- To assist Council officers to research the needs of the Seniors Community on a periodic basis.
- Through research and consultation, to identify gaps in the provision of services and facilities for Seniors, including but not limited to the areas of:
Health;
Education;
Leisure and Recreation;
Transport;
Accommodation.
- To promote the important role that Seniors play in the community.
- To assist in promoting those organisations which provide services for seniors within the City.

MEMBERSHIP

In accordance with Section 5.10 (1) (a) of the Act, all members of the Committee shall be appointed by Council.

The Committee shall comprise the following membership:

- 1 x City of Armadale Councillor;
- 1 x representative from the Armadale-Kelmscott Senior Citizens’ Club;
- 1 x representative from the Kelmscott-Westfield Senior Citizens’ Club;
- 1 x representative from the Roleystone-Karragullen Seniors’ Centre;
- 3 x representatives from Seniors’ community groups within the City of Armadale;
- 3 x representatives from local organisations that provide services for seniors within the City of Armadale.

QUORUM

The quorum for the Committee shall be at least 50% of the number of offices, whether vacant or not.

8. *Youth Advisory Committee*

PURPOSE

To provide advice to Council (via the Community Services Committee) on youth affairs and issues affecting the Youth of the City of Armadale.

OBJECTIVES

- To ensure that Council’s services and facilities for young people are relevant, responsive and accountable to the changing needs and interests of young people in the City of Armadale.
- To act as a reference group for the Minister for Youth, the Minister’s Advisory Council and the Office of Children and Young People’s Plan broader consultative strategy.
- To monitor the implementation of the City of Armadale’s Youth Plan and review on a regular basis.
- To encourage and maintain communication and consultation between the Council and the various service providers and to ensure that young people are involved in decision making relevant to their needs.
- To assist with advice and support for the provision of services, activities, and facilities for youth residing in the city of Armadale.
- To promote the important role that youth play in the community.
- To assist in promoting those organisations which provide services for youth within the City.

MEMBERSHIP

In accordance with Section 5.10 (1) (a) of the Act, all members of the Committee shall be appointed by Council.

The Committee shall comprise the following membership:

- 1 x City of Armadale Councillor;
- 1 x representative from Armadale Senior High School;
- 1 x representative from Cecil Andrews Senior High School;
- 1 x representative from John Calvin Senior High School;
- 1 x representative from Armadale Christian College;
- 1 x representative from John Wollaston Anglican School;
- 1 x representative from Kelmscott Senior High School;
- 1 x representative from Roleystone District High School;
- 1 x representative from Carey Baptist College;
- 8 x Community youth representatives.

QUORUM

The quorum for the Committee shall be at least 50% of the number of offices, whether vacant or not.

**STANDARD
TERMS OF REFERENCE**

1.0 INTRODUCTION

- 1.1 The Council of the City of Armadale (hereinafter called the “Council”) hereby establishes a committee under the powers given in Section 5.8 of the Local Government Act 1995 (hereinafter called the “Act”).
- 1.2 The committee referred to in 1.1 is to be known as the ----- Committee (hereinafter called the “Committee”).
- 1.3 The Committee has been established to assist Council in the exercise of its powers and duties. The Committee shall conduct its business in a manner consistent with the provisions of the Act, Local Government Regulations, Council’s local laws, policies, Code of Conduct and this document.
- 1.4 In these Terms of Reference the following interpretations shall apply:
“Act” – The Local Government Act 1995;
“CEO” – The Chief Executive Officer of the City of Armadale;
“Committee” – The ----- Committee;
“Council” – The Council of the City of Armadale;
“Ordinary Elections Day” – A day fixed by Section 4.6 of the Act for holding the polls for ordinary elections for the City of Armadale;
“Simple Majority” – More than 50% of the members present and voting.
- “Presiding Member” – The presiding member is the person elected by the Committee members to preside at all meetings of the Committee.

2.0 PURPOSE

3.0 OBJECTIVES

- 3.1 To make recommendations to Council regarding budget priorities for the provision of services, activities and facilities for _____

4.0 MEMBERSHIP

- 4.1 In accordance with Section 5.10 (1) (a) of the Act, all members of the Committee shall be appointed by Council.
- 4.2 The Committee shall comprise the following membership: _____
- 4.3 In accordance with Section 5.11 of the Act, a person appointed to the Committee shall remain a member of the Committee until:
- (a) the term of the person’s appointment as a committee member expires;
 - (b) the Council removes the person from the office of committee member or the office of committee otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.
- 4.4 The method of filling the external organisational representative positions shall be for Council to invite nominations from these representative organisations who shall submit, in writing, to Council their nominee(s) whereupon Council will then appoint persons to the Committee.

- 4.5 The method of filling the community representative positions shall be via a public advertising process inviting interested persons to nominate for a position in writing whereupon Council will then appoint a person(s) to the Committee.
- 4.6 The processes prescribed in Clauses 4.4 and 4.5 of this document shall take place in a manner that will allow for the appointment of all persons to the Committee as soon after the ordinary elections day as is possible.
- 4.7 Where an organisational representative or community representative positional vacancy occurs mid-term, that vacancy shall be filled as soon as possible and in the manner as described in 4.5 and 4.6 above.
- 4.8 Any member wishing to resign from the committee must do so in writing to the CEO or the Presiding Member.
- 4.9 If any member is absent from three consecutive meetings without approved leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed and will immediately undertake the procedure prescribed in Clause 4.7 of this document.
- 4.10 The Committee may enlist the services of other persons or organisations that are not members of the Committee to assist in meeting its objectives. Such persons may attend Committee meetings, however not in the capacity of a Committee member.

5.0 MEETINGS

- 5.1 At the first meeting of the Committee, the members of the Committee:
 - (a) shall elect a presiding member from amongst themselves, and
 - (b) may elect, again from amongst themselves, a deputy presiding member.
- 5.2 The Committee Members, when electing a presiding member or deputy presiding member are to vote on the matter by secret ballot as if they were electors voting at an election.
- 5.3 The person elected by the Committee as Presiding Member or Deputy Presiding Member shall remain in that position until;
 - (a) all committee positions become vacant at the next ordinary elections day;
 - (b) the person ceases to be a member of the Committee for reasons other than as per (a) above; or
 - (c) the person resigns from that position.
- 5.4 Where the positions of Presiding Member or Deputy Presiding Member become vacant as a result of Clauses 5.3 (b) or (c) the Committee must elect a replacement at the next meeting of the Committee.
- 5.5 If the Presiding Member and Deputy Presiding Member are absent from the same meeting, the members present must elect a Presiding Member for that meeting only from amongst themselves prior to the commencement of any business.
- 5.6 The Committee shall meet at least ____ times per year at a place and time to be determined by the Committee.
- 5.7 Notice of meetings shall be given to members at least five working days before each meeting.
- 5.8 A deputation seeking to be received by the Committee is to apply in writing to the CEO, who is to forward the written request to the Presiding Member.
- 5.9 A deputation invited to attend a Committee meeting is not to exceed five persons, only two of whom may address the Committee, although others may respond to specific questions from committee members and is not to address the committee for a period exceeding 15 minutes without the agreement of the committee.

6.0 QUORUM

- 6.1 The quorum for the Committee shall be at least 50% of the number of offices, whether vacant or not.
- 6.2 If a quorum has not been established within 30 minutes after the meeting is due to begin the meeting may be adjourned.
- 6.3 The committee is not to transact business at a meeting unless a quorum is present.
- 6.4 If at any time during the course of a meeting a quorum is not present because in relation to a particular matter a member(s) has left the meeting after disclosing a financial interest, the matter shall be adjourned until a quorum is present to decide the matter.
- 6.5 If at any time during the course of a meeting a quorum is not present because of a member(s) leaving the meeting for reasons other than the disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period not exceeding 10 minutes. If a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the person presiding is to reschedule it to some future time or date.

7.0 VOTING

- 7.1 Voting is to be conducted so that no voter's vote is secret.
- 7.2 All members of the Committee shall have one vote. If the votes of the members present are equally divided, the person presiding may cast a second vote. Use of the second vote shall be recorded in the Minutes.
- 7.3 If a Committee member requests that their vote be recorded or the votes of all members present be recorded, the person presiding is to cause the vote or votes to be recorded in the minutes.
- 7.4 A decision of the Committee does not have affect unless a simple majority has made it. Decisions of the Committee are not binding on Council.

8.0 MINUTES

- 8.1 The person presiding at a meeting shall ensure that Minutes are kept of the meeting's proceedings.
- 8.2 The minutes of the meeting shall include:
 - (a) the names of the members present at the meeting;
 - (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;
 - (c) details of each motion moved at the meeting, the mover and the outcome of the motion;
 - (d) details of each decision made at the meeting;
 - (e) in relation to each disclosure made under section 5.65 or 5.70 of the Act in relation to the meeting, where the extent of the interest has been disclosed, the extent of the interest.
- 8.3 A copy of the unconfirmed Minutes shall be sent to all Committee members within 14 days of the meeting.
- 8.4 A copy of the confirmed Minutes shall be sent to Council within 14 days of the confirmation.
- 8.5 The person presiding at the meeting at which the minutes are confirmed is to sign the Minutes and certify confirmation.

9.0 SUB-GROUP(S)

- 9.1 The Committee may appoint a sub-group(s) of its members to carry out a particular task consistent with the purpose and objectives of the Committee. A sub-group shall not exercise a power or perform a duty without the approval of the Committee.

10.0 COMMUNICATION AND PUBLIC RELATIONS

- 10.1 All aspects of communication by Committee Members (including verbal, written or personal), involving the Local Government’s activities should be of a standard which reflects the standards and objectives of the Council. Communications should be accurate, polite and professional.
- 10.2 Statements to the press on behalf of the Local Government will only be made by the Mayor or the CEO.

11.0 DELEGATED POWERS

- 11.1 Council may delegate powers to the Committee in accordance with Section 5.16 of the Act.
- 11.2 Notwithstanding Clause 11.1, it is the intention of Council that the Committee is to advise and make recommendations to Council, via the Community Services Committee.

12.0 DISCLOSURE OF FINANCIAL INTERESTS

- 12.1 A member is to be treated as having an interest in a matter if either the member or person with whom the member is closely associated has a direct or indirect financial interest in the matter or a proximity interest in the matter.
- 12.2 A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government in a particular way, result in a financial gain, loss, benefit or detriment for the person.
- 12.3 A person has a proximity interest in a matter if the matter concerns:
- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land,
 - (b) a proposed change to the zoning or use of land that adjoins the person’s land, or
 - (c) a proposed development (as defined in Section 5.63(5)) of land that adjoins the person’s land.
- 12.4 A reference in this sub-division to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.
- 12.5 A person is to be treated as being closely associated with a member if the relevant person:
- (a) is in partnership with the member;
 - (b) is an employer of the member;
 - (c) is a beneficiary under a trust, or an object of a discretionary trust, of which the member is a trustee;
 - (d) is a body corporate:
 - (i) of which the member is a director, secretary or executive officer; or

- (ii) in which the member holds shares having a value exceeding the prescribed amount;
 - (e) is the spouse or a child of the member and is living with the member;
 - (f) is a Council member and the person:
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected, or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected.
 - (g) has a relationship specified in any of paragraphs (a) to (d) in respect of the member’s spouse if the spouse is living with the member.
- 12.6 In addition to disclosure of financial interests, committee members are required to disclose any interest they have in a matter to be discussed at the meeting that would give rise to a reasonable belief that the impartiality of the person have the interest would adversely affected.
- 12.7 Where an interest must be disclosed under 12.6 above, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the Minutes of the meeting.
- 12.8 The disclosure of an interest in 12.6 above does not affect the ability of the committee member to discuss or vote on the matter.
- 12.9 In accordance with Section 5.63 of the Act, there are some financial interests that committee members need not disclose, for example:
- (a) an interest common to a significant number of electors or ratepayers,
 - (b) an interest arising from the imposition of any rate, charge or fee by the local government,
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which Sections 5.98, 5.99, 5.100 or 5.101(2) refers,
 - (d) an interest relating to the pay, terms or conditions of an employee unless –
 - (i) the relevant person is the employee, or
 - (ii) either the relevant person’s spouse or child is the employee if the spouse or child is living with the relevant person,
 - (e) an interest arising only because the relevant person is, or may become, a member of the Council of a regional local government,
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objectives,
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under a written law, or
 - (h) a prescribed interest.
- 12.10 A reference to a spouse includes a reference to a person who is residing with the member in a marriage-like relationship, although not actually married to that person.
- 12.11 A member who has an interest in any matter to be discussed at a meeting must disclose the nature of the interest:
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- 12.12 A disclosure of an interest shall be recorded in minutes.
- 12.13 In accordance with Section 5.65 (1) of the Act, any member who fails to disclose an interest is liable to a penalty of \$10,000 or imprisonment for 2 years.
- 12.14 A member who makes a disclosure pursuant to this section shall not participate in, or be present during, any discussion or decision making procedure relating to the matter, unless the member is allowed to in accordance with Clause 12.16.

- 12.15 In accordance with Section 5.67 of the Act, any member who participates in or is present during any discussion or decision making procedure without approval to do so is liable to a penalty of \$10,000 or imprisonment for 2 years.
- 12.16 If a member has disclosed an interest in a matter, the members present who are entitled to vote on the matter may allow the disclosing member to participate in or be present during any discussion or decision making procedure relating to that matter if the disclosing member also discloses the extent of the interest and those members decide that the interest is so trivial or insignificant as to be unlikely to influence the disclosing members conduct in relation to the matter or is common to a significant number of electors or ratepayers.
- 12.17 A decision under Clause 12.16 is to be recorded in the minutes of the meeting together with the extent of any participation allowed by the Committee.
- 12.18 Where a member has disclosed an interest in a matter and has left the room the remaining members may resolve to invite the member to return to provide specific information to clarify the matter and in such case the member is to withdraw after providing the specified information.
- 12.19 A register shall be kept of all disclosures of a financial interest.

13.0 CONDUCT OF MEMBERS

- 13.1 No member is to reflect adversely upon a decision of the Committee except on a motion that the decision be revoked or changed.
- 13.2 No member is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person. Any member who does not adhere to this clause is liable to a penalty of \$1,000.
- 13.3 No member is to reflect adversely on the character or actions of a member, officer or any other person participating in the meeting.
- 13.4 If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.
- 13.5 In the event of two or more members wishing to speak at the same time, the person presiding is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.
- 13.6 The person presiding is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

14.0 DISBANDMENT OF THE COMMITTEE

- 14.1 Disbandment of the Committee shall be at the direction of Council.

15.0 AMENDMENTS TO THE TERMS OF REFERENCE

- 15.1 This document may be altered at any time by the Council on recommendation of the Committee or after giving 14 days notice to the Committee.

16.0 MEETINGS NOT OPEN TO THE PUBLIC

- 16.1 Meeting of the Committee shall not be open to the public, unless at the invitation of the Committee.



CITY OF ARMADALE

PARKING AND PARKING FACILITIES LOCAL LAW

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LOCAL GOVERNMENT ACT 1995

CITY OF ARMADALE

PARKING AND PARKING FACILITIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of Armadale resolved to make the following Local Law on the Second day of September 2002

1. PART 1 - DEFINITIONS AND OPERATION

1.1 Commencement

This Local Law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.2 Repeal

The City of Armadale Parking Facilities Local Law published in the *Government Gazette* on October 27th 1997 is repealed.

1.3 Interpretation

In this Local Law unless the context otherwise requires:

'**ACROD sticker**' has the meaning given to it by the Code;

'**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, Chief Executive Officer, 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;

Note: The Code defines 'bicycle' to mean:

'a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor):

(a) *including a pedicab, penny-farthing and tricycle; but*

(b) *not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating);'*

'bicycle path' has the meaning given to it by the Code;

Note: The Code defines 'bicycle path' to mean:

'a length of path beginning at a 'bicycle path' sign or a 'bicycle path' road marking and ending at the nearest of the following:

- (a) *an 'end bicycle path' sign, or an 'end bicycle path' road marking;*
- (b) *a 'separated footpath' sign or a 'separated footpath' road marking;*
- (c) *a carriageway;*
- (d) *the end of the path;'*

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

Note: The Code defines 'bus' to mean:

'a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver).'

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

Note: The Code defines 'bus embayment' to mean:

'an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane.'

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

Note: The Code defines 'bus stop' to mean:

'a length of carriageway commencing 20m on the approach side of, and ending 10m on the departure side of, a post indicating that public busses stop at that 'point''.

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

Note: The Code defines 'bus zone' to mean:

'a length of carriageway to which a 'bus zone' sign applies.'

'caravan' means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

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

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

- (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;

Note: The Code defines 'Children's Crossing' to mean:

'a portion of carriageway between 2 parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than 5 metres apart marked across, or partly across the carriageway and near which a fluorescent red-orange flag or sign bearing the words 'children crossing – stop', are displayed and, where the lines are so marked partly across a carriageway, includes a portion of the carriageway between the prolongations of those lines'

'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;

'district' means the district of the local government;

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

'edge line' for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

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

Note: The Code defines 'emergency vehicle' to mean:

'a motor vehicle:

- (a) *when conveying a police officer on official duty or when that vehicle is stationary at any place connected with the official duty;*
- (b) *of a fire brigade on official duty, in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;*
- (c) *being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;*
- (d) *being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly*

*authorised to carry a siren or bell for use as a warning instrument;
or*

- (e) *duly authorised as an emergency vehicle for the purposes of these regulations, by the Director General'*

'footpath' has the meaning given to it by the Code;

Note: The Code defines 'footpath' to mean:

'an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;'

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

Note: The Code defines 'GVM' to mean:

'for a vehicle, the maximum loaded mass of the vehicle –

- (a) *specified by the manufacturer on an identification plate on the vehicle; or*
- (b) *if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General'.*

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

'local government' means the City of Armadale;

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

Note: The Code defines 'mail zone' to mean:

'the length of carriageway to which a 'mail zone' sign applies.'

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

Note: The Code defines 'median strip' to mean:

'any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions'

'motorcycle' has the meaning given to it by the Code;

Note: The Code defines 'motorcycle' to mean:

a motor vehicle that has 2 wheels and includes:

- (a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and

- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels,

but does not include any trailer;

'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;

Note: The Code defines 'no parking area' to mean:

- (a) *a portion of carriageway to which a 'no parking' sign applies; or*
- (b) *an area to which a 'no parking' sign applies;'*

'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;

Note: The Code defines 'no stopping area' to mean:

- (a) *a portion of carriageway to which a 'no stopping' sign applies; or*
- (b) *an area to which a 'no stopping' sign applies;'*

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

'occupier' has the meaning given to it by the Act;

Note: The Act defines 'occupier' to mean:

'where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorized occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right';

'owner'

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

Note: The Act defines 'owner', where used in relation to land, to mean:

'(a) a person who is in possession as:

(i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple;

(ii) a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act;

(iii) a mortgagee of the land; or

(iv) a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant or mortgagee, mentioned in this paragraph;

(b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a), except that of mortgagee;

(c) where, under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

(d) where a person is lawfully entitled to occupy land which is vested in the Crown, and which has no other owner according to paragraph (a), (b) or (c), means the person so entitled;

(e) means a person who:

(i) under the Mining Act 1978, holds in respect of the land a mining tenement within the meaning given to that expression by that Act;

(ii) in accordance with the Mining Act 1978 holds, occupies, uses or enjoys in respect of the land a mining tenement within the meaning given to that expression by the Mining Act 1904; or

(iii) under the Petroleum Act 1967 holds in respect of the land a petroleum production licence or a petroleum exploration permit within the meaning given to each of those expressions by that Act;

or

- (f) *where a person is in the unauthorised occupation of Crown land, means the person so in occupation'.*

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

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

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

Note: The Code defines 'parking area' to mean:

- (a) *a portion of carriageway to which a 'permissive parking' sign applies; or*
- (b) *an area to which a 'permissive parking' sign applies;*

'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;

Note: The Code defines pedestrian crossing to mean:

'a portion of a carriageway:

- (a) *defined:*
 - (i) *by white stripes; or*
 - (ii) *by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between those stripes,*

in such a manner that each stripe is approximately parallel to the centre of the carriageway; and

- (b) *near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a "pedestrian crossing" sign;*

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

'reserve' means any land:

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

'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;

Note: The Code defines 'shared zone' to mean:

the network of roads in an area with –

- (a) *a 'shared zone' sign on each road into the area, indicating the same number; and*
- (b) *an 'end shared zone' sign on each road out of the area*

Note: There are a number of other permitted versions of each of these signs;

Note: A 'shared zone' sign may also have a different number on the sign'.

'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;

Note: The Code defines 'special purpose vehicle' to mean:

- (a) *a vehicle being driven by a member of the Police Force (other than a police officer) on official duty or that vehicle when it is stationary at any place connected with the official duty;*
- (b) *a public utility service truck;*
- (c) *a tow truck;*
- (d) *a motor break-down service vehicle;*
- (e) *a vehicle being used by a government or local authority in connection with its roadwork or speed zoning functions; or*

(f) *a vehicle duly authorised as a special purpose vehicle for the purposes of these regulations, by the Director General,*

but does not include an emergency vehicle';

'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 by Australian Standard 1742.11-1989 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;

'taxi' means a taxi within the meaning of the *Taxi Act* 1994 or a taxi-car in section 47Z of the *Transport Co-ordination Act* 1966;

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

Note: The Code defines 'taxi zone' to mean:

'a length of carriageway to which a 'taxi zone' applies.'

'thoroughfare' has the meaning given to it by the Act;

Note: The Act defines 'thoroughfare' to mean:

'a road or other thoroughfare and includes structures and other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end'

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

Note: The Code defines 'traffic island' to mean:

'any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;'

'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;

Note: The Code defines 'vehicle' according to the definition of 'vehicle' in the Road Traffic Act which includes an animal driven or ridden but does not include a wheeled toy or wheeled recreational device;

'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.

1.4 **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.

1.5 **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 4, 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:
 - (i) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and
 - (ii) 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.

1.6 **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.

1.7 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:

- (1) lies beyond the sign;
- (2) lies between the sign and the next sign beyond that sign; and
- (3) is on that side of the thoroughfare nearest to the sign.

1.8 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.

2. PART 2 - PARKING STALLS AND PARKING STATIONS

2.1 Determination of parking stalls and parking stations

The local government may by resolution constitute, determine and vary and also indicate by signs:

- (a) parking stalls;
- (b) 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.

2.2 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.

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) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that:
 - (a) the driver's vehicle displays an ACROD sticker; and
 - (b) a person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

3. **PART 3 - PARKING GENERALLY**

3.1 **Restrictions on parking in particular areas**

- (1) Subject to subclause (2), 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) This subclause applies to a driver if:
- (i) the driver's vehicle displays an ACROD sticker; and
 - (ii) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
- (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.
- (3) A 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 vehicle on a carriageway**

- (1) A person parking a vehicle on a carriageway other than in a parking stall shall park it:
- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;

- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law; and
- (e) so that it does not obstruct any vehicle on the carriageway,

unless otherwise indicated on a parking regulation sign or markings on the roadway.

(2) In this clause, 'continuous dividing line' means –

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) 2 parallel continuous dividing lines.

3.3 **When parallel and right-angled parking apply**

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

- (a) adjacent to the boundary of a carriageway, a 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.

3.4 **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 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.

3.5 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) 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 double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
 - (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box;
or
 - (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.
- (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of:

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children’s crossing or pedestrian crossing.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of:
- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
 - (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.

3.6 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.

3.7 Authorised person may mark tyres

- (1) An Authorised Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

3.8 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a 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.
- (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 two hours.

3.9 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 for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;

- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

3.10 **Parking on private land**

- (1) In this clause a reference to 'land' does not include land:
 - (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*;
 - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;
 - (d) which is the subject of an agreement referred to in clause 1.5(2); or
 - (e) which is identified in Schedule 4.
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

3.11 **Parking on reserves**

No person other than an employee of the local government in the course of his or her duties or a person authorized 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.

4. PART 4 – PARKING AND STOPPING GENERALLY

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

(1) No stopping

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

(2) No parking

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.

'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.

(3) No stopping on a carriageway with yellow edge lines

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

5. 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; or
- (b) a motor vehicle taking up or setting down passengers,

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

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

5.2 Stopping in a taxi zone or a 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.

6. 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:

- (1) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws;
- (2) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Local Laws;
- (3) the driver is dropping off, or picking up, passengers or goods; or
- (4) 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 these Local Laws.

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 or in a tunnel, etc.

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless:
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a 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 these Local Laws.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless:
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

6.5 **Stopping on crests, 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 these Local Laws.

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 one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless:
 - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

6.7 **Stopping 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 10m 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 these Local Laws.

- (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 these Local Laws.

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 these Local Laws.
- (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 these Local Laws.

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 these Local Laws.

6.12 Stopping on a carriageway – heavy and long vehicles

- (1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes:
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause 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.

6.15 Stopping in a parking stall for people with disabilities

- (1) A driver shall not stop in a parking area for people with disabilities unless:
 - (a) the driver's vehicle displays an ACROD sticker; and
 - (b) either the driver or the passenger in that vehicle is a person with disabilities.

- (2) In this clause a 'parking area for people with disabilities' is a length or area:
- (a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies;
 - (b) to which a 'people with disabilities parking' sign applies;
 - (c) indicated by a road marking (a 'people with disabilities road marking') that consists of, or includes, a people with disabilities symbol; or
 - (d) set aside within a parking region as a 'parking stall for use of a disabled person' under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

7. 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.

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 and emergency vehicles

Notwithstanding anything to the contrary in this Local Law, the driver of:

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and

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

8. 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 exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.
- (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 Averment on complaint as to clause 1.5(2) agreement

An averment on a complaint that this Local Law applies to a parking facility or a parking station under an agreement referred to in clause 1.5(2), shall be sufficient proof that this Local Law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.

8.3 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 3;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 3; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.
- (e) the form of the notice referred to in section 3.42 (1) (b) of the Act is that of Form 5 in Schedule 3

9. PART 9 – OBSTRUCTING VEHICLES

9.1 Removal and Impounding of Vehicles

- (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 authorized 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) Subject to sub clause (4), a vehicle which is parked in any portion of a road or other public place in contravention of these Local Laws is deemed to be obstructing the lawful use of that road or public place.
- (4) A vehicle is not obstructing the lawful use of a road or public place if it is so stood or parked in contravention of the limits as to time imposed by the Local Government within respect to that portion of the road or public place.

Where an authorised person finds a vehicle stood or parked contrary to the provision of 9.1 (1) he may remove and impound the vehicle in accordance with Part 3, Division 3, Subdivision 4 of the Act.

Where an authorised person removes and impounds a vehicle pursuant to these Local Laws, he shall enter in a register to be provided by the Local Government for that purpose, details of the time and date, a description of the vehicle, and of the place from which it was removed.

A notice under section 3.42 of the Act given to the owner of a vehicle, which is removed and impounded under these Local Laws, shall be in the form of Form 5 of Schedule 3

SCHEDULE 1
PARKING REGION

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

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

SCHEDULE 2

PRESCRIBED OFFENCES

PARKING AND PARKING FACILITIES LOCAL LAW

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to park wholly within parking stall	35
2	2.2(4)	Failure to park wholly within parking area	35
3	2.3(1)(a)	Causing obstruction in parking station	45
4	2.3(1)(b)	Parking contrary to sign in parking station	45
5	2.3(1)(c)	Parking contrary to directions of Authorized Person	45
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	35
7	3.1(1)(a)	Parking wrong class of vehicle	35
8	3.1(1)(b)	Parking by persons of a different class	40
9	3.1(1)(c)	Parking during prohibited period	40
10	3.1(3)(a)	Parking in no parking area, e.g. on footway	50
11	3.1(3)(b)	Parking contrary to signs or limitations	35
12	3.1(3)(c)	Parking vehicle in motor cycle only area	35
13	3.1(4)	Parking motor cycle in stall not marked 'M/C'	35
14	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	40
15	3.2(1)(a)	Failure to park on the left of two-way carriageway	35
16	3.2(1)(b)	Failure to park on boundary of one-way carriageway	35
17	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	40

18	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	40
19	3.2(1)(d)	Parking closer than 1 metre from another vehicle	35
20	3.2(1)(e)	Causing obstruction	45
21	3.3(b)	Failure to park at approximate right angle	35
22	3.4(2)	Failure to park at an appropriate angle	35
23	3.5(2)(a) and 6.2	Double parking	40
24	3.5(2)(b)	Parking on or adjacent to a median strip	35
25	3.5(2)(c)	Denying access to private drive or right of way	40
26	3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	45
27	3.5(2)(e)	Parking within 10 metres of traffic island	40
28	3.5(2)(f)	Parking on footpath/pedestrian crossing	50
29	3.5(2)(g)	Parking contrary to continuous line markings	40
30	3.5(2)(h)	Parking on intersection	40
31	3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	45
32	3.5(2)(j)	Parking within 3 metres of public letter box	40
33	3.5(2)(k)	Parking within 10 metres of intersection	40
34	3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	45
35	3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	45
36	3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	45
37	3.6	Parking contrary to direction of Authorized Person	45
38	3.7(2)	Removing mark of Authorized Person	50

39	3.8	Moving vehicle to avoid time limitation	35
40	3.9(a)	Parking in thoroughfare for purpose of sale	35
41	3.9(b)	Parking unlicensed vehicle in thoroughfare	35
42	3.9(c)	Parking a trailer/caravan on a thoroughfare	35
43	3.9(d)	Parking in thoroughfare for purpose of repairs	35
44	3.10(1) or (2)	Parking on land that is not a parking facility without consent	50
45	3.10(3)	Parking on land not in accordance with consent	35
46	3.11	Driving or parking on reserve	35
47	4.1(1)	Stopping contrary to a 'no stopping' sign	40
48	4.1(2)	Parking contrary to a 'no parking' sign	35
49	4.1(3)	Stopping within continuous yellow lines	35
50	5.1	Stopping unlawfully in a loading zone	35
51	5.2	Stopping unlawfully in a taxi zone or bus zone	35
52	5.3	Stopping unlawfully in a mail zone	35
53	5.4	Stopping in a zone contrary to a sign	35
54	6.1	Stopping in a shared zone	35
55	6.3	Stopping near an obstruction	40
56	6.4	Stopping on a bridge or tunnel	35
57	6.5	Stopping on crests/curves etc	50
58	6.6	Stopping near fire hydrant	50
59	6.7	Stopping near bus stop	40
60	6.8	Stopping on path, median strip or traffic island	35

61	6.9	Stopping on verge	35
62	6.10	Obstructing path, a driveway etc	35
63	6.11	Stopping near letter box	35
64	6.12	Stopping heavy or long vehicles on carriageway	40
65	6.13	Stopping in bicycle parking area	35
66	6.14	Stopping in motorcycle parking area	35
67	6.15	Stopping in disabled parking area	40
68	7.6	Leaving vehicle so as to obstruct a public place	45
69	9.1 (1)	Obstruction of Street or Public Place	45
70		All other offences not specified	30

SCHEDULE 3

LOCAL GOVERNMENT ACT 1995

FORM 1

PARKING AND PARKING FACILITIES LOCAL LAW

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle:

make: ;

model: ;

registration: ,

was involved in the commission of the following offence -

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

contrary to clause of the **Parking and Parking Facilities Local Law**.

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

- (a) within 28 days after being served with this notice;
 - (i) you inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5)

(6)

Insert:

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorized person
- (6) Name and title of authorized person giving notice

SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 2
PARKING AND PARKING FACILITIES LOCAL LAW
INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)
of: (2)

It is alleged that on / / at (3)
at (4)
in respect of vehicle:

make: ;

model: ;

registration:,

you committed the following offence:

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

contrary to clause of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$

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

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

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

(6)

(7)

Insert:

- (1) Name of alleged offender or 'the owner'
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 3
PARKING AND PARKING FACILITIES LOCAL LAW
INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)
at (4)
in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence:

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

contrary to clause of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$

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

Unless within 28 days after being served with this notice:

- (a) you pay the modified penalty; or
- (b) you:
 - (i) inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or

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

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

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

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

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

(6)

(7)

Insert:

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (8) Name and title of authorized person giving notice

SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 4
PARKING AND PARKING FACILITIES LOCAL LAW
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

Infringement Notice No. dated / /

in respect of vehicle:

make: ;

model: ;

registration: ,

for the alleged offence of

.....

.....

.....

has been withdrawn.

The modified penalty of \$

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

(3)

(4)

Insert:

(1) Name of alleged offender to whom infringement notice was given or 'the owner'.

(2) Address of alleged offender.

(3) Signature of authorized person

(4) Name and title of authorized person giving notice

SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 5
PARKING AND PARKING FACILITIES LOCAL LAW
NOTICE OF REMOVAL AND IMPOUNDING OF VEHICLE

Serial No.....

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

To (name of owner of vehicle):.....

of (address of owner of vehicle):

the owner of vehicle (vehicle identification number).....,(make).....(type).....

On (date)..... at (time)am/pm, at (place)

.....

your vehicle was involved in a contravention of the City of Armadale Parking and Parking Facilities Local Law and was removed and impounded under section 3.39 of the *Local Government Act 1995*.

Your vehicle may be collected from (place)

between the hours ofam/pm and am/pm, Monday to Friday by satisfying the Chief Executive Officer of the City that you are the owner of the vehicle or a person entitled to possession of the vehicle.

If your vehicle is not collected within **two (2) months** after the date of this notice, the City may either:

- (a) under section 3.46 of the *Local Government Act 1995* refuse to allow the vehicle to be collected until the City’s costs of custody of the vehicle after the period of two months have been paid to the City; or
- (b) under section 3.47 of the *Local Government Act 1995* sell the vehicle and credit the money received from that sale to the City’s trust fund except to the extent required to meet the City’s costs of custody of the vehicle after the period of two months and the expenses incurred by the City in selling the vehicle.

If you are convicted of an offence against the City of Armadale Parking and Parking Facilities Local Law as a result of the above contravention then section 3.48 of the *Local Government Act 1995* also allows the city to recover from you its expenses incurred in removing and impounding the vehicle and any outstanding expenses for the custody of the vehicle.

SCHEDULE 4
DEEMED PARKING STATIONS
PARKING AND PARKING FACILITIES LOCAL LAW

Dated this _____ day of _____ 2002 .

The Common Seal of the City of Armadale was affixed in the presence of:

MAYOR/PRESIDENT

CEO

AQUATIC FACILITIES NEEDS ASSESSMENT AND FEASIBILITY STUDY REFERENCE GROUP

MINUTES

OF THE MEETING HELD IN THE COMMITTEE ROOM ON 6 APRIL 2005,
COMMENCING AT 6.30 PM

1. ATTENDANCE AND APOLOGIES

Present

Mr Tony Smith (Chair)	Community Representative
Cr Graham Wallace	City of Armadale
Cr Henry Zelones	City of Armadale
Mrs Heather Adams	Swimming Club Representative
Mr Carl Askew	Executive Director Community Services
Mr John Glassford	Manager Property Services
Mr Patrick Quinlivan	Manager Recreation Services

Apologies

Jeff Williams
Chris Elrick

Observers

Mr Darren Monument ABV Leisure Consultancy

2. CONFIRMATION OF PREVIOUS MINUTES

RESOLVED

That the Minutes of the Meeting held on 8 March 2005 be confirmed.

3. BUSINESS ARISING

3.1 FINAL DRAFT OF FEASIBILITY STUDY

At the previous meeting the Group resolved as follows:

1. *That the consultant be requested to make the following adjustments to the income and expenditure estimates:*

- *Appropriate fee increases to be factored in to the revenue projections.*
 - *The profit margin on the kiosk operation to be increased.*
 - *Staffing costs to be adjusted to reflect a slight decrease in opening hours during winter*
2. *That enclosing both the 50m and 25m pools be referred to in the Feasibility Study report as Option 1.*
 3. *That the final draft of the Feasibility Study report be presented to the next Reference Group meeting.*

The revised projections for operating revenues and expenditures are shown in the table on page 15, and predict an operating deficit of **\$471,000** for Option 1, and **\$446,700** for Option 2. The budgeted deficit for 2004/05 is \$225,000 and the operating deficits currently allowed for in the 15 year Financial Plan are in the order of \$200,000 per year.

The projected attendances for the two options are shown in the table on page 10, and predict an annual increase of approximately 77,000 for Option 1 and 48,000 for Option 2.

The other table that is of significance is on page 19 and shows the projected total cost (capital plus operational) of providing both options. Over a 15-year period the cost to provide Option 1 is estimated to be \$12.5 Million, and \$10.5 Million for Option 2. This compares with the estimated cost to maintain the current outdoor seasonal facility of approximately \$3.4 Million.

The Feasibility Study recommendations are provided on page 27 of the report, and also form part of the Executive Summary (page 5). Subject to any suggested changes, it is recommended that the Feasibility Study report and its recommendations be presented for Council’s consideration.

The process from here will be to present the study to Council via the May 2005 Community Services Committee Meeting. Council will then need to consider the financial implications of the recommended development option and may wish to further consult with the community prior to a final decision. Should Council be supportive of the recommended option or any of the alternatives canvassed as part of this study, it is likely that a funding application will be submitted to the State Government in the next round of the CSRFF program in October 2005.

Mr Darren Monument gave a brief overview of the changes that had been made and discussion took place on various aspects of the study.

The Reference Group was generally happy with the Feasibility Study recommendations but considered that the order of the recommendations should be changed so that the development option that was most closely in line with Council’s financial constraints (Recommendation 4) should be renumbered as

Recommendation 2. Some minor rewording of the recommendations would be required to reflect the change in order.

Mr Monument advised that the current order of the Feasibility Study recommendations would remain as it best reflected the expressed needs of the community, notwithstanding Council’s financial constraints.

This being the final meeting of the Reference Group, the Chairman expressed his thanks to the consultant for his work in bringing the study to a conclusion, and to all members for their valuable input to the study. Cr Zelones & Cr Wallace thanked Tony Smith for his role as Chair of the Reference Group, and Group members for their contributions throughout the study.

Recommendation

- 1. That Council receive the Armadale Aquatic Centre Feasibility Study report as the second part of the Armadale Aquatic Centre Needs Assessment and Feasibility Study.**
- 2. That Council endorse the following staged development of the Armadale Aquatic Centre as the preferred development option to meet the short term and long term needs of the community, subject to Council’s financial constraints:**

Stage 1 (3-5 years) – Enclose existing pools

- **Enclose 50 metre and 25 metre pools with Hoeker Structures**
- **Minor upgrade of existing facilities**

Stage 2 (10-15 years) – Major redevelopment as per Master Plan

- **New indoor 25 metre pool and leisure pool**
- **New warm water/therapy pool**
- **Spa & Sauna**
- **New entry, reception, office & café**
- **Multi purpose room**
- **Crèche**
- **New ablutions**
- **Upgrade and modify car park**
- **New plant room**
- **Complementary commercial outlets**

3. That Council acknowledge the Feasibility Study recommendation that the development option that would best meet the long term need of the community is to redevelop the Armadale Aquatic Centre by constructing a new indoor aquatic facility that includes the following features:
 - 25m pool
 - separate leisure pool
 - hydrotherapy pool
 - spa, sauna & gym
 - improvements to existing facilities
 - retaining the existing 50 metre and 25 metre pools as seasonal outdoor pools
4. That should Council’s financial position allow it to support the Feasibility Study’s recommended development option (as per recommendation 3 above), then further work be done to determine the likely capital and operational costs associated with that option.
5. That Council consider further consultation with the community to highlight the preferred design option and gauge the level of satisfaction with that design option prior to development.
6. That the City of Armadale perform a due diligence report for the existing building structures and a mechanical and hydraulic assessment, prior to any development works being undertaken at the Armadale Aquatic Centre.
7. That the City of Armadale maintain its in-house management of the Armadale Aquatic Centre throughout any redevelopment and for an initial period of at least one year after the redevelopment in order to ascertain the potential of the facility in its redeveloped state. After this period of time the City should then re-evaluate its position with regards to outsourced management and the benefits it may present at that time.

4. GENERAL BUSINESS

Nil

5. CLOSURE

The meeting closed at 7.20pm