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CITY OF SOUTH PERTH

LOCAL LAWS

PARKING LOCAL LAW 2017

**STANDING ORDERS AMENDMENT
LOCAL LAW 2017**

WASTE LOCAL LAW 2017

LOCAL GOVERNMENT ACT 1995

CITY OF SOUTH PERTH

PARKING LOCAL LAW 2017

Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the City of South Perth resolved on 28 March 2017 to make this local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of South Perth Parking Local Law 2017*.

1.2 Commencement

This local law will come into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Repeal

The *City of South Perth Parking Local Law 2011* published in the *Government Gazette* on 18 October 2011 is repealed.

1.4 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to—
 - (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
 - (b) the prohibition areas that apply to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
 - (c) 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.
- (3) 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.
- (4) The agreement referred to in subclause (3) may be made on such terms and conditions as the parties may agree.

1.5 Terms used

In this local law—

Act means the *Local Government Act 1995*;

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

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

bay includes 'stall' and 'space';

bicycle has the meaning given to it in the Code;

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

bus has the meaning given to it in the Code;

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

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

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

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

carriageway means—

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

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

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

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

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle—

- (a) 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
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

disability parking permit has the meaning given to it in 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;

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

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

footpath has the meaning given to it in the Code;

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

loading zone means a parking bay which is set aside for use by commercial vehicles if there is a sign referable to that bay marked 'loading zone';

local government means the City of South Perth;

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

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

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

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

motor cycle has the meaning given to it in the Code;

motor vehicle—

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

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

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

no parking sign means a sign with—

- (a) the words 'no parking' in red letters on a white background; or
- (b) 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 in the Code and includes a clearway as set out in the Code;

no stopping sign means a sign with—

- (a) the words 'no stopping' or 'no standing' in red letters on a white background; or
- (b) the letter 'S' within a red annulus and a red diagonal line across it on a white background;

occupier has the meaning given to it 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 has the meaning given to it in the Code;

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

parking facilities includes—

(a) land, buildings, shelters, parking stations, metered zones, metered bays, parking bays and other facilities open to the public generally for the parking of vehicles with or without charge; and

(b) signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area to which this local law applies, as described in clause 1.4;

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

parking station means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered bay;

path has the meaning given to it in the Code;

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

penalty unit means the amount prescribed by the local government as a standard penalty unit in the *City of South Perth Penalty Units Local Law*;

people with disabilities parking sign has the meaning given to it in the Code;

public bus has the meaning given to it in the Code;

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 a portion of land that is—

(a) shown and marked ‘Right of Way’ or ‘R.O.W’, or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;

(b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or

(c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include—

(i) a private driveway; or

(ii) a right of way created by easement between two parties;

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

Schedule means a Schedule to this local law;

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

sign includes a traffic sign, inscription, road marking, mark, structure or device on which may be shown words, numbers, expressions or symbols, that is—

(a) approved by the local government; and

(b) 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 in the Code;

stop has the meaning given to it in the Code;

symbol includes any symbol specified by Australian Standard 1742.11-1999 Manual of uniform traffic control devices—Parking controls and any symbol specified from time to time by Standards Australia for use in the regulation of parking, and any reference to the wording of any sign in this local law includes 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 in the Code;

thoroughfare has the meaning given to it by the Act;

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

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

trailer has the meaning given to it in the Code;

unattended, in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle;

vehicle has the meaning given to it in the Road Traffic Act; and

verge has the same meaning as *nature strip*.

1.6 Application of particular terms

(1) In applying the definitions of *no parking area* and *parking area*, an arrow inscribed on a sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the sign was 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 is to have the meaning given to it in that Act or the Code.

1.7 Pre-existing signs

(1) A sign that—

(a) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and

(b) relates to the parking of vehicles within the parking region,

is taken to have been erected by the local government under this local law.

(2) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor.

(3) Where an inscription, word, number, expression or symbol on a sign referred to in subclause (1) relates to the stopping of vehicles, it is taken for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

1.8 Classes of vehicles

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

(a) buses;

(b) commercial vehicles;

(c) motor cycles and bicycles;

(d) taxis; and

(e) all other vehicles.

1.9 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 is to be read as applying to that part of the thoroughfare which—

(a) is beyond the sign;

(b) is between that sign and the next sign; and

(c) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the local government

The local government may prohibit or regulate by signs, 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.

1.11 Alternative methods of payment for parking

(1) The local government may authorise a person to park, or to pay for parking, in advance or in arrears by issuing (electronically or otherwise) a permit, invoice, ticket or pass (referred to in this clause as an *Alternative Method of Payment*).

(2) A person who has been authorised by the local government to make an Alternative Method of Payment for parking is exempt from paying fees at the relevant parking facility providing that he or she complies with the terms of the Alternative Method of Payment.

(3) An Alternative Method of Payment may not be used by any person other than the person who received authorisation by the local government.

PART 2—METERED ZONES

2.1 Determination of metered zones

(1) The local government may constitute, determine and indicate by signs, metered bays and metered zones.

(2) In respect of metered bays and metered zones the local government may determine, and may indicate by signs—

(a) permitted times and conditions of parking depending on and varying with the locality;

(b) classes of vehicles which are permitted to park;

(c) the amount payable for parking; and

(d) the manner of parking.

(3) Where the local government makes a determination under subclauses (1) and (2) it shall erect signs to give effect to the determination.

2.2 Parking fee to be paid

Subject to clause 2.5, a person must not park a vehicle in a metered bay unless the appropriate fee as indicated by a sign on the ticket issuing machine referable to the bay is inserted into the ticket issuing machine or is otherwise paid under clause 1.11.

2.3 Limitation on parking in metered bay

The payment of the fee under clause 2.2 entitles a person to park the vehicle in a metered bay for the period shown on the ticket issuing machine, except where, at any time during that period, parking in that bay is prohibited under this local law (such as by a sign that applies to that bay).

2.4 No parking when meter is expired

Subject to clause 2.5, a person must not, during the hours when a fee is payable to park the vehicle in a metered bay—

- (a) leave the vehicle in the metered bay; or
- (b) permit the vehicle to remain parked in the metered bay,

when the ticket issuing machine referable to that metered bay exhibits the sign 'Expired' or a negative time.

2.5 Suspension of requirement to pay fee

The local government may from time to time declare that clauses 2.2 and 2.4 are not to apply during the period specified in the resolution.

2.6 Vehicles to be within metered bay

(1) Subject to subclause (2), a person must not park a vehicle in a metered bay in a thoroughfare otherwise than—

- (a) wholly within the metered bay; and
- (b) where the metered bay is set out parallel to the kerb—parallel to and as close to the kerb as practicable.

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

(3) A person must not park a vehicle partly within and partly outside a metered zone.

2.7 Permitted insertions in ticket issuing machines

(1) A person must not insert into a ticket issuing machine anything other than the designations of coins or banknotes or such other permitted form of payment indicated by a sign on the ticket issuing machine.

(2) The insertion of a coin or banknote into any ticket issuing machine, or the making of payment in such other form as may be permitted, must be effected only in accordance with the instructions printed on that particular meter.

2.8 Parking ticket to be clearly visible

(1) This clause does not apply to a person who parks a vehicle in a metered zone in accordance with the terms of an Alternative Method of Payment under clause 1.11.

(2) A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine must, on purchasing a ticket from the ticket issuing machine for a period of parking—

- (a) place the ticket inside the vehicle in a position where—
 - (i) the ticket is clearly visible to; and
 - (ii) the expiry time on the ticket is able to be read by, an authorised person examining the ticket from outside the vehicle; and
- (b) ensure that, for the purpose of the ticket being displayed in the vehicle, or otherwise being used for the purposes of this local law, the ticket is not damaged, defaced or altered.

2.9 One vehicle per metered bay

A person must not park or attempt to park a vehicle in a metered bay in which another vehicle is parking or has parked.

2.10 No parking when hood on meter

Despite any other provision of this local law and despite any other sign or notice, a person must not park a vehicle in a metered bay if the ticket issuing machine referable to the metered bay has a hood marked 'No Parking', 'Reserved Parking' or 'Temporary Bus Stand' or an equivalent symbol depicting one or more of these purposes, except with the permission of the local government or an authorised person.

PART 3—PARKING BAYS AND PARKING STATIONS

3.1 Determination of parking bays and parking stations

(1) The local government may constitute, determine and indicate by signs—

- (a) parking bays;

- (b) parking stations;
- (c) permitted time and conditions of parking in parking bays and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking bays and parking stations;
- (e) permitted classes of persons who may park in specified parking bays or parking stations; and
- (f) the manner of parking in parking bays and parking stations.

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

3.2 Vehicles to be within parking bay on thoroughfare

(1) Subject to subclause (2), a person must not park a vehicle in a parking bay in a thoroughfare otherwise than—

- (a) where the parking bay is set out parallel to the kerb—parallel to and as close to the kerb as is practicable;
- (b) wholly within the bay; and
- (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the bay is situated.

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

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

3.3 Parking in a parking station

(1) This clause does not apply to a person who parks a vehicle, or who permits a vehicle to remain parked, in a parking station in accordance with the terms of an Alternative Method of Payment under clause 1.11.

(2) If a parking station has an authorised person on duty, a person must not park a vehicle, or permit a vehicle to remain parked, in the parking station during any period for which a fee is payable unless the appropriate fee is paid when demanded by the authorised person.

(3) If a parking station is equipped with a ticket issuing machine, a person must not park a vehicle, or permit a vehicle to remain parked, in the parking station during any period for which a fee is payable unless—

- (a) the appropriate fee is inserted in the ticket issuing machine or the required payment is made in such other form as may be permitted;
- (b) the ticket issued from the ticket issuing machine is placed inside the vehicle in a position where—
 - (i) it is clearly visible to; and
 - (ii) the expiry time on the ticket is able to be read by, an authorised person examining the ticket from outside the vehicle; and
- (c) the ticket is not an expired ticket.

(4) For the purposes of clause 3.3(3)(c), a ticket is an *expired ticket* if the expiry time printed on the ticket has passed, or if the period printed on the ticket during which the ticket remains valid has ended.

3.4 Suspension of parking station restrictions

The local government may determine that clause 3.3 is not to apply during the period, in relation to a particular parking station, specified in the resolution.

3.5 Vehicle not to be removed until fee paid

A person must not remove a vehicle which has been parked in a parking station until the appropriate fee has been paid for the period during which the vehicle has been parked.

3.6 Entitlement to receipt

A person paying a fee at a parking station is entitled to receive a receipt on demand showing the period of parking covered by the payment.

3.7 Parking prohibitions and restrictions

(1) A person must 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 the vehicle to move the vehicle; or
- (d) park or attempt to park a vehicle in a parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motor cycle and a bicycle together in a bay marked 'M/C', if the bicycle is parked in accordance with subclause (3).

- (2) Despite subclause (1)(b), a driver may park a vehicle in a bay that is in a parking area (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 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 must not park a bicycle—
- (a) in a parking bay other than in a bay marked 'M/C'; and
 - (b) in such bay other than against the kerb.

PART 4—PARKING GENERALLY

4.1 Restrictions on parking in particular areas

- (1) Subject to subclause (3), a person must 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) Subclause (3) applies to a driver if—
- (a) the driver's vehicle displays a disability parking permit; and
 - (b) a person with a disability to whom the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (3) A driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a people with disabilities parking sign relates, for twice the period indicated on the sign.
- (4) A person must not park a vehicle—
- (a) in a no parking area;
 - (b) in a parking area, except in accordance both with the signs relating to the parking area and with this local law;
 - (c) in a bay marked 'M/C', unless the vehicle is a bicycle or a motor cycle without a sidecar or a trailer;
 - (d) at any time in a right of way; or
 - (e) unless clause 4.12 applies, for more than the maximum time specified by a sign.
- (5) A person must 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 'Authorized Vehicles Only' or 'Authorised Vehicles Only'.

4.2 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 issue to a person a permit in respect of all or part of a parking station or a road referred to in subclause (1).
- (3) 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.
- (4) The local government may, at any time, revoke a permit issued under subclause (2).

4.3 Event parking

- (1) A sign may indicate that all or part of a parking station, road or public place is set aside, during the period indicated on the sign, for the parking of vehicles by persons attending a particular event.
- (2) The local government may issue to a person a permit in respect of all or part of a parking station, road or public place for an event referred to in subclause (1).
- (3) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in any area that is set aside under subclause (1) unless the permit issued under subclause (2) for the relevant event is displayed inside the vehicle so that it is clearly visible to an authorised person examining the ticket from outside the vehicle.

4.4 General no parking zone

- (1) In this clause—
- (a) **general no parking zone** means the area bounded by and including South Terrace to the south, Canning Highway to the east and the Swan River foreshore to the west and north; and
 - (b) the general no parking zone applies from 6.00am on 26 January to 6.00pm on 27 January each year.
- (2) Where a general no parking zone applies, the local government must erect a sign at entry points to the general no parking zone indicating—
- (a) the area that is a general no parking zone; and

- (b) the dates and times during which the area is a general no parking zone.
- (3) A driver must not park a vehicle on the road or a nature strip in a general no parking zone.

4.5 Parking vehicle on a carriageway

- (1) Unless otherwise permitted by a sign, a person parking a vehicle on a carriageway must park it—
 - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked; and
 - (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, a person parking a vehicle on a carriageway other than in a parking bay must park it—
 - (a) so that at least 3 metres of the width of the carriageway lies between—
 - (i) the vehicle and the farther boundary of the carriageway, or any continuous dividing line or median strip; or
 - (ii) between the vehicle and any part of 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 motor cycle 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 dividing line* means—
 - (a) a single continuous dividing line only;
 - (b) a single continuous dividing line to the left or right of a broken dividing line; or
 - (c) 2 parallel continuous dividing lines.

4.6 When parallel and right-angled parking apply

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

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

4.7 When angle parking applies

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

4.8 General prohibitions on parking

- (1) This clause does not apply to a vehicle parked in a parking bay or to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle parked in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals and unless a mark or other sign on the carriageway indicates otherwise, a person must not park a vehicle so that any portion of the vehicle is—
 - (a) between any other stationary vehicle 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 thoroughfare, if the vehicle would obstruct traffic;
 - (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
 - (f) on any footpath or pedestrian crossing;
 - (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines;
 - (h) between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;

- (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (j) 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;
 - (k) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the public letter pillar box;
 - (l) within 10 metres of the prolongation of the nearer edge of any intersecting thoroughfare (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is parked; or
 - (m) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals.
- (4) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side, or 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.
- (5) A person must 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.

4.9 Authorised person may order vehicle to be moved

The driver of a vehicle must 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.

4.10 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 functions.
- (2) A person must not remove a mark made by an authorised person so that the purpose of making the mark is defeated or likely to be defeated.

4.11 Restrictions on avoiding time limitations

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person must 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) Where, in a parking facility or thoroughfare—
 - (a) the parking of a vehicle is prohibited unless a ticket from a ticket issuing machine is displayed from inside the vehicle; and
 - (b) a period of free parking is permitted before a fee for parking applies,
 a person must not, at any time within the same day, obtain or use more than one ticket for the same vehicle in that parking facility.

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

A person must not park a vehicle on any portion of a thoroughfare or local government property—

- (a) for the purpose of exposing it for sale;
- (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 the thoroughfare.

4.13 Parking on private land

- (1) In this clause a reference to *land* does not include land—
 - (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*;
 - (c) which is an ‘otherwise unvested facility’ within section 3.53 of the Act; or
 - (d) which is the subject of an agreement referred to in clause 1.4(3).
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.

4.14 Parking on reserves

Other than an employee of the local government in the course of his or her functions or a person authorised by the local government, a person must not drive or park a vehicle on or over any portion of a reserve other than upon an area specifically set aside for that purpose.

4.15 Suspension of parking limitations

(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 for the person to carry out urgent, essential or official functions.

(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 5—STOPPING GENERALLY

5.1 No stopping

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

(2) A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.

(3) 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.

5.2 No parking

A driver must not stop on a length of carriageway or in an area to which a no parking sign applies, unless the driver—

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

PART 6—STOPPING IN ZONES FOR PARTICULAR VEHICLES

6.1 Stopping in a loading zone

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

- (a) a commercial vehicle engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers,

and, in any event, the vehicle must not remain in that loading zone—

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

6.2 Stopping in a taxi zone or a bus zone

(1) A driver must not stop in a taxi zone, unless the driver is driving a taxi.

(2) A driver must 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.

6.3 Stopping in a mail zone

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

6.4 Other limitations in zones

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

PART 7—OTHER PLACES WHERE STOPPING IS RESTRICTED

7.1 Stopping in a shared zone

A driver must not stop in a shared zone unless—

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

7.2 Double parking

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

7.3 Stopping near an obstruction

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

7.4 Stopping on a bridge or in a tunnel, etc.

- (1) A driver must not stop a vehicle on a bridge, causeway, ramp or similar structure unless—
- the carriageway is at least as wide on the structure as it is on each of the approaches and a sign does not prohibit stopping; or
 - the driver stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.
- (2) A driver must not stop a vehicle in a tunnel or underpass unless—
- the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a sign does not prohibit stopping; or
 - the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

7.5 Stopping on crests, curves, etc.

A driver must 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.

7.6 Stopping near a fire hydrant etc.

A driver must not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

- 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
- the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.

7.7 Stopping at or near a bus stop

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—
- the vehicle is a public bus stopped to take up or set down passengers; or
 - the driver stops at a place on a length of carriageway, or in an area, where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.
- (2) In this clause, distances are measured in the direction in which the driver is driving.

7.8 Stopping on a path, median strip or traffic island

The driver of a vehicle (other than a bicycle or an animal) must not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in a place where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.

7.9 Stopping on a verge

- (1) A person must not—
- stop a vehicle (other than a bicycle);
 - stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - 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 immediately adjacent to that verge; or
 - is authorised by the occupier of those premises to stop the vehicle so that any portion of it is on that verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle if—
- it is being loaded or unloaded with reasonable expedition with goods or merchandise collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked; and
 - no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

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

(1) A driver must 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 bay and the driver is permitted to stop in the parking bay under this local law.

(2) A driver must 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 bay and the driver is permitted to stop in the parking bay under this local law.

7.11 Stopping near a letter box

A driver must 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 sign applies and the driver is permitted to stop at that place under this local law.

7.12 Stopping on a carriageway or verge—heavy and long vehicles

(1) Unless engaged in the picking up or setting down of goods, a person must not park, on a carriageway or verge, for any period exceeding one hour, 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 3 tonnes.

(2) Nothing in this clause affects the operation of any other clause in this local law, or any other written law relating to the parking or stopping of vehicles.

7.13 Stopping on a carriageway with a bicycle parking sign

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

7.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle must not stop on a length of carriageway, or in an area to which a 'motor cycle parking' sign applies, or in 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 8—MISCELLANEOUS**8.1 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, must not remove from the vehicle any notice put on the vehicle by an authorised person.

8.2 Unauthorised signs and defacing of signs

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

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

8.3 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.

8.4 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 3 letters of any day of the week when used on a sign indicate that day of the week.

8.5 Special purpose, emergency and vehicles driven by authorised persons

Despite anything to the contrary in this local law—

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

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

8.6 Vehicles not to obstruct a public place

(1) Without the permission of the local government or unless authorised under any written law a person must 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.

(2) A person does not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours, providing it does not pose a danger to any person, or unreasonably interfere with the use of the public place.

8.7 Permits

Where, under this local law, the local government has power to issue a permit, the permit may be—

- (a) issued subject to reasonable conditions; and
- (b) varied or revoked at any time, but the variation or revocation is not to take effect until notice of the variation or revocation has been given to the permit holder.

PART 9—ENFORCEMENT

9.1 Legal proceedings

Evidentiary provisions relating to offences involving vehicles are contained in Division 2 of Part 9 of the Act.

9.2 Offences and penalties

- (1) A person who breaches a provision of this local law 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) A person who commits an offence under this local law is to be liable, on conviction, to a penalty not less than \$250 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.
- (5) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

9.3 Form of notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 2;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 2;
- (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 2; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 2.

SCHEDULE 1—PRESCRIBED OFFENCES

[Clause 9.2]

Item No.	Clause No.	Nature of offence	Penalty Unit
1.	2.2	Failure to pay fee for metered bay	8
2.	2.3	Parking in excess of period shown on metered bay	8
3.	2.4	Parking when meter has expired	8
4.	2.6(1)(a)	Failure to park wholly within metered bay	8
5.	2.6(3)	Parking outside metered zone	8
6.	2.7	Non-permitted insertion in ticket issuing machine	8
7.	2.8(2)(a)	Failure to display valid ticket clearly in metered zone	8
8.	2.8(2)(b)	Displaying a ticket that is damaged, defaced or altered	8
9.	2.9	Parking or attempting to park a vehicle in a metered bay occupied by another vehicle	8
10.	2.10	Parking contrary to a meter hood	8
11.	3.2(1)	Failure to park wholly within parking bay	8
12.	3.2(3)	Failure to park wholly within parking area	8
13.	3.3(3)(a)	Failure to pay parking station fee	8

Item No.	Clause No.	Nature of offence	Penalty Unit
14.	3.3(3)(b)	Failure to display valid ticket clearly in parking station	8
15.	3.3(3)(c)	Parking where ticket has expired	8
16.	3.5	Leaving without paying parking station fee	8
17.	3.7(1)(a)	Causing obstruction in parking station	10
18.	3.7(1)(b)	Parking contrary to sign in parking station	8
19.	3.7(1)(c)	Parking contrary to directions of authorised person	15
20.	3.7(1)(d)	Parking or attempting to park a vehicle in a parking bay occupied by another vehicle	10
21.	4.1(1)(a)	Parking wrong class of vehicle	8
22.	4.1(1)(b)	Parking by persons of a different class	8
23.	4.1(1)(c)	Parking during prohibited period	10
24.	4.1(4)(a)	Parking in no parking area	10
25.	4.1(4)(b)	Parking contrary to signs or limitations	8
26.	4.1(4)(c)	Parking vehicle in motor cycle only area	8
27.	4.1(4)(d)	Parking vehicle in a right of way	10
28.	4.1(4)(e)	Parking vehicle in excess of maximum time	8
29.	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	8
30.	4.2(3)	Failure to display parking permit	8
31.	4.3(3)	Failure to display event parking permit	8
32.	4.4(3)	Parking unlawfully in a general no parking zone	10
33.	4.5(1)(a)	Failure to park on the left of two-way carriageway	8
34.	4.5(1)(b)	Failure to park on boundary of one-way carriageway	8
35.	4.5(1)(a) or 4.5(1)(b)	Parking against the flow of traffic	8
36.	4.5(2)(a)	Parking when distance from farther boundary less than 3 metres	8
37.	4.5(2)(b)	Parking closer than 1 metre from another vehicle	8
38.	4.5(2)(c)	Causing obstruction to a vehicle on a carriageway	10
39.	4.6(a) or 4.6(b)	Failure to park at approximate right angle or parallel to carriageway	8
40.	4.7(2)	Failure to park at an appropriate angle	8
41.	4.8(3)(a) and 7.2	Double parking	10
42.	4.8(3)(b)	Parking on or adjacent to a median strip	10
43.	4.8(3)(c)	Denying access to private drive or right of way	15
44.	4.8(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	15
45.	4.8(3)(e)	Parking within 10 metres of traffic island	10
46.	4.8(3)(f)	Parking on footpath or pedestrian crossing	15
47.	4.8(3)(g) and (h)	Parking contrary to continuous line markings	8
48.	4.8(3)(i)	Parking on intersection	10
49.	4.8(3)(j)	Parking within 1 metre of fire hydrant or fire plug	10
50.	4.8(3)(k)	Parking within 3 metres of public pillar letter box	8
51.	4.8(3)(l)	Parking within 10 metres of intersection	10
52.	4.8(3)(m)	Parking within 20 metres of a traffic-control signal intersection	10
53.	4.8(4)(a) or (b)	Parking within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	8
54.	4.8(4)(a) or (b)	Parking within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	8
55.	4.8(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	8
56.	4.9	Parking contrary to direction of authorised person	15
57.	4.10(2)	Removing mark of authorised person	10
58.	4.11(1) or (2)	Moving vehicle to avoid time limitation	8

Item No.	Clause No.	Nature of offence	Penalty Unit
59.	4.11(3)	Obtaining more than one free parking ticket	8
60.	4.12(a)	Parking in thoroughfare for purpose of sale	10
61.	4.12(b)	Parking unlicensed vehicle in thoroughfare	10
62.	4.12(c)	Parking a trailer or a caravan on a thoroughfare	10
63.	4.12(d)	Parking in thoroughfare for purpose of repairs	10
64.	4.13(2)	Parking on land that is not a parking facility without consent	10
65.	4.13(3)	Parking on land not in accordance with consent	10
66.	4.14	Driving or parking on reserve	10
67.	5.1(1)	Stopping contrary to a no stopping sign	15
68.	5.1(2)	Stopping within continuous yellow edge lines	10
69.	5.1(3)	Stopping in a bicycle lane	15
70.	5.2	Parking contrary to a no parking sign	10
71.	6.1	Stopping unlawfully in a loading zone	8
72.	6.2	Stopping unlawfully in a taxi zone or bus zone	8
73.	6.3	Stopping unlawfully in a mail zone	8
74.	6.4	Stopping in a zone contrary to a sign	8
75.	7.1	Stopping in a shared zone	8
76.	7.3	Stopping near an obstruction	8
77.	7.4	Stopping on a bridge or in a tunnel, etc	10
78.	7.5	Stopping on crests, curves, etc	10
79.	7.6	Stopping near fire hydrant, etc	10
80.	7.7	Stopping near bus stop	10
81.	7.8	Stopping on path, median strip or traffic island	10
82.	7.9	Stopping on verge	10
83.	7.10	Obstructing a path, driveway, etc	10
84.	7.11	Stopping near letter box	8
85.	7.12	Stopping heavy or long vehicles on carriageway or verge	10
86.	7.13	Stopping in bicycle parking area	10
87.	7.14	Stopping in motor cycle parking area	10
88.	8.6	Leaving vehicle so as to obstruct a public place	10
89.	9.2	All other offences not specified	10

SCHEDULE 2—INFRINGEMENTS NOTICE FORMS

[Clause 9.3]

FORM 1

PARKING LOCAL LAW 2017

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle—

make:

model:

registration:

was involved in the commission of the following offence—.....

.....

.....

contrary to clause of the **Parking Local Law 2017**.

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

FORM 2
PARKING LOCAL LAW 2017
INFRINGEMENT NOTICE

Serial No.
 Date / /

To: (1)
 of: (2)
 It is alleged that on / / at (3)
 at (4)
 in respect of vehicle—

make: ;
 model: ;
 registration: ,

you committed the following offence—

.....

contrary to clause of the **Parking Local Law 2017**.

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

FORM 3
PARKING LOCAL LAW 2017
INFRINGEMENT NOTICE

Serial No.

Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)
in respect of vehicle—

make: ;
model: ;
registration: ,

you committed the following offence—

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

contrary to clause of the Parking Local Law 2017.

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

FORM 4
PARKING LOCAL LAW 2017
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No.

Date / /

To: (1)
of: (2)
Infringement Notice No. dated / /

in respect of vehicle—
make: ;
model: ;
registration: ,

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

has been withdrawn.

The modified penalty of \$

has been paid and a refund is enclosed.

has not been paid and should not be paid.

delete as appropriate.

(3)

(4)

Insert—

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

Dated: 4 April 2017.

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

SUE DOHERTY, Mayor.
GEOFF GLASS, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF SOUTH PERTH

STANDING ORDERS AMENDMENT LOCAL LAW 2017

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of South Perth resolved on 28 March 2017 to make the following local law.

1. Short title

This is the *City of South Perth Standing Orders Amendment Local Law 2017*.

2. Commencement

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

3. Local law amended

The *City of South Perth Standing Orders Local Law 2007* as published in the *Government Gazette* on 17 May 2007 and as published and amended in the *Government Gazette* on 9 July 2010 and on 5 October 2012 is referred to as the Principal Local Law. The Principle Local Law is amended.

4. Clause 6.7 amended

Clause 6.7 is deleted and replaced as follows—

‘6.7 Other procedures for question time for the public

(1) In this clause—

- (a) a “person” means a member of the public; and
- (b) a question includes a part of a question (so that a question in 3 parts is to be treated as being 3 questions).

(2) Unless the Presiding Member determines otherwise, a person may ask up to 3 questions at a meeting.

(3) a maximum of 3 minutes is allotted for each person to ask up to 3 questions, including any contextual or opening statement.

(4) A person who wishes to ask a question at a meeting must—

- (a) before the commencement of the meeting, complete a question form provided by the City and place the completed question form in the question tray provided by the City; and
- (b) be present at the meeting when the question is asked.

(5) A completed question form must include—

- (a) The name and residential or contact address of the person who wishes to ask the question; and
- (b) the terms of no more than 3 questions that the person wishes to ask.

Note—a question form that does not include the residential or contact address of the person is to be treated as correspondence—see clause 6.7(7) below.

(6) In cases of disability or other extenuating circumstances—

- (a) the City, if requested to do so, is to assist a person to complete a question form; and
- (b) in the absence of that assistance, the Presiding Member may permit a person to ask a question that was not included on a question form.

(7) The Presiding Member may decide that a question is out of order, and is not to be recorded or responded to—

- (a) if the same or similar question was asked at a previous meeting, a response was provided and the person is directed to the minutes of the meeting at which the response was provided;
- (b) if it is not in the form of a question, or, having regard to its content and length, is essentially a statement or expression of opinion rather than a question;
- (c) if, in respect of a Council meeting, the question does not relate to a matter affecting the City;

- (d) if, in respect of a special meeting of the Council, the question does not relate to the purpose of the meeting;
 - (e) if, in respect of a committee meeting, the question does not relate to a function of the committee;
 - (f) if the question uses an offensive or objectionable expression or is defamatory;
 - (g) if the question, including any opening statement exceeds the time allotted by subclause 6.7(3).
- (8) If, in the opinion of the Presiding Member, a question requires further research or a response cannot be given at the meeting, or if a question form does not contain the name and residential or contact address of the person who wishes to ask the question—
- (a) the Presiding Member may determine that the question is to be treated as ‘correspondence’ or is to be taken on notice;
 - (b) the CEO, unless of the opinion that a response would divert a substantial and unreasonable portion of the City’s resources away from its other functions, is to ensure that a written response is given as soon as practicable after the meeting to the person who asked the question; and
 - (c) if a question is treated as correspondence, the question, but not the response, is to be recorded in the minutes of the meeting.
- (9) Unless subclause (7) or (8) applies—
- (a) the Presiding Member is either to read out each question or to ensure that each question is displayed electronically in a form (which may be summarised by the CEO) that may be viewed by members of the public attending the meeting;
 - (b) the Presiding Member is to respond personally or is to ask another Member or an employee to respond to the question; and
 - (c) a summary of the question and response is to be recorded in the minutes of the meeting.
- (10) A response to a question is not to be the subject of any discussion, except that if, in the opinion of a Member, false information or any adverse reflection is contained in any question asked or comments made by any member of the public, then, through the Presiding Member the Member may correct or clarify the matter.
- (11) The Presiding Member may extend question time for up to 15 minutes after the end of the minimum time for questions if there are members of the public present who wish to ask questions and have not been given an opportunity to do so.’

5 Clause 6.12(3)(b) amended

Clause 6.12(3)(b) be deleted and replaced with—

- ‘(b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied to make a deputation on the issue; and’

6 Clause 10.1A added

Before clause 10.1, insert—

10.1A Alternative motions

- (1) Members are to submit alternative motions to recommendations on Council agendas to the Chief Executive Officer by 12 noon on the day before each Council meeting, so they can be distributed to other elected members to give them an opportunity to reflect on the proposed changes.
- (2) Material amendments and alternative resolutions submitted under subclause (1) must not conflict with the stated purpose of a Special Council Meeting.

Dated 6 April 2017.

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

SUE DOHERTY, Mayor.
GEOFF GLASS, Chief Executive Officer.

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995

CITY OF SOUTH PERTH

WASTE LOCAL LAW 2017

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other enabling powers, the Council of the City of South Perth resolved on 28 March 2017 to make the following local law.

PART 1—PRELIMINARY

1.1 Short title

This is the *City of South Perth Waste Local Law 2017*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

Part 4 of the *City of South Perth Health Local Law 2002*, published in the *Government Gazette* on 22 November 2002 is deleted.

1.5 Meaning of terms used in this local law

(1) In this local law—

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

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

collection when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

LG Act means the *Local Government Act 1995*;

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

local government means the City of South Perth;

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste;

owner has the same meaning as in the LG Act;

penalty unit means the amount prescribed by the local government as a standard penalty unit in the *City of South Perth Penalty Units Local Law*;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

waste has the same meaning as in the WARR Act;

waste facility means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

(2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter—

- (a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under paragraph (a);
- (d) after the period referred to in paragraph (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

PART 2—LOCAL GOVERNMENT WASTE

2.1 Supply of receptacles

(1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.

- (2) The owner of premises to which subclause (1) applies must take all reasonable steps to—
- (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—
- (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises—
- (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, to ensure that, within a reasonable period before collection time, each receptacle is—
 - (i) within 1 metre of the carriageway;
 - (ii) so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply—
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.10 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
 - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

PART 3—GENERAL DUTIES

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

- (a) take all reasonable steps to ensure that an adequate number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) take all reasonable steps ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises.
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle; and
- (e) if directed by an authorised person, remove any waste from a receptacle that has not been properly deposited in that receptacle in accordance with this local law or a permit.

3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of—
 - (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

3.4 Waste control on building sites

(1) In this clause—

building work means—

- (a) building work for which a building permit is required under the *Building Act 2011*; and
- (b) demolition work for which a demolition permit is required under the *Building Act 2011*;

building work waste means all waste from building work that is capable of being windblown; and

receptacle means a receptacle the waste from which is collected and removed otherwise than by the local government or its contractor.

(2) A person must not allow, commence or continue any building work on premises unless, at all times while the building work is being undertaken—

- (a) there is located on the premises, as close as practicable to the building work a receptacle with a capacity of not less than 4 cubic metres, or as otherwise approved by the local government, suitable for the collection and disposal of building work waste;
- (b) building work waste is deposited and kept in the receptacle; and
- (c) the lid of the receptacle is kept closed except when waste is being deposited in the receptacle.

PART 4—OPERATION OF WASTE FACILITIES

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

(1) The local government or an authorised person may regulate the use of a waste facility—

- (a) by means of a sign; or
- (b) by giving a direction to a person within a waste facility.

(2) A person within a waste facility must comply with a sign or direction under subclause (1).

(3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.

(4) A person must comply with a direction under subclause (3).

4.4 Fees and charges

(1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.

(2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.

(3) Subclause (1) does not apply—

- (a) to a person who disposes of waste in accordance with the terms of—
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
- (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

(1) A person must not deposit waste at a waste facility other than—

- (a) at a location determined by a sign and in accordance with the sign; and
- (b) in accordance with the direction of an authorised person.

(2) The local government may determine the classification of any waste that may be deposited at a waste facility.

PART 5—ENFORCEMENT

5.1 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 a 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 a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

5.2 Other costs and expenses

(1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.1, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—

- (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
- (b) making good any damage caused to a waste facility.

(2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.3 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.

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

(3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

5.4 Form of notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.

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

(3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

SCHEDULE 1—MEANING OF ‘NON-COLLECTABLE WASTE’

(Clause 1.6)

non-collectable waste means—

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) ‘controlled waste’ for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government under clause 1.6 to be non-collectable waste.

SCHEDULE 2—PRESCRIBED OFFENCES

(Clause 5.3)

Item No.	Clause No.	Description	Penalty Unit
1	2.1(2)(a)	Failing to pay fee or charge	10
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	10
3	2.2(1)	Depositing non-collectable waste in a receptacle	10
4	2.2(2)	Depositing waste in another receptacle without consent	10
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	10
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	10

Item No.	Clause No.	Description	Penalty Unit
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	10
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	10
9	2.5(a)	Depositing unauthorised waste in an organic waste receptacle	15
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	10
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	10
12	2.7(a)	Failing to keep a receptacle in the required location	10
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	10
14	2.7(c)	Failing to provide a adequate number of receptacles	15
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	10
16	2.9(a)	Damaging, destroying or interfering with a receptacle	15
17	2.9(b)	Removing a receptacle from premises without permission or authorisation	10
18	2.10(1)	Failing to comply with a term or condition of verge waste collection	10
19	2.10(2)	Removing waste from a verge waste collection for commercial purposes	15
20	2.10(3)	Disassembling or tampering with waste deposited for collection	15
21	3.1(a)	Failing to provide a adequate number of receptacles	10
22	3.1(b)	Failing to keep a receptacle in a good condition and repair	10
23	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	15
24	3.1(c)(ii)	Failing to prevent the emission of offensive or noxious odours from a receptacle	15
25	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	15
26	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	15
27	3.1(e)	Failure to comply with direction of an authorised person to remove waste from a receptacle not properly deposited in that receptacle in accordance with this local law or a permit	10
28	3.2(1)	Unauthorised removal of waste from premises	10
29	3.2(2)	Removing waste from a receptacle without approval	10
30	3.3	Depositing household, commercial or other waste into, or removing waste from, a receptacle provided for the use of the general public in a public place without approval	10
31	3.4(2)(a)	Failing to have a suitable receptacle for building work waste	25
32	3.4(2)(b)	Failing to keep building work waste in a receptacle	15
33	4.3(2)	Failing to comply with a sign or direction	10
34	4.3(4)	Failing to comply with a direction to leave	10
35	4.4(1)	Disposing waste without payment of fee or charge	10
36	4.5(1)	Depositing waste contrary to sign or direction	10

Consented to—

JASON BANKS, Director General,
Department of Environment Regulation.

31 January 2017.

Dated: 4 April 2017.

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

SUE DOHERTY, Mayor.
GEOFF GLASS, Chief Executive Officer.