

ATTACHMENTS

BRIEFINGS SESSION AGENDA

16 OCTOBER 2018

Attachment No. 1:

Attachment No.1A	Extract map of the Perth and Peel @ 3.5 Million planning framework applicable to Bassendean
Attachment No. 1B	Proposed Residential Density Changes—Scenario 1 Map
Attachment No. 1C	Proposed Height Limits Map—Scenario 1
Attachment No. 1D	Residential Density Scenario 1 Summary Sheet
Attachment No. 1E	Proposed Residential Density Changes—Scenario 2 Map
Attachment No. 1F	Proposed Height Limits Map—Scenario 2
Attachment No. 1G	Residential Density Scenario 2 Summary Sheet
Attachment No. 1H	Preliminary Key Design Principles
Attachment No. 1I	Communications Plan

Attachment No. 2:

Town of Bassendean Bee Keeping Local Law 2018

Attachment No. 3:

- Proposed Town of Bassendean Parking Local Law
- Proposed Town of Bassendean Dogs Local Law

Confidential Attachments No. 1 and 2

ATTACHMENT NO. 1

RESIDENTIAL DENSITY SCENARIO 1 – SUMMARY SHEET

This scenario reflects the activity centres and urban corridors designated for Bassendean in the **Perth and Peel @ 3.5 Million (PP3.5M)** planning framework

The designated activity centres derive from the Activity Centre hierarchy cited in *State Planning Policy (SPP) 4.2 – Activity Centres for Perth and Peel*. This hierarchy classifies the Bassendean town centre (extending to the Success Hill train station) and the area around the Ashfield train station as **District Centres**.

SPP4.2 recommends a **gross residential density range** for residential development within a District Centre of **20 - 30 dwellings per hectare**.

This translates into a **nett residential density range of 40 - 90 dwellings per hectare** (2 to 3 times the gross residential density). Nett residential density is site specific and excludes streets, parks, public purpose and non-residential land etc.

Based on these nett density equivalents, a density coding of between R40 and R 100 (there is no R90 coding) would ordinarily apply to the proposed activity centres. The draft PP3.5 M initially considered a base coding of R-AC3 (which potentially, results in higher dwelling yields).

To this end, an **R-AC3 density coding** has been assigned to the Activity Centres for this scenario.

Urban Corridors are a relatively new spatial category and are premised on existing and proposed high-frequency transit routes. They are to be the focus for increasing residential densities and/or mixed use development. PP3.5M recommends a residential density coding between **R60 and the R-AC categories** (ie. R-AC3, R-AC2, R-AC1, R-AC0) apply to Urban Corridors.

Given the primacy of the proposed Activity Centres, their existing and likely future development scale, and the recommended range of density codings, and for the purpose of this scenario, a medium density (grouped dwelling) coding spectrum between **R40 and R80** has been applied to the Urban Corridors.

Based on preliminary calculations undertaken to date, Scenario 1 will result in estimated dwelling yields far exceeding the prescribed target of 4,150 additional dwellings.

It should be noted that this scenario assumes no increase nor decrease of existing density codings presently assigned to those areas located outside of the designated Activity Centres and Urban Corridors.

It also assumes that all existing lots will be developed to the maximum dwelling yield allowed under the assigned density coding.

RESIDENTIAL DENSITY SCENARIO 2

This scenario reflects a more nuanced, subtle approach to the distribution of increased residential density within Bassendean, principally through the designation of **increased R30** coded areas, which provide a transition from **low density (<R30)** areas to **medium density (R40>R60)**.

It also reconfigures the proposed Ashfield Activity Centre by centering it around the existing Ashfield train station and Ashfield Reserve.

The Ashfield Activity Centre designated in **Residential Density Scenario 1** is premised on the Ashfield train station being relocated further westwards as shown in the *Ashfield Precinct Plan* produced in 2010. Shifting the station westwards now appears unlikely to happen. The proposed southwards extension of Vincent Street across Guildford Road to connect to Pearson Street as shown in the *Ashfield Precinct Plan* to create a future 'village main street' is also unlikely to happen.

Consequently, this provides an opportunity for **Colstoun Road** between Guildford Road and Haig Street to be redeveloped as '**village main street**' with **mixed uses** (with a proposed **R-AC3** density coding) and **higher density development** (proposed codings of **R60, R100** and **R-AC3**).

Scenario 2 also proposes **two (2) additional Urban Corridors**—**Walter Road East** for its whole length within Bassendean, and along **Morley Drive east of Ivanhoe Street**.

Walter Road East is already utilised as a public transit route (particularly to the Morley Galleria shopping centre). With the planned Morley town centre development and the proposed Morley – Ellenbrook railway, its utilisation as a key public transit route is likely to increase.

Furthermore, the section of Walter Road between Ida Street and Ivanhoe Street also presents an opportunity for a **neighbourhood centre** to be developed around the **Walter Road East/Ida Street shopping centre**. In terms of gross floor area this shopping centre already meets the criteria (as per SPP4.2) for development as a neighbourhood centre. It could be enhanced further by the provision of medium-density housing, small-scale office uses, and community-based uses. As such, this section has been designated as **Mixed Use**, with a likely density coding of **R60**.

Morley Drive East too has the potential to become a **high-frequency key transit route**. It may also need to accommodate increased vehicular traffic once the proposed Lord Street deviation between Reid Highway and Morley Drive East is completed and the thrust of future southbound traffic movement along Lord Street is directed into Morley Drive rather than continuing down Lord Street to Guildford Road.

Given the above-described likely future changes to these two roads, the amenity and attraction of single-family living presently occurring along these roads is likely to significantly lessen. Consequently, transformation of these corridors from predominantly single-family housing to medium-density housing might be more appropriate.

Morley Drive's juncture with Ivanhoe Street and the proximity of the Mary Crescent Reserve and the Eden Hill Primary School also presents an opportunity for **an additional neighbourhood centre** to be developed at this location, which includes the former Eden Hill shopping centre site. As for the proposed Walter Road East/Ida Street neighbourhood centre, this proposed centre has also been designated as **Mixed Use** with a likely density coding of **R60**.

Lots ringing **Jubilee Reserve, Mary Crescent Reserve**, and the **Lord/Schofield** and **Bradshaw Reserves** in Eden Hill have also been designated for future **medium-density development**, principally because of the proximity of these reserves to provide for **public open space needs** with proposed increases in residential density development.

RESIDENTIAL DENSITY SCENARIO 2 *(continued)*

Scenario 2 also proposes to separate the **Bassendean** and **Success Hill Activity Centre** into **2 separate** activity centres, providing each with its own identity.

The **Bassendean Activity Centre** is also shown expanding to the east of Bassendean Oval and southwards to Palmerston Street to provide further opportunities for **medium density development**.

A range of residential densities from **R40 (medium density)** to **R-AC 3 (high density)** are proposed within both centres. **R-AC 3** is also contemplated for **Mixed Use** sites, with these sites largely restricted to lots fronting Old Perth Road and immediately surrounding the Bassendean and Success Hill train stations (except on its northern side).

As for Scenario 1, estimated dwelling yields for this scenario are likely to exceed the additional 4,150 dwelling target. This assessment is based on no increase nor decrease of existing density codings presently assigned to those areas located outside of the designated Activity Centres and Urban Corridors.

Town of Bassendean
PRELIMINARY KEY RESIDENTIAL DESIGN PRINCIPLES

1.0 Introduction

A series of key residential design principles have been developed by the Town to guide the kind of future housing within the Town of Bassendean.

These principles attempt to explain in general terms – and within the context of increased housing density - the elements of built form, such as siting within a lot, form, height etc which may be expected to apply. These principles, which are a ‘work-in-progress’, will continue to evolve through ongoing dialogue and consultation with the Bassendean community and landowners.

2.0 Definitions

The *Residential Design Codes of WA* (the R Codes) classifies residential development into three (4) broad categories—**Single House**(usually one house on a lot without common property), **Grouped Dwelling** (Including town houses and villas with common property), **Multiple Dwelling** (Apartments with common property), and **Special Purpose Dwellings**, which include **Ancillary Dwellings** (Granny flat), **Aged and Dependent Persons’ Dwellings** (Over 55’s Housing), and **Single Bedroom Dwellings** (1 bedroom dwellings usually villa style).

Each is defined separately as follows:

Single House

A free-standing single dwelling contained wholly within its own lot (generally occupied by a single family or up to 6 non-related persons) usually on a freehold title but can be on a strata with no common property.

Grouped Dwelling

A dwelling that is one of a group of 2 or more dwellings on the same lot but where no dwelling is placed wholly or partially vertically above another dwelling (except where special conditions of landscape or topography of a site dictate otherwise) Usually a villa or town house development in a group where there is likely to be a common driveway and common areas shared by the villas or town houses.

Grouped Dwellings can include:

- Duplex development
- Triplex development
- Quad development (4+)
- Town houses where there is a common driveway
- Villas and units where there is a common driveway

Multiple Dwelling

A dwelling in a group of 2 or more dwellings on the same lot where any part of a dwelling is placed wholly or partially vertically above another dwelling (includes any dwellings above the ground floor in a mixed use development) Usually a block of apartments where one unit is above another unit in a complex where there is some shared common property usually at ground level.

Multiple Dwellings can include:

- Two storey apartment buildings, usually walk up with no lift and someones known as Maisonettes.
- Larger apartment buildings 3+ storey usually with a lift. Examples of these are on Old Perth Road in the Town Centre. These may also be Mixed use buildings with shops and café's for example on the ground floor.

3.0 Housing Diversity

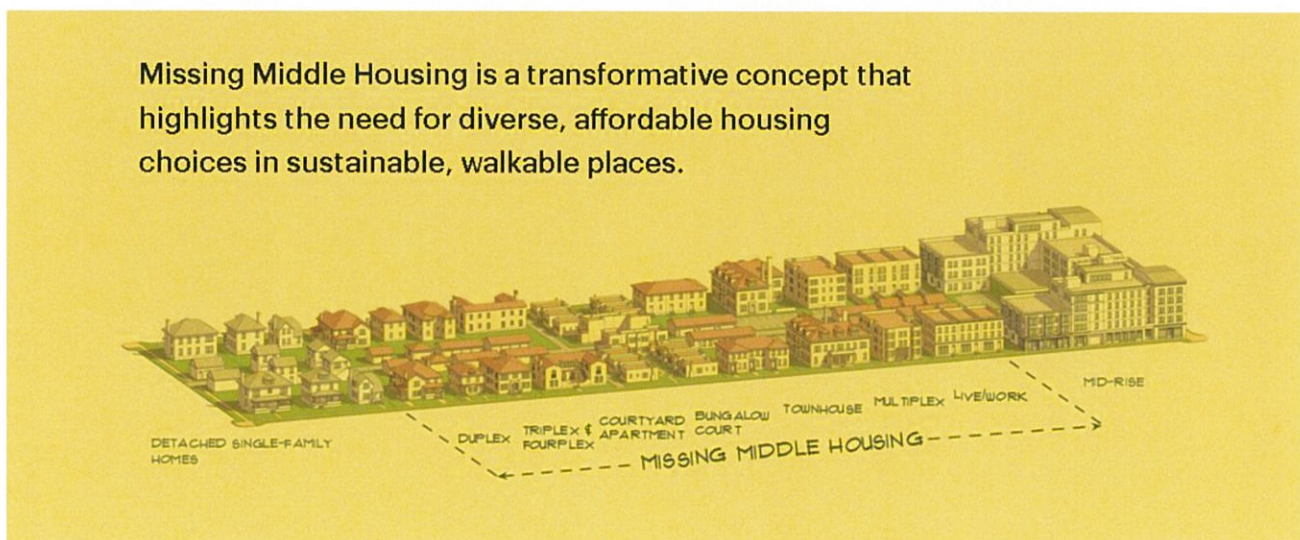
Providing a range of housing types gives opportunity for variation and diversity in dwelling design, especially where there is a need to accommodate various household types and demographics such as families versus single person households (this is a **State Planning Principle**).

The predominant form of housing in Perth and across the suburbs is still single storey single housing as well as single storey unit development (Grouped Dwellings), In recent times there has been increased supply of apartment development but this is still in the minority when we look at overall dwelling numbers. Increased density development has in many cases resulted in poor building design and out-of-scale development outcomes (particularly in respect to single storey grouped dwelling development). Such outcomes have occurred in the Town of Bassendean.

Improvements to design and quality of dwellings as well as an improvement to the variety of dwelling types is required as part of the Town's review of its Local Planning Strategy. When planning for the future the Town envisages creating design guidelines and planning controls and policy to provide for more human scale development, an increase in the requirements for greening and landscaping and an overall improvement to the built form. At the same time creating planning controls that encourage housing diversity and provide options for people wishing to move to or create new housing within the Town of Bassendean.

When analysing built form and planning trends we have reviewed how things are done In the United States, where the situation in respect to higher density development has been similar, the term 'Missing Middle' has been coined to describe this range of dwellings and the lack of their provision.

The graphic over illustrates the kind of dwelling types and forms comprising the 'Missing Middle'.



(Source: Accessed from Opticos Design website: www.opticosdesign.com , 8 Oct 2018)

In classifying housing in Western Australia the following descriptions generally apply:

Mid Rise – Mixed use and Apartments

- This is the more common style of apartment buildings in Perth including those that are found on Old Perth Road in the Town of Bassendean.

Stacked Town House – Apartments (Multiple dwellings) and attached townhouses / Terrace Style Housing

- Less common in Perth and are usually found in inner suburban areas like Highgate or Victoria Park.

Town House – Group dwellings

- These are common and usually two storeys in most suburbs throughout Perth including Bassendean.

Semi Detached (villas and units single storey)

- Most common form of grouped housing throughout Perth including house behind house, triplex and larger unit developments where no dwellings are on top of any other.

Detached – Single Houses

- Single houses as we know in Perth, not joined or sharing any land with any other dwelling.

Each of the different types of dwellings requires a different response to how they are positioned on a property, how far they are setback from the street, how big they are and how much parking and open spaces there are around the dwellings.

4.0 Design Response and Design Principles

A description of each dwelling type follows, together with a list of key design principles which will seek to inform the development of the design guidelines and controls. Many of these design principles reflect existing provisions in the R Codes.

Given that the dwelling types also respond to accommodating different density levels it is suggested these housing types be designated within the following density codings expressed in the two (2) density scenarios under consideration:

Areas coded R30 or less

Single House, Ancillary Dwelling, Town houses, units, villas (Grouped Dwellings)

Areas coded R40 – R60

Apartments (Multiple Dwellings), Town houses, Villas, Units (Grouped Dwellings)

Areas coded R80 – R-AC3, Mixed Use

Apartments (Multiple Dwellings) and Mixed Use

SINGLE HOUSE

Key Design Principles

- Dwelling generally between 1-2 storeys in height (but can comprise towers, belvederes, dormer windows, roof-top terraces and the like where the design of such structures integrates with the design of the dwelling)
- Dwelling street setback aligns with the street setbacks prevailing in the primary street
- Dwelling entry clearly defined by a porch, / portico stoop or patio or is incorporated within a front or side verandah
- Dwelling entry faces the primary street—may face a side lot boundary where it is incorporated in a side verandah that is directly accessible from the primary street
- Vehicle access is provided from either a rear lane or secondary street, or where these aren't available, via the primary street
- Required on-site car parking is provided either at the side or the rear of the dwelling—it may also be allowed in front of a dwelling where it is provided in a garage or carport
- The design of any covered parking structure (eg. garage, carport) is to integrate with the design of the dwelling

ANCILLARY DWELLING (GRANNY FLATS)

A small, self-contained single dwelling located on the same lot as a single house.

Key Design Principles

- To be located behind or alongside a single house—can be attached to or detached from the single house
- No more than 3 metres high (ground-floor to ceiling height) but can be erected on top of a garage that serves either the single house or the ancillary dwelling
- Building footprint does not exceed 90 m² gross floor area (gfa) in size (equivalent to a two-bedroom apartment dwelling)
- A building footprint up to 70 m² gfa is permitted 'as-of-right' (as per R Codes)
- Shares the vehicle access provided to the single house
- Required on-site car parking is provided either at the side, rear or under the ancillary dwelling
- The design of any covered parking structure (eg. garage, carport) is to integrate with the design of the associated dwelling

GROUPED DWELLING

A dwelling that is one of a group of 2 dwellings that is either attached or detached to the other dwelling

Key Design Principles

- The dwellings are generally between 1-2 storeys high (but can comprise tower structures, belvederes, dormer windows, roof-top terraces and the like where the design of such structures integrates with the design of the dwelling)
- Dwellings are attached or detached from each other, and generally projects a form, size and appearance typical of a single house
- Front dwelling street setback aligns with the predominant average prevailing primary street setback for that street block.
- Each dwelling entry is defined by a porch, stoop or patio or is incorporated within a front or side verandah
- Front dwelling entries face the primary street but may also be located within the side of the dwelling if incorporated into a side verandah directly accessible from the primary street or driveway serving the dwelling
- Rear dwelling entry may face either the primary street or a lot side boundary
- Each dwelling has a separate, clearly delineated outdoor living area
- Singular, shared vehicle access serving both dwellings, provided either from a rear lane or a secondary street, or where these aren't available, via the primary street.
- Required on-site car parking provided either at the side, rear or in between the dwellings—it may also be allowed in front of a dwelling where it is provided in a garage or carport
- The design of any covered parking structure (eg. garage, carport) integrates with the design of the associated dwelling

MULTIPLE DWELLINGS (APARTMENTS)

Generally, a dwelling contained within a vertically-structured multi-dwelling complex or a mixed use development.

Key Design Principles

- The multi-dwelling complex is generally between 2 and 6 storeys in height.
- A common entry is to be provided at the ground-floor, facing the primary street
- Roof-top terraces are encouraged
- Vehicle access is provided from either a rear lane or side (secondary) street or discretely from the primary street.
- Required on-site parking is provided in a common parking area or 'parking court', located behind or underground the dwelling complex

Mixed Use Development

A building complex within a single development site comprising any combination of residential, office, retail, hotel, entertainment, recreational, and community uses.

Key Design Principles (comprising apartment development)

- Up to 6 storeys high may be permitted
- Nil building setback to primary and secondary streets is required
- Limitations to the extent of blank walls / Fascades and to incorporate CPTED principles
- Continuous awning/verandah are encouraged to be provided along the building's street frontages
- Ground-floor is to include active commercial use (shop fronts)—no dwelling is to front the primary street at the ground level.
- A common entry is provided at the ground floor to all upper level dwellings, and facing the primary street
- Roof-top terraces are encouraged
- Vehicle access is provided from either a rear lane side (secondary) street or discretely from the primary street.
- Required on-site parking is provided in a common parking area or 'parking court', located behind or underground the dwelling complex.
- The design of any covered parking structure (eg. garage, carport, 'parking court') integrates with the design of the residential complex

Communication Plan

Local Planning Strategy

Residential Density Scenarios & Design Guidelines

written by

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“Communities need to be informed and engaged so that they can in turn inform and engage government”

Nick Xenophon, Independent senator

Introduction

This communication plan sets out the aims and proposed practices for planned engagement and consultation with the Bassendean community around changes to the Town’s existing residential density codings (‘RCodings’) and new design guidelines.

Situational Analysis

The bigger picture

The Western Australian Government recently adopted a new planning framework (*Perth and Peel @ 3.5 Million*) to guide the future growth of the Perth and Peel regions to accommodate a population of 3.5 million by 2050. Local Governments in this region (including Bassendean) are expected to accommodate a share of this forecast increase through either infill or ‘greenfields’ urban development within their local government area.

In order to effect this, local governments will be required to amend their local planning framework (comprising local planning strategies, schemes and policies). These frameworks also provide an opportunity to introduce modern planning policies which better reflect the lives of modern society.

What is density?

The term ‘density’ is used frequently in town planning but is ill-understood in the general population. Its meanings include or refer to:

- compactness
- the quantity of people or things in a given area or space
- number of people inhabiting a given urbanized area
- how many buildings allowed in a space
- spatial arrangement

Population density and housing density go hand in hand but are not the same. Throughout this consultation the definition and emphasis on density must be clear. For this exercise, residential (or housing) density refers to the ratio of the number of dwellings per hectare of land.

What does this mean for Bassendean?

Bassendean has a population of just over 15,000 persons, accommodated in almost 7000 dwellings. Under the *Perth and Peel @ 3.5 Million* planning framework (PP3.5M) the Town is expected to accommodate an additional 4150 dwellings by 2050, principally through the delivery of medium to high-density housing.

Accommodation of this level of additional dwellings is likely to have a significant transformative effect and impact on the Town's present character, urban landscape, and residential amenity. How and where future infill housing development is to be provided within the Town and what form it might take will require careful planning and consideration. To this end, engaging and consulting with the Bassendean community (many of whom will be directly affected) will be paramount in deciding this.

To assist in deciding how and where future infill housing development is to be provided and what form it might take, the Town has developed two scenarios for consideration. One scenario is a reflection of the PP3.5M framework as it applies to Bassendean—the other is a more nuanced version aligned to the assets and features locally.

Feedback on these two scenarios is now sought from the Bassendean community. This communication plan offers ways and means that firstly, informs the community about the need for change, these scenarios and their likely impacts; secondly how the community can provide feedback on them; and thirdly reporting back to the community on the outcomes.

Retaining the unique character of Bassendean

It's vital throughout that any proposed changes reflect, support and uphold the unique heritage and character of the local area. From previous consultations, it's clear the community are passionate about their public open spaces, tree-lined streets, heritage buildings and close-knit community feel. The proposed residential density changes must take these into account.

This goes beyond the mapping of density and into the development of site and building design guidelines, addressing such things as building height, bulk, mass and orientation; site landscaping and including tree retention and additional plantings,

positioning of driveways and onsite car parking arrangements and preservation of streetscapes.

To this end, a series of preliminary key design principles have been developed and will also be offered to the Bassendean community for feedback. The key design principles (and any modifications to them) are intended to inform the development of site and building design guidelines in the near future.

Awareness of the past

Recent plans to redevelop the BIC Reserve and Bassendean Oval caused considerable angst to, and opposition from, the community; particularly relating to the transparency of the proposals. Although the proposal to redevelop the BIC Reserve has been scrapped, and plans for the redevelopment of Bassendean Oval have been put on hold, many in the community remain 'battle-scarred' from the experience of the consultation on these proposals.

The potential for community angst and opposition to increased residential density adds an additional layer of complexity to the community consultation process, heightening the need and emphasis for transparency, presentation of draft options, and the thorough and open engagement of residents on any proposed changes.

SWOT Analysis



Objectives

Organisational Objectives

- To align the Town's local planning framework with the State Government's planning framework in order to accommodate a reasonable share of the Perth metropolitan region's 2050 projected population increase
- To ensure that future urban development is undertaken at a scale and form that suitably preserves and enhances Bassendean's unique character, heritage and townscape

Consultation Objectives

- To seek feedback from the community at key stages of the planning processes firstly draft density, height and design guideline options
- To incorporate community feedback in a meaningful way into the final plans
- To build relationships and trust amongst the community
- To increase awareness of the State designation for increasing density
- To use the 'Your Say Bassendean' platform to an exemplary level to demonstrate its capabilities internally and externally and grow registrations

Target Audience

The Bassendean Community—residents, ratepayers, businesses and community groups and stakeholders

Key Messages

1. The State Government requires local governments within the Perth and Peel Region to accommodate projected population growth to 2050, primarily through increased residential density development
2. The State expects Bassendean to accommodate 4,150 additional dwellings by 2050
3. The expected increase will be managed by identifying areas within the Town where *higher* residential density is deemed appropriate, having regard to universal and timeless planning principles that apply to such development—two scenarios have been developed for this purpose

4. Generally, it is envisaged that increased density development will occur around the Town's 3 train stations (Ashfield, Bassendean and Success Hill) and along major transit routes (Guildford Road, Lord Street, Iolanthe St-Broadway-Ivanhoe Streets, Walter Road and Morley Drive)
5. Many areas of Bassendean will not be affected by these proposed changes
6. Council desires and will actively consult its community (as broadly as possible) to assist in determining where and to what extent increased density development should occur, and at what scale and form it should take

All communication will be accompanied by information sheets and explanatory material to assist the community in understanding the need for increasing housing density, how best this might occur within Bassendean, and how the community can participate in making this happen in the best way possible.

Communication Plan

It is proposed that consultation take place from 3 November to 14 December 2018. Consultation will be both online and offline comprising various methods of engagement. The hub for all the consultation will be the Town's 'Your Say Bassendean' digital project and this will be used in an exemplary way to demonstrate capabilities, capture both online and offline engagement, and to report on the outcomes of the consultation. As such, the tools used during consultation will be mirrored online and offline in order to maintain consistency in approach and consolidated reporting.

Stage 1

The first stage is **informing** the community and telling the story of the need for increasing density and how they can get involved. A high level of awareness in the community is desired for this project so a strong promotional drive will be needed which could include:

- Website homepage banner/information
- 'Your Say Bassendean' homepage banner
- Videos created in-house which tell the story, explain any jargon and make the consultation more personal. This is proposed in an interview style with the interviewer asking the frequently asked questions and key information being displayed graphically
- Social Media posts
- Signage
- Direct mail to all households
- Press releases/advertisements in local media

- Article(s) in the Bassendean Briefings
- Posters/Pop-ups at key venues
- Leaflet available online and at key Council venues
- Communication with key stakeholders - community groups, businesses etc.
- Dissemination of information through key stakeholders and avenues e.g. emails via volunteer database, notices in all library communication etc.

This communication will have one primary call to action—to register on the 'Your Say Bassendean' platform which is specifically designed for such purposes. Users will be encouraged to register for notifications/updates (including via email) to other planning projects included under the Design Bassendean banner.

There will also be several secondary calls to action via local consultation events, Town Facebook posts, and one-on-one appointments with the Director of Strategic Planning.

Stage 2

The second stage of consultation is about more in-depth consultation—seeking feedback on the scenarios presented, face-to-face opportunities for dialogue, and collecting both qualitative and quantitative data. This is about **involving and collaborating** with the community in order to determine a preferred density scenario and to inform the development of site and building design guidelines.

The 'Your Say Bassendean' platform will continue to be the hub for all consultation during this stage. The platform has a range of tools that can be used for both online and offline consultation. Preferred tools for use and how they can be used are detailed as follows:

Engagement Methods

1. Polls/Surveys

Following viewing of the two density scenarios, residents will be requested to vote on their preferred scenario. This will provide clear quantitative data to assist in internal decision-making.

Consultation on the key design principles can either be facilitated through several short polls or short surveys.

2. Questions

It's important that community members can ask questions whether specifically on their own landholding or generally. This facility will be available online in the 'Your Say Bassendean' project page, through informal one-on-one dialogue at consultation events, and also via email or telephone directly with the strategic planning team. All questions offline will be recorded for accurate record-keeping and uploaded to the 'Your Say Bassendean' platform.

3. Stories

To enable consultation on the key design principles, it's important to understand residents' views on what characteristics they consider make Bassendean unique. Residents will be invited to do this either by uploading photos, videos and text to the 'Your Say Bassendean' project page, or by expressing their views at consultation events.

4. Places

This will be the heart of the consultation and will allow users to add markers and attach comments to the two density scenario maps of Bassendean as well as complete mini-surveys. At consultation events, attendees will be invited to either place sticky notes with comments on the two density scenario maps and/or be provided a map to mark and make comments. Following each event, markers and comments will be uploaded to the 'Your Say Bassendean' platform so all comments are recorded, held centrally, and be available for viewing by the whole community.

5. Ideas

The community is a rich source of local information and it's important they are given the facility to brainstorm, make suggestions and submit ideas that are outside of the scope of the information provided. At consultation events this could be facilitated through an open board and sticky notes or a private suggestions box. The open method is preferable.

Consultation Events

It is proposed that several consultation events be held during the consultation period to allow for multiple engagement opportunities with the community.

At this stage, these are proposed to comprise:

- **Bassendean** – a daytime presentation at the Town office
- **Bassendean** – an evening presentation at the Town office
- **Bassendean** – a pop-up stall for 1-2 days at the Bassendean Village shopping centre

- **Eden Hill** – a presentation at Alf Faulkner Hall, possibly hosted by the Eden Hill Community Network
- **Ashfield** – a presentation at the Ashfield Sports Club, possibly hosted by AshCAN
- **Success Hill** – a presentation at a venue in Success Hill, possibly hosted by the Success Hill Action (SHAG) group
- **Business Association Breakfast** – a presentation at a central location to local business groups and business proprietors

It is hoped that by working closely with resident and business groups, project information can be disseminated through their membership and networks to reach more community members.

At each consultation event there will be a short presentation to explain the overall picture, density scenarios and key design principles, followed by an open display of the scenarios and the listing of the key design principles, where attendees can ask questions and submit their comments and opinions via the above methods in an informal setting.

Attendees can also register for 'Your Say Bassendean', submit their views directly online and view other online comments through iPads installed at the event locked to the 'Your Say Bassendean' platform, and will be encouraged to share their views and information through their own digital and local networks.

Stage 3

This stage is about **reporting and feedback**. Following the consultation period, all data will be entered into the 'Your Say Bassendean' platform, be made publically available through the platform and promoted in a meaningful way.

An outcomes report will be subsequently prepared and be presented to Council for its consideration and deliberations.

The objective of this is to provide a clear indication of the community's views and preferences as to where and how future infill housing and density development should occur and the scale and form it ought to take. If sufficient or significant uncertainty remains in respect to these, then Council may wish to carry out further consultation.

In early 2019, it is critical that feedback on the project is given to the community about the consultation outcomes and next steps in the planning process. This can

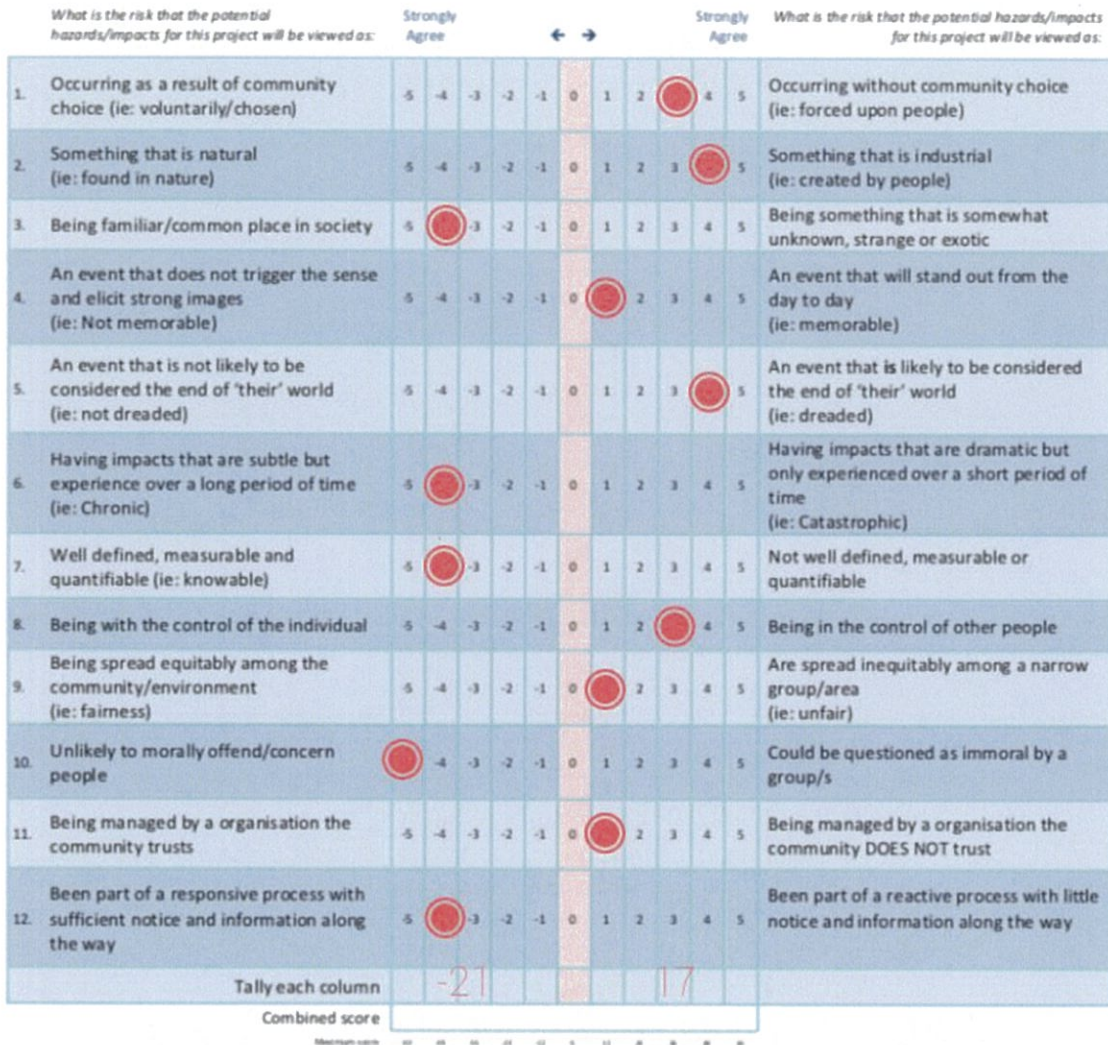
be conducted via updates to the 'Your Say Bassendean' platform, emails to registered users, community groups and attendees at consultation events, social media posts, webpage updates and articles in the Bassendean Briefings.

The report is also to be shared internally with all staff to not only disseminate results but also share the case study use of the 'Your Say Bassendean' platform.

Risk Factors

The largest risk with this project is community unrest or outrage over the proposed density changes. This can be alleviated by the important fact that the State Government requires local governments to provide for increased density development, an action outside the control of local governments. Local government input is largely restricted to where such development ought to occur and what scale and form it might take.

This will need to be made clear on the key messages that have potential for community outrage, and as part of a series of frequently-asked-questions (FAQ's) posted on the 'Your Say Bassendean' platform and in other explanatory material. The 'Outrage Assessment' tool over the page illuminates which areas have the potential for issues:



Potential for outrage = -4 = mild / medium

The areas most likely to create outrage	Possible key messages / counteraction
Lack of community control over desire for increasing density	The changes are normalised as happening all over Perth in response to State policy
Not spread equitably among residents:	<ul style="list-style-type: none"> Counteract with positives

i.e. marketing

October 2018

<p>Impact on residents in areas of proposed changed density is potentially huge</p> <p>Positives: Potential for subdivisions, higher sale prices</p> <p>Negatives: Increased congestion, construction and changing nature of area</p>	<ul style="list-style-type: none"> • Reflect on State Planning Policy and reasoning behind scenario
<p>Not spread equitably among residents: If area is NOT changing density</p>	<ul style="list-style-type: none"> • In keeping with current environment • No additional congestion, construction or developer-led proposals • Overall price rises expected in Bassendean • Take advantage of new facilities in neighbourhood but NIMBY ('not-in-my-backyard') • Discuss one-to-one potential for granny flat development or whatever is applicable for that particular landholder
<p>Residents dislike both scenarios presented</p>	<ul style="list-style-type: none"> • Based on State planning frameworks of higher density in town centres and along major transport routes • Based on keeping building heights low (max 6 storeys in the highest density areas) • Further detailed reasoning behind each scenario
<p>If people are unable to attend any events but want to know more and put across their views</p>	<ul style="list-style-type: none"> • Join 'Your Say Bassendean' and get involved there • Arrange a one-to-one meeting / phone call

All Councillors and staff attending consultation events, and staff moderating the 'Your Say Bassendean' project page, are to be provided with a full set of key messages and FAQ's.

Where a person is outraged or unhappy with a proposal, it is critical that this be dealt with within 24 hours, and ideally, followed up with a personal phone call or

follow-up meeting to discuss their concerns offline and in detail. Email communication in this type of instance is not recommended.

Conclusion

A staged approach, with broad and appropriate avenues for community involvement, aims to deliver on both the organisational and consultation objectives. Much of the success of consultation will be dependent upon **awareness** of the project. As such, resources need to be allocated to effectively promote and deliver the promotion of the consultation as well as the actual delivery.

Mirroring online and offline approaches during the consultation period provides the opportunity to garner a wide range of community views that can be seen, heard and displayed together. Use of the 'Your Say Bassendean' platform also offers the capability to deliver high-quality reporting, record-keeping and a case study for all future community engagement projects the Town conducts.

ATTACHMENT NO. 2

LOCAL GOVERNMENT ACT 1995
TOWN OF BASSENDEAN
BEE KEEPING LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995* and under all other enabling powers, the Council of the Town of Bassendean resolved on _____ to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the Town of Bassendean Bee Keeping Local Law.

1.2 Commencement

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

1.3 Repeal

The Town of Bassendean Bee Keeping Local Law as published in the *Government Gazette* of 16 August 2001 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Terms used

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

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 carry out functions with respect to this local law;

bee means a bee of the species *Apis mellifera*;

bee hive means a movable or fixed structure, container or object which contains a bees nest containing an independent colony of bees and in which bees are kept;

beekeeper has the meaning given in regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

Crown land has the meaning given in section 3(1) of the *Land Administration Act 1997*;

district means the district of the local government;

local government means the Town of Bassendean;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which constitutes a reasonable basis for legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) an interference which causes material damage to land or other property on the land affected by the interference;

occupier has the meaning given in the Act;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

registered beekeeper means a person who is registered as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; and

Regulations means the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

Schedule means a schedule to this local law

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning as is given in the Act.

PART 2—PERMIT TO KEEP BEES

2.1 Permit required to keep bees

- (1) Subject to this clause, a person must not keep bees or allow bees to be kept on land—
 - (a) unless that person is a registered beekeeper if required by the Regulations; and
 - (b) in accordance with a valid permit issued in relation to the land.
- (2) Subclause (1) does not apply where an occupier of land keeps bees on the land:
 - (a) for a continuous period not exceeding 8 weeks in a 12 month period; and
 - (b) for the purpose of pollinating a crop on the land.
- (3) An occupier referred to in subclause (2), in keeping bees under that subclause, shall provide a good and sufficient water supply on the land that is readily accessible by the bees.
- (4) Subclause (1) does not apply where a person keeps bees on Crown land.

- (5) In relation to all land-
- (a) no more than 2 bee hives may be kept on land of less than 2,000 m² in area;
 - (b) no more than 5 bee hives may be kept on land of between 2,000 m² and 20,000m² in area ;
 - (c) before establishing any bee hives on the land, the occupier of the land must notify, in writing, the occupier of each property adjoining the land that the bee hives are to be kept;
 - (d) a good and sufficient supply of water must be provided in a way that is readily accessible to any bees kept on that land; and
 - (e) bees from the bee hives must not become a nuisance.

2.2 Application for a permit

An applicant for a permit must—

- (a) be a registered beekeeper if required by the Regulations;
- (b) provide the information (including any comments from neighbours) that may be required by the local government;
- (c) apply in the form determined by the local government; and
- (d) pay any application fee imposed by the local government under sections 6.16 to 6.19 of the Act.

2.3 Determination of application

- (1) The local government may—
 - (a) refuse to determine an application that does not comply with clause 2.2;
 - (b) approve an application subject to any conditions that it considers appropriate; or
 - (c) refuse to approve an application.
- (2) If the local government approves an application, it is to issue to the applicant a permit in the form determined by the local government from time to time.
- (3) A permit is valid from the date of issue until it is cancelled under this local law.
- (4) A permit holder must comply with the permit conditions.

2.4 Variation or cancellation

- (1) The local government may vary a permit condition by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.
- (2) The local government may cancel a permit if—
 - (a) the permit holder requests the local government to do so; or
 - (b) the permit holder fails to comply with a notice under clause 3.1 within the time specified in the notice or commits any other offence under this local law.
- (3) A permit is taken to be cancelled on—

- (a) the permit holder ceasing to be registered as a beekeeper; or
- (b) the expiration of a continuous period of 12 months during which the permit holder has not kept any bees on the land to which the permit relates.

2.5 Information to be provided by a permit holder

- (1) In this clause a 'permit holder' includes the holder of a permit cancelled under clause 2.4(3).
- (2) A permit holder must notify the local government in writing as soon as practicable after—
 - (a) the permit holder ceases to be a registered beekeeper; or
 - (b) a continuous period of 12 months passes during which the permit holder has not kept any bees on the land to which the permit relates.
- (3) A permit holder must, within 7 days of an authorised person giving the permit holder a written notice to do so, provide to the local government either or both of—
 - (a) written proof of the permit holder's registration as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement Stock and Apiaries) Regulations 2013*; and
 - (b) a signed statement as to whether the permit holder has, within the 12 months preceding the date of the notice, kept bees on the land to which the permit relates and which is identified in the notice.

2.6 Permit not transferable

A permit—

- (a) is personal to the permit holder;
- (b) applies only to the land described in the permit; and
- (c) is not transferable.

2.7 Nuisance

A person must not keep or allow to be kept bees or bee hives, or both, on land so as to create a nuisance.

2.8 Objections and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law—

- (a) to refuse an application for a permit;
- (b) to impose or vary a condition of a permit;
- (c) to cancel a permit; or
- (d) to give a person a notice under clause 3.1.

PART 3—ENFORCEMENT

3.1 Notice to remove

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

3.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing commits an offence.
- (2) A person who commits an offence under this local law is liable to a penalty of \$5,000 and where the offence is of a continuing nature, to a daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

3.3 Prescribed offences

- (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

3.4 Forms

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

Schedule- Prescribed offences and modified penalties

[Clause 3.3]

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.1(1)(b)	Failure to obtain permit to keep bees	100
2	2.1(3)	Failure to comply with obligation when temporarily keeping bees	100
3	2.3(4)	Failure to comply with a condition of a permit to keep bees	100
4	2.7	Creation of nuisance from keeping of bees or bee hives	100
5	3.1	Failure to comply with notice of local government	100

Dated this _____ day of _____

The Common Seal of the Town of)
 Bassendean was affixed to this)
 document by resolution of the Council)
 in the presence of:)

CR RENEE JOY MCLENNAN
MAYOR

MS PETA MABBS
CHIEF EXECUTIVE OFFICER

ATTACHMENT NO. 3

TOWN OF BASSENDEAN

PARKING LOCAL LAW 2018

Local Government Act 1995

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LOCAL GOVERNMENT ACT 1995

Town of Bassendean

PARKING LOCAL LAW 2018

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

PART 1 - DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as *Town of Bassendean Parking Local Law 2018*.

1.2 Commencement

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

1.3 Repeal

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

1.4 Interpretation

In this local law unless the context otherwise requires:

'Act' means the *Local Government Act 1995*;

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

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

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

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

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

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

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

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

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

'**carriageway**' has the meaning given to it by the Code;

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

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

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

'**CEO**' means the Chief Executive Officer of the local government;

'**Code**' means the *Road Traffic Code 2000*;

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

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

'**district**' means the district of the local government;

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

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

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

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

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

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

'**local government**' means the Town of Bassendean;

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

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

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

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

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

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

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

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

'notice' means a notice in the form of Form No. 1, Form No. 2, Form No. 3, or Form No. 4 in the third schedule to this local law;

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

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

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

'owner'

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

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

- (a) avoiding conflict with other traffic; 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;

'parking facilities' includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and signs, notices and facilities used in connection with the parking of vehicles;

'parking region' means the area described in Schedule 1;

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

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

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

'permit' means a permit issued under this local law;

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

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

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

'reserve' means any land:

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

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

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

'Schedule' means a Schedule to this local law;

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

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

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

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

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

'**taxi**' means 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;

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

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

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

'**vehicle**' has the meaning given to it by the Code; and

'**verge**' means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.5 Application of Particular Definitions

- (1) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.6 Application and pre-existing signs

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

- (4) Where a parking facility or a parking station is identified in Schedule 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 -
 - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.
- (6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.
- (7) The provisions of Parts (2), (3), (4) and (5) do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.7 Classes of vehicles

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

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.8 Part of thoroughfare to which sign applies

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

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

1.9 Powers of the local government

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

PART 2 - PARKING STALLS AND PARKING STATIONS

2.1 Determination of parking stalls and parking stations

- (1) The local government may by resolution constitute, determine and vary -
 - (a) parking stalls;
 - (b) parking facilities and parking stations;
 - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
 - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
 - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
 - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government determination under subsection (1) it shall erect signs to give effect to the determination.
- (3) Where a parking facility or a parking station is identified in the Schedule 4, then the facility or station shall be deemed to be a parking station to which this local law applies.

2.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than -
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.

- (5) Where a vehicle is parked such that any part of it is in a prohibited or restricted area, the whole of the vehicle may be deemed to be in the prohibited or restricted area for the purposes of this local law.

2.3 Parking prohibitions and restrictions

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

PART 3 - PARKING GENERALLY

3.1 Restrictions on parking in particular areas

- (1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station -
- (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or

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

3.2 Parking with a permit

- (1) A sign may indicate that all or part of a parking station or road is set aside, during the period indicated on the sign, for the parking of vehicles with a permit.
- (2) The local government may upon a written application of an eligible person, issue a parking permit, in the form of a permit issued by the local government, in respect of all or part of a parking station or road referred to in subclause (1).
- (3) A parking permit may be issued as –
 - (a) a temporary parking permit for a period as specified on the permit; or
 - (b) an annual residential parking permit for a period of not more than twelve months, expiring on 31 December of the year of issue; or
 - (c) an annual visitor parking permit for a period of not more than twelve months, expiring on 31 December of the year of issue.

- (4) The local government's power to issue, replace and revoke permits under subclause (2) may be exercised by an authorised person.
- (5) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in a parking station or road that is set aside under subclause (1) unless the permit issued under subclause (2) is displayed inside the vehicle so that it is clearly visible to an authorised person examining the permit from outside the vehicle.
- (6) The local government may, at any time, revoke a permit issued under subclause (2).

3.3 Parking vehicle on a carriageway

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

3.4 When parallel and right-angled parking apply

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

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

3.5 When angle parking applies

- (1) This clause does not apply to -
 - (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
 - (b) a person parking either a motor cycle without a trailer or a bicycle.
- (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

3.6 General prohibitions on parking

- (1)
 - (a) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
 - (b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (2) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is -
 - (a) between any other stationary vehicles and the centre of the carriageway;
 - (b) on or adjacent to a median strip;
 - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;

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

unless a sign or markings on the carriageway indicate otherwise.

- (3) A person shall not stop a vehicle so that any portion of the vehicle is within 10 metres of the departure side of -
 - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children's crossing or pedestrian crossing.
- (4) A person shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of -

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

3.7 Authorised person may order vehicle on thoroughfare to be moved

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

3.8 Authorised person may mark tyres

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

3.9 No movement of vehicles to avoid time limitation

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

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

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

- (a) for the purpose of exposing it, or goods thereon, for sale or hire;
- (b) if where the vehicle is required to be licensed under the Road Traffic Act -
 - (i) the vehicle is not licensed under the Road Traffic Act; or
 - (ii) each number plate issued for the vehicle is not fixed to the vehicle and displayed in accordance with regulation 119 of the *Road Traffic (Vehicles) Regulations 2014*;

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

3.11 Parking on reserves

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

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

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorised Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 4 – PARKING AND STOPPING GENERALLY

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

- (1) 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.
- (3) In subclause (2) 'unattended', in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

(4) Yellow Edge Lines

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

(5) Bicycle Lane

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

PART 5 – STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

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

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

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

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

5.2 Stopping in a taxi zone or bus zone

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

5.3 Stopping in a mail zone

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

5.4 Other limitations in zones

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

PART 6 – OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless –

- (1) The driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;

- (2) The driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law;
- (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 this local law.

6.3 Stopping near an obstruction

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

6.4 Stopping on a bridge

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

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

6.5 Stopping on crests, curves, etc.

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

6.6 Stopping near a fire hydrant etc

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

6.7 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless -
 - (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause -
 - (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

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

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

6.9 Stopping on verge

- (1) A person shall not -
 - (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or

- (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

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

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless -
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless -
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

6.11 Stopping near a letter box

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

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

6.12 Stopping on a carriageway or verge – heavy and long vehicles

- (1) A person shall not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or

combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes -

- (a) on a carriageway or verge in a built-up area, for any period exceeding 1 hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway or verge outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

6.13 Stopping on a carriageway with a bicycle parking sign

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

6.14 Stopping on a carriageway with motor cycle parking sign

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

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

PART 7 - MISCELLANEOUS

7.1 Removal of notices on vehicle

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

7.2 Unauthorised signs and defacing of signs

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

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

7.3 Signs must be complied with

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

7.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

7.5 Special purpose, emergency and vehicles driven by authorised persons

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

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

7.6 Vehicles not to obstruct a public place

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction and may be impounded where –
 - (a) the vehicle is parked for any period exceeding 24 hours;
 - (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign;
 - (c) the vehicle is abandoned, unregistered, disused or no registration plates are displayed; or

- (d) in the opinion of an authorised person that the presence of the vehicle presents a hazard to public safety or obstructs the lawful use of any place.

PART 8 - PENALTIES

8.1 Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not less than \$250 and not exceeding \$5000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Form of notices

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.

Schedule 1
Local Government Act 1995
Town of Bassendean Parking Local Law 2018
Parking Region

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

1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
3. any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.
4. private land, other than private land which Council has resolved to control at the landowners request.

Schedule 2
Local Government Act 1995
 Town of Bassendean Parking Local Law 2018
Prescribed Offences

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to park wholly within parking stall	75
2	2.2(4)	Failure to park wholly within parking area	75
3	2.3(1)(a)	Causing obstruction in parking station	100
4	2.3(1)(b)	Parking contrary to sign in parking station	100
5	2.3(1)(c)	Parking contrary to directions of Authorised Person	100
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	75
7	3.1(1)(a)	Parking wrong class of vehicle	75
8	3.1(1)(b)	Parking by persons of a different class	75
9	3.1(1)(c)	Parking during prohibited period	75
10	3.1(3)(a)	Parking in no parking area	100
11	3.1(3)(b)	Parking contrary to signs or limitations	75
12	3.1(3)(c)	Parking vehicle in motor cycle only area	75
13	3.1(4)	Parking motor cycle in stall not marked 'M/C'	75
14	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	80
15	3.2(5)	Failure to display valid parking permit	75
16	3.3(1)(a)	Failure to park on the left of two-way carriageway	75
17	3.3(1)(b)	Failure to park on boundary of one-way carriageway	75

18	3.3(1)(a) or 3.3(1)(b)	Parking against the flow of traffic	80
19	3.3(2)(a)	Parking when distance from farther boundary less than 3 metres	80
20	3.3(2)(b)	Parking closer than 1 metre from another vehicle	75
21	3.3(2)(c)	Causing obstruction	100
22	3.4(a)	Failure to park close and parallel to the boundary	75
23	3.4(b)	Failure to park at approximate right angle	75
24	3.5(2)	Failure to park at an appropriate angle	75
25	3.6(2)(a) and 6.2	Double parking	80
26	3.6(2)(b)	Parking on or adjacent to a median strip	75
27	3.6(2)(c)	Denying access to private drive or right of way	80
28	3.6(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
29	3.6(2)(e)	Parking within 10 metres of traffic island	80
30	3.6(2)(f)	Parking on footpath/pedestrian crossing	100
31	3.6(2)(g)	Parking contrary to continuous line markings	80
32	3.6(2)(h)	Parking on intersection	80
33	3.6(2)(i)	Parking within 1 metre of fire hydrant or fire plug	100
34	3.6(2)(j)	Parking within 3 metres of public letter box	80
35	3.6(2)(k)	Parking within 10 metres of intersection	80
36	3.5(2)(m)	Parking within the head of a cul-de-sac	80
37	3.6(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100

38	3.6(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
39	3.6(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
40	3.7	Parking contrary to direction of Authorised Person	100
41	3.8(2)	Removing mark of Authorised Person	100
42	3.9	Moving vehicle to avoid time limitation	75
43	3.10(a)	Parking in thoroughfare for purpose of sale or hire	75
44	3.10(b)	Parking unlicensed vehicle in thoroughfare	75
45	3.10(c)	Parking an unattached trailer/caravan on a thoroughfare	75
46	3.10(d)	Parking in thoroughfare for purpose of repairs	75
47	3.11	Driving or parking on reserve	75
48	4.1(1)	Stopping contrary to a 'no stopping' sign	75
49	4.1(2)	Parking contrary to a 'no parking' sign	75
50	4.1(4)	Stopping within continuous yellow edge lines	75
51	4.1(5)	Stopping in a bicycle lane	75
52	5.1	Stopping unlawfully in a loading zone	75
53	5.2(1)	Stopping unlawfully in a taxi zone	75
54	5.2(2)	Stopping unlawfully in a bus zone	75
55	5.3	Stopping unlawfully in a mail zone	75
56	5.4	Stopping in a zone contrary to a sign	75
57	6.1	Stopping in a shared zone	75
58	6.3	Stopping near an obstruction	80

59	6.4	Stopping on a bridge	75
60	6.5	Stopping on crests/curves etc	100
61	6.6	Stopping near fire hydrant	100
62	6.7	Stopping near bus stop	80
63	6.8	Stopping on path, median strip or traffic island	75
64	6.9(1)(a) or 6.9(1)(c)	Stopping on verge	75
65	6.9(1)(b)	Stopping commercial vehicle or bus, or unattached trailer/caravan on verge	75
66	6.10	Obstructing path, a driveway etc	75
67	6.11	Stopping near letter box	75
68	6.12	Stopping heavy or long vehicles on carriageway or verge	80
69	6.13	Stopping in bicycle parking area	75
70	6.14	Stopping in motorcycle parking area	75
71	7.6	Leaving vehicle so as to obstruct a public place	100
72		All other offences not specified	75

Schedule 3
Local Government Act 1995
 Town of Bassendean Parking Local Law 2018
Notice to owner of vehicle involved in offence
 FORM 1

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 Local Law 2018**.

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 authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the 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 authorised person
- (6) Name and title of authorised person giving notice

Schedule 3
Local Government Act 1995
Town of Bassendean Parking Local Law 2018
Infringement Notice
FORM 2

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 Local Law 2018**.

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 authorised person
- (7) Name and title of authorised person giving notice

Schedule 3

Local Government Act 1995
Town of Bassendean Parking Local Law 2018
Infringement Notice
FORM 3

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 Local Law 2018.

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.

Unless within 28 days after being served with this notice:

(a) you pay the modified penalty; or

(b) you:

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

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

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

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable. If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)

(7)

Insert:

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

Schedule 3
Local Government Act 1995
Town of Bassendean Parking Local Law 2018
Withdrawal of infringement notice
FORM 4

Serial No

Date / /

To: (1)
of: (2)

Infringement Notice No. dated / /

in respect of vehicle:

make: ;

model: ;

registration: ,

for the alleged offence of
.....
.....

has been withdrawn.

The modified penalty of \$

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

(3)

(4)

Insert:

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

Schedule 4
Local Government Act 1995
Town of Bassendean Parking Local Law 2018
Deemed Parking Stations

- **PARKING STATION NO. 1 – WILSON STREET CARPARK**

Dated:2018

The Common Seal of the }
Town of Bassendean was }
affixed by authority of a }
resolution of the Council }
in the presence of: }

**CR RENEE JOY MCLENNAN
MAYOR**

**MS PETA MABBS
CHIEF EXECUTIVE OFFICER**

DOG ACT 1976

TOWN OF BASSENDEAN

DOGS LOCAL LAW 2018

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DOG ACT 1976

Town of Bassendean

DOGS LOCAL LAW

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Town of Bassendean resolved on XXX to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the Town of Bassendean Dogs Local Law 2018.

1.2 Repeal

The Town of Bassendean Dogs Local Law published in the Government Gazette on 16 August 2001 and as amended on 3 October 2006 is repealed.

1.3 Definitions

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

'Act' means the *Dog Act 1976*;

'Authorised person' means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

'CEO' means the Chief Executive Officer of the local government;

'District' means the Local government of the Town of Bassendean;

'Local Government' means the Town of Bassendean;

'Regulations' means the Dog Regulations 2013; and

'Thoroughfare' has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning that is given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Local Government Act 1995*.

1.4 Application

This local law applies throughout the district.

PART 2 - KEEPING OF DOGS

2.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must -
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) An occupier who fails to comply with sub clause (1) commits an offence.
- (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

2.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been granted an exemption under section 26 (3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26 (4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.

2.3 Offence to excrete

- (1) A dog must not excrete on:
 - (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 3 - ENFORCEMENT

3.1 Interpretation

In this Part:

'Infringement Notice' means the notice referred to in clause 3.3; and

'Notice of Withdrawal' means the notice referred to in clause 3.7(1).

3.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

3.3 Modified penalties

- (1) The offences contained in Schedule 1 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the third column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence.

3.4 Issue of infringement notice

- (1) Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, the authorised person may serve on the alleged offender a notice in the form of Form 8 of Schedule 1 of the Regulations, informing

the alleged offender that, if he or she does not wish to be prosecuted in court for the offence, he or she can may pay to the local government within the time specified in the notice, the amount prescribed as the modified penalty.

- (2) An infringement notice may be served on an alleged offender personally, or by leaving it at or posting it to her or his address as ascertained from the alleged offender, at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by the local government under the Act.

3.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

3.6 Payment of modified penalty

An alleged offender on whom an infringement notice has been served may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the allegation, and then –

- (a) the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or
- (b) The local government, or an authorised person acting on behalf of the local government, may withdraw the infringement notice under clause 3.7 and refund the amount so paid.

3.7 Withdrawal of infringement notice

- (1) An infringement notice may, whether or not the modified penalty has been paid, be withdrawn by the local government, or an authorised person acting on behalf of the local government, by the sending of a notice in the form of Form 9 in Schedule 1 of the Regulations to the alleged offender at the address specified in the notice or his or her last known place of residence or business and in that event, any amount received by way of modified penalty must be refunded and any acknowledgement of the receipt of that amount must for the purposes of any proceedings in respect of the alleged offence be regarded as not having been issued.
- (2) A person appointed under section 29(1) of the Act to exercise the powers of an authorised person to serve infringement notices under clause 3.4 (1) is not eligible to be appointed under that section to exercise the powers of an authorised person to withdraw infringement notices under clause 3.7(1).

Schedule 1
(clause 3.3)

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Offence	Nature of Offence	Modified penalty \$	
2.1	Failing to provide means for effectively confining a dog	200	
2.3	Dog excreting in prohibited place	100	

Dated the _____ day of _____ 2018.

The Common Seal of the }
Town of Bassendean }
was affixed by authority of a }
resolution of the Council in the }
presence of: }

**CR RENEE JOY MCLENNAN
MAYOR**

**MS PETA MABBS
CHIEF EXECUTIVE OFFICER**