


# Technical Services Reports

**Committee Consideration – 13 August 2013**  
**Council Resolution – 27 August 2013**

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<b>TS11.13</b>	<b>Request for Street Tree Removal</b>
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<b>Committee</b>	13 August 2013
<b>Council</b>	27 August 2013
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Andrew Dickson – Manager Parks Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>Director Signature</b>	
<b>File Reference</b>	CRS/073, M13/18843
<b>Previous Item</b>	Item 12.4 - report CP31.12 – Council Minutes 24 July 2012

### Executive Summary

The City has received a request for removal of a street tree. Under the Council's Street Trees policy, this is a decision that must be made by Council.

### Recommendation to Committee

**Council approves the request from the owners of 9-11 Hynes Road, Dalkeith for the removal of one (1) Queensland Box tree (*Lophostemon confertus*) street tree adjacent to 11 Hynes Road, Dalkeith conditional to:**

1. the owners accepting all associated costs for removal of the street tree;
2. the owners compensating Council, in accordance with Council's Street Trees policy, the amount of \$ 1,440.00 being the current escalated amenity value of the street tree as independently assessed in 2012; and
3. the owners providing three (3) WA Peppermint trees (*Agonis flexuosa*) in 200 litre planting containers or larger, to be installed at nine metres intervals on the established planting line within the nature strip and maintained for a period of 12 months from installation, with all associated costs to be borne by the owners.

### Strategic Plan

KFA: Natural and Built Environment

## **Background**

Council's Street Tree policy allows for the removal of street trees in specific circumstances (refer to Attachment 1, page 40 of Council Policy Manual). All requests for street tree removal are considered by Administration in accordance with policy and delegated authority. In accordance with policy this request is required to be determined by Council.

### **Key Relevant Previous Council Decisions:**

Item 12.4 - report CP31.12 – Council Minutes 24 July 2012

Council approves the following policy:

b. Street Trees.

## **Discussion**

Administration has been approached by a landscape design consultant requesting removal of a Queensland Box street tree adjacent to the property at 9-11 Hynes Road, Dalkeith (refer Figure 1). The request, made on behalf of the adjacent property owners, proposes to remove the street tree and replace it with three advanced WA Peppermint trees on the nature strip, at no cost to the City.

The landscape design consultant's reasoning for the request is based on the Queensland Box tree being "out of place with the proposed landscape design, of which the streetscape is an integral part. The intention is to unify and soften the streetscape, and create an avenue effect through the addition of three additional advanced Peppermint Willows".

The predominant street tree species in Hynes Road is the WA Peppermint and Jacaranda. The Queensland Box tree proposed for removal is currently the only street tree on the nature strip abutting 11 Hynes Road. It is still relatively immature and provides only a minor contribution to the streetscape in the area. The adjacent nature strip at 9 Hynes Road has a mature WA Peppermint tree and a pre mature Jacaranda.

Administration supports the proposal as the net effect will be the nature strip adjacent to 9-11 Hynes will acquire a full allotment of advanced street trees, at no cost to the City, and that integrates with the current local streetscape.



Figure 1 – Tree proposed for removal

### Consultation

Required by legislation: Yes  No   
Required by City of Nedlands policy: Yes  No

Ongoing consultation between applicant, Administration and Council.

### Legislation / Policy

City of Nedlands Policy – Street Trees

### Budget/Financial Implications

Within current approved budget: Yes  No   
Requires further budget consideration: Yes  No



The proposal is at no cost to the City and, if approved, the City will receive compensation to the amount of \$ 1,440.00 for removal of the established street tree, in accordance with policy, in addition to acquiring advanced street tree assets.

## **Risk Management**

Administration has evaluated potential risks with the proposal and assessed these as negligible with no requirement for controls.

## **Conclusion**

It is recommended that Council approve the requested street tree removal proposal in accordance with the proposed conditions and with Administration's recommendation.

## **Attachments**

1. Attachment 1 – Page 40 of Council Policy Manual (Street Trees Policy excerpt)

## Attachment 1 – Page 40 of Council Policy Manual (Street Trees Policy)

- To facilitate a Council approved works program (i.e. road works, drainage, utilities etc);
- The Council decides to remove and replace trees on selected main or other streets, to provide an avenue effect, or
- Council may approve requests for street tree removal and replacement, to a similar size, with a preferred species where a property owner agrees to compensate the City the full amenity value of the tree (as determined under an independent valuation) and accepts all associated removal, planting and maintenance costs.
- Prior to the removal of a street tree Administration shall assess the tree and where practicable notify ward Councillors as a matter of courtesy of any proposed street tree removal one week prior to the removal and the reasons why in accordance with above.
- Unless circumstances dictate otherwise a street tree that has been removed shall be replaced by another tree of a suitable size and species.
- Removal of significant trees will only be authorised upon advice of a qualified arboriculturist and approval of Council.
- Leaf, flower, nut or bark fall, protection or enhancement of views or reduction or eradication of shade shall not constitute a reason for street tree removal.
- In the interests of public safety, pruning and removal is only to be undertaken by personnel authorised by the City of Nedlands.

Notification requirements will be as outlined in the Council's Community Engagement Policy and Strategy.

All applications for development shall indicate the location of adjoining street trees on site plans.

### **Public Safety and Potential Liability**

In the interest of public safety and potential liability issues, structures such as, but not limited to, swings, cubby houses, ladders etc are not permitted to be constructed in street trees.

### **Species Selection**

- Tree species will be determined by the Council from time to time.
- The City will develop a Species Selection database of generally available stock suitable to local conditions (to be displayed on the website) from the below Preferred Species Selection List:

<b>TS12.13</b>	<b>Review of the Proposed Parking and Parking Facilities Local Law</b>
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<b>Committee</b>	13 August 2013
<b>Council</b>	27 August 2013
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Rebecca Forrest – Technical Services Administration Officer Mark Goodlet – Director Technical Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>Director Signature</b>	
<b>File Reference</b>	LEG/003-07/01
<b>Previous Item</b>	Council Meeting – PD07.13 – 26 February 2013 Council Meeting – PD36.12 – 28 August 2012 Council Meeting - PD21.12 – 26 June 2012 Council Meeting - T24.10 – 14 December 2010 Council Meeting – Item 13.2 - 22 June 2010 Council Meeting – CP41.09 - 13 October 2009 Council Meeting Notice of Motion – Item 14.2 - 11 August 2009

### Executive Summary

The purpose of this report is to approve the proposed Parking and Parking Facilities Local Law (refer to Attachment 1).

### Recommendation to Committee

**Council adopts the proposed Parking and Parking Facilities Local Law as shown in Attachment 1 in accordance with the statutory requirements, Part 3, Division 2, section 3.12 of the *Local Government Act 1995*.**

**ABSOLUTE MAJORITY REQUIRED**

### Strategic Plan

KFA: Transport  
KFA: Governance and Civic Leadership

## **Background**

The *Local Government Act 1995* Part 3, Division 2 Section 3.16 (1) stipulates that within a period of eight (8) years from the day when a Local Law commenced or a report of a review of the Local Law was accepted under this section, as the case requires, a local government is to carry out a review of the Local Law to determine whether or not it considers that it should be repealed or amended.

The City's current Local Law in this regard entitled "Local Law Relating to Parking and Parking Facilities" was last reviewed on 23 April 2002 and was gazetted on 8 May 2002.

The review of the current local law commenced at the ordinary Council meeting held in August 2009 where it was identified that there was a need to amend the existing Local Law to control parking on nature strips (verges) to address safety matters.

At the ordinary meeting of 28 August 2012 Council approved a Parking and Parking Facilities Local Law 2012. The City's 2012 Local Law was disallowed on 28 November 2012 by the Joint Standing Committee on Delegated Legislation (JSCDL) prompting the need to restart the process.

The JSCDL determined that the 2012 Local Law is invalid because the committee deemed this law to be significantly different from the proposed local law that the City had advertised in the making of the 2012 local law due to the inclusion of a new subclause 5.14(4) which provides that 'the owner or occupier of premises adjacent to a verge shall not charge a fee to authorise a person to stop on a verge ...' (clause 5.14(4)). At the 26 February 2013 Council Meeting, Council resolved to give further state wide public notification on the revised proposed Parking and Parking Facilities Local Law.

### **Key Relevant Previous Council Decisions:**

13 October 2009 – CP 41.09:

Council recommended that Administration undertakes a review of the Local Law and reports back to Council.

To commence the review Administration advertised the current Local Law and requested comments. Following receipt of comments the matter was considered by the Traffic Management Committee.

22 June 2010 – Item 13.2:

Council approves Traffic Management Committee's recommendation to instruct Administration to draft a new Local Law; and repeal the current Local Law.

Administration drafted a proposal which included changes to the existing Local Law and was based on the feedback received during the earlier advertising period.

14 December 2010 – Report T24.10:

Council instructs Administration to give state-wide public notice and advertise the proposed “Local Law” in accordance with the *Local Government Act 1995*; and send a copy of the proposed Local Law to the Minister for Local Government.

26 June 2012 – Report PD21.12:

That this item be referred back to Administration for redrafting to remove all provisions which permit or allow the introduction of pay for use parking.

28 August 2012 – Report PD36.12:

Council approves the proposed Parking and Parking Facilities Local Law as shown in attachment 1 in accordance with the statutory requirements, Part 3, Division 2, section 3.12 of the *Local Government Act 1995*.

26 February 2013 – Report PD07.13

Council gives state-wide public notice and advertises the proposed “Parking and Parking Facilities Local Law 2013” as shown in attachment 1 in accordance with the statutory requirements, Part 3, Division 2, section 3.12 of the *Local Government Act 1995*.

## Discussion

The proposed draft Parking and Parking Facilities Local Law 2013 (Attachment 1) varies slightly from the draft that was approved by Council at the 28 August 2012 Council meeting, only in that there were minor formatting amendment recommendations by the Department of Local Government when it was submitted for review following state wide public advertisement. These minor amendments have been included in the final proposed Parking & Parking Facilities Local Law 2013, as per attachment 1.

It is proposed that Council approve the proposed Parking and Parking Facilities Local Law 2013 to allow Administration to proceed with having it published in the Gazette in accordance with the statutory requirements, Part 3, Division 2, section 3.12 of the *Local Government Act 1995*.

## Consultation

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No



In accordance with legislation, the proposed Parking and Parking Facilities Local Law was advertised for a period of six (6) weeks beginning 30 March 2013, in both the Post and the West Australian newspapers. Copies of the proposed Local Law were available at the Administration Office, both libraries and on the City's website. The minor amendments recommended by the Department of Local Government are appended to this report as attachment 2.

## Legislation / Policy

*Local Government Act 1995*, Part 3, Division 2, Section 3

## Budget/Financial Implications

Within current approved budget:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Requires further budget consideration:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

The only cost associated with approving the proposed Parking and Parking Facilities Local Law 2013 is the cost to advertise it in the Government Gazette and then in the state and local newspapers to give notice of the gazettal.

## Risk Management

The *Local Government Act 1995* Part 3, division 2, section 3.16 requires that a periodic review of local laws is undertaken within a period of eight (8) years from the day when a Local Law commenced or a report of a review of the Local Law was accepted under this section. The 2002 Local Law is outdated and no longer meets the City's requirements. If no new Local Law is made then the City may be subject to questions of legal validity from the Department of Local Government or in court should any infringement be challenged.

## Conclusion

As the Parking and Parking Facilities Local Law 2002 is now outdated and given that the proposed Parking and Parking Facilities Local Law 2013 is identical to the draft Parking and Parking Facilities Local Law 2012, except for some minor changes as recommended by the Department of Local Government, it is recommended that the Local Law be approved.

## Attachments

1. Proposed Parking and Parking Facilities Local Law 2013
2. Minor amendments recommended by the Department of Local Government.

LOCAL GOVERNMENT ACT 1995

**CITY OF NEDLANDS**

**PARKING AND PARKING FACILITIES**

**LOCAL LAW 2013**

# **LOCAL GOVERNMENT ACT 1995**

## **CITY OF NEDLANDS**

### **PARKING AND PARKING FACILITIES LOCAL LAW 2013**

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## **LOCAL GOVERNMENT ACT 1995**

### **CITY OF NEDLANDS**

#### **PARKING AND PARKING FACILITIES LOCAL LAW 2013**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling the local government, the City of Nedlands resolved on ..... to adopt the following local law by an absolute majority resolution.

#### **PART 1—PRELIMINARY**

##### **1.1 Citation**

This local law may be cited as the *City of Nedlands Parking and Parking Facilities Local Law* .....

##### **1.2 Purpose and effect**

(1) The purpose of this local law is to make provisions about the regulation of parking or stopping of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

(2) The effect of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

##### **1.3 Commencement**

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

##### **1.4 Repeal**

The *City of Nedlands Parking and Parking Facilities Local Law* as published in the *Government Gazette* on 8 May 2002 and as published and amended in the *Government Gazette of September 2002* is repealed.

##### **1.5 Application**

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

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

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

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

## 1.6 Interpretation

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

**ACROD sticker** has the meaning given to it by the *Local Government (Parking for Disabled Persons) Regulations 1988*;

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

**AS** means an Australian Standard published by Standards Australia;

**AS 1742.11:1999** means the standard published by Standards Australia as AS 1742.11:1999 and called “Manual of uniform traffic control devices-parking controls”, as amended from time to time;

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

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

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

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

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

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

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

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

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

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

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

(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;

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

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

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

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

**detection device** means an electronic device placed in any position to detect or record the parking time of a vehicle on any road, parking facility or other public place and includes any instruments, display panels or transmitting apparatus associated with the device;

**driveway** means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of providing

access and egress to and from that property, whether or not the property is accessible via that driveway and does not include a footpath.

**crossover** means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of providing access and egress to and from that property, whether or not the property is accessible via that driveway and does not include a footpath.

**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 side of the carriageway;

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

**fire hydrant** means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of fire or other emergency;

**fire plug** means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of fire or other emergency;

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

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

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

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

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

**local government** means the City of Nedlands;

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

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

**motor cycle** has the meaning given to it by the Code;

**motor vehicle** has the meaning given to it by the Code;

**no parking area** means a portion of a carriageway to which a “no parking” sign applies or an area to which a “no parking” sign applies;

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

**no stopping area** means a portion of a carriageway to which a “no stopping” sign applies or an area to which a “no stopping” sign applies;

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

**obstruct** means to prevent or impede or to make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian;

**obstruction** means to prevent or impede or to make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian;

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

**owner**

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

(b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and

(c) where used in relation to land, has the meaning given to it by the Act;

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

(a) avoiding conflict with other traffic;

(b) complying with the provisions of any law; or

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

**parking area** means a portion of a carriageway to which a “permissive parking” sign applies or an area to which a permissive parking sign applies;

**parking facilities** includes land, buildings, shelters, road reserves, parking areas, parking bays, parking stations, parking stalls and other facilities open to the public generally for the parking of vehicles whether or not a fee is charged, and includes any signs, notices and facilities used in connection with the parking of vehicles;

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

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

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

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

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

**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 “*ROW*” 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*; and

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

(i) private driveways; and

(ii) a “right of way” created by a deed of easement between two or more 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 by the Code;

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

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

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

**symbol** includes, but is not limited to, any symbol specified by AS 1742.11: 1999 as amended from time to time and any symbol specified from time-to-time by Standards Australia for use in the regulation of parking;

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

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

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

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

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

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

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

**verge** means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath and can also be referred to as a nature strip;

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

(3) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting the word or expression.

(4) A reference to a parking station includes a reference to part of the parking station.

(5) Unless the context otherwise requires, where a term is used but not defined in this local law and—

- (a) it is defined in the Act, it shall have the meaning given to it in the Act; and
- (b) it is defined in the Road Traffic Act or in the Code, it shall have the meaning given to it in the Road Traffic Act or the Code.

## **1.7 Classes of vehicles**

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

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

## **1.8 Powers of the local government**

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

## **1.9 Determination of fees, charges and costs**

All fees, charges and costs referred to in this local law shall be determined and imposed by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

# **PART 2—SIGNS**

## **2.1 Erection of signs**

The local government may erect a sign for the purposes of this local law on any land, building or other structure within the parking region. Erection of signs on private land shall be at approval of the private land owner.



## **2.2 Compliance with signs**

(1) A person shall comply with the direction on every sign displayed, marked, placed or erected pursuant to this local law.

(2) 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.

## **2.3 Unauthorised signs and defacing of signs**

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

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

## **2.4 General provisions about signs**

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

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

(3) For the purpose of this local law, the local government may use AS 1742.11: 1999 as amended from time to time as a guide for the development or marking of signs, but is not bound to do so and, where it does use it as a guide may vary any of the provisions of AS 1742.11: 1999 as it sees fit.

## **2.5 Application of this local law to pre-existing signs and private properties**

(1) A sign that—

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
- (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(2) A sign that was erected on a private property prior to the coming into operation of this local law, and that states or stated to the effect that there was no unauthorised parking and that the local law repealed under clause 1.4 the repealed local law applied to the private property, shall be deemed for the purposes of this local law to have been erected under the authority of this local law and to refer to this local law instead of the repealed local law.

(3) An inscription or symbol on a sign referred to in subclause (1) or (2) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

## **2.6 Part of thoroughfare to which sign applies**

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

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

## **PART 3—PARKING STALLS AND PARKING STATIONS**

### **3.1 Determination of parking stalls and parking stations**

- (1) The local government may constitute, determine and vary and also indicate by signs—
  - (a) parking stalls;
  - (b) parking stations;
  - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
  - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
  - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
  - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a determination of resolution under this clause, it shall erect signs to give effect to the determination or resolution.

### **3.2 Vehicles to be within parking stalls on thoroughfares**

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

### **3.3 Parking prohibitions and restrictions**

- (1) A person shall not—
  - (a) stop or park a vehicle in a parking station so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking station;
  - (b) except with the permission of the local government or an “authorised person” park a vehicle on any part of a parking station contrary to a sign referable to that part;
  - (c) permit a vehicle to park on any part of a parking station if an authorised person directs the driver of such vehicle to move the vehicle from such part or from the parking station; or
  - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked “M/C”, if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle—
  - (a) in a parking stall other than in a stall marked “M/C”; and
  - (b) in such stall other than against the kerb, unless it is parked at a bicycle rail or in a bicycle rack.
- (4) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a parking facility (except in a parking area for people with disabilities) for twice the period of time permitted by the sign, provided that—
  - (a) the driver’s vehicle displays a valid ACROD sticker; and
  - (b) person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

## PART 4—PARKING GENERALLY

### 4.1 Interpretation

In this Part—

**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) two parallel continuous dividing lines.

**driver** means a driver where—

- (a) the driver's vehicle displays a valid ACROD sticker; and
- (b) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle under clause 4.2.

**event** means any event or occurrence considered by the local government to warrant the setting aside of any parking facility.

**land** does not include land under clause 4.10—

- (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 1.5(2).

### 4.2 Restrictions on parking in particular areas

(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

- (a) if by a sign it is set apart for the parking of vehicles of a different class;
- (b) if by a sign it is set apart for the parking of vehicles by persons of a different class;
- or
- (c) during any period when the parking of vehicles is prohibited by a sign.

(2) A driver may park a vehicle in a thoroughfare or part of a thoroughfare or part of a parking station, except in a thoroughfare or part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period of time indicated on the sign.

(3) A person shall not park a vehicle—

- (a) in a no parking area;
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law; or
- (c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C”.

(5) A person shall not, without the prior permission of the local government or an authorised person park a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.

### 4.3 Parking vehicle on a carriageway

(1) A person parking a vehicle on a carriageway other than in a parking stall shall park it—

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on that carriageway;

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

#### **4.4 When parallel and right-angled parking apply**

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

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

#### **4.5 When angle parking applies**

(1) This clause does not apply to—

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

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

#### **4.6 General prohibitions on parking**

(1) This clause does not apply to a vehicle parked in a parking stall.

(2) Subclauses (3) (b) and (d) do not apply to a vehicle which parks in a bus embayment.

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

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) 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;
- (c) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (d) positioned so that at least three 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) the vehicle and any part of a vehicle parked on the farther side of the carriageway.
- (e) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (f) within 3 metres of a public letter box, unless the vehicle is being used for the purposes of collecting postal articles from the letter box; or

- (g) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked, unless a sign indicates otherwise.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of a children's crossing or pedestrian crossing.
- (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a children's crossing or pedestrian crossing.
- (6) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

#### **4.7 Authorised person may order vehicle on thoroughfare to be moved**

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

#### **4.8 No movement of vehicles to avoid time limitation**

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.
- (3) Where parking in a thoroughfare is restricted as to time and a vehicle has been parked in that thoroughfare a person shall not park that vehicle again in that thoroughfare unless there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked another thoroughfare that meets or intersects that thoroughfare.

#### **4.9 No parking of vehicles exposed for sale and in other circumstances**

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

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

#### **4.10 Parking on private land**

- (1) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (2) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

#### **4.11 Parking on reserves**

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

#### **4.12 Suspension of parking limitations for urgent, essential or official duties**

- (1) Where by a sign, the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking

facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

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

#### **4.13 Parking in a parking station**

(1) Fees payable for vehicles parking in parking stations—

- (a) a fee payable for the parking of a vehicle and the period of application of the fee in a parking station may be determined and imposed by the local government; and
- (b) the local government shall not be obliged to accept payment of any fee referred to in this clause.

(2) Parking positions for motor cycles

A person shall not stop or park a motor cycle in a parking station unless—

- (a) wholly within a parking stall marked with the symbol “M/C” or otherwise designated as being set aside for the parking of motor cycles;
- (b) that person has paid to the local government the fee; and
- (c) during the period for which the fee is applicable.

(3) Set aside parking stations for multiple occupants

The local government in respect of any period or time may by the use of signs set aside any parking station or any part of a parking station and prohibit entry thereto by vehicles other than vehicles carrying at least one other person in addition to the driver.

(4) Parking restrictions for vehicles with multiple occupants—

- (a) the local government may determine and impose a fee payable for the parking of a vehicle in any parking station or part of a parking station at any time or for specified times;
- (b) a person shall not stop or park a vehicle in any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless the vehicle is carrying at least one other person; and
- (c) a person shall not enter any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless that person is the driver of or passenger in a vehicle carrying at least one other person.

#### **4.14 Event parking**

(1) The local government may by the use of signs, set aside and impose restrictions for any period specified on the signs, any parking station, parking facility or other land owned or controlled by the local government for the parking of vehicles by persons attending an event.

(2) A person shall not park or stop a vehicle in a parking station, parking facility or land owned or controlled by the local government set aside under subclause (1) during the period for which it is set aside unless a ticket purchased on entry to that parking station, parking facility or land with respect to the event is clearly visible to and readable by an authorised person from outside a vehicle.

(3) A fee payable for event parking may be determined and imposed by the local government.

## **PART 5—PARKING AND STOPPING**

### *Division 1—Parking and stopping generally*

#### **5.1 “No stopping” and “no parking” signs, and yellow edge lines**

- (1) No stopping
  - (a) a driver shall not stop on a part of a carriageway, or in an area, to which a “no stopping” sign applies.
- (2) No parking

A driver shall not stop on a part of a carriageway or in an area to which a “no parking” sign applies, unless the driver is—

  - (a) dropping off, or picking up passengers or goods;
  - (b) does not leave the vehicle unattended; and
  - (c) completes the dropping off, or picking up of the passengers or goods within 2 minutes of stopping and drives on.
- (3) No stopping on a carriageway with yellow edge lines
  - (a) a driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

### *Division 2—Stopping in zones for particular vehicles*

#### **5.2 Stopping in a loading zone**

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

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods;
- (b) a motor vehicle taking up or setting down passengers, but in any event, shall not remain in that loading zone—
- (c) for longer than a time indicated on the “loading zone” sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

#### **5.3 Stopping in a taxi or bus zone**

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

#### **5.4 Stopping in a mail zone**

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

#### **5.5 Other limitations in zones**

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

### *Division 3—Other places where stopping is restricted*

#### **5.6 Stopping in a shared zone**

A driver shall not stop in a shared zone unless—

- (a) the driver stops at a place on a part of a carriageway, or in an area to which a sign applies and the driver is permitted to stop at that place by the sign;
- (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 the collection of goods, or in the collection of waste or garbage.

### **5.7 Double parking**

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

(2) This clause does not apply to—

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

### **5.8 Stopping near an obstruction**

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

### **5.9 Stopping on a bridge or in a tunnel, etc.**

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

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

(2) A driver shall not stop a vehicle in a tunnel or underpass unless—

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

### **5.10 Stopping on crests, curves, etc.**

(1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.

(2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area to which a sign applies and the driver is permitted to stop at that place by the sign.

### **5.11 Stopping near a fire hydrant, etc.**

A driver shall not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

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

### **5.12 Stopping at or near a bus stop**

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

- (a) the vehicle is a public bus stopped to take up or set down passengers; or



- (b) the driver stops at a place on a part of a carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place by the sign.
- (2) In this clause—
- (a) distances are measured in the direction in which the driver is driving; and
  - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

### **5.13 Stopping on a path, median strip, or traffic island**

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

### **5.14 Stopping on a verge/nature strip**

- (1) A person shall not—
- (a) stop a vehicle (other than a bicycle);
  - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
  - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge, so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.
- (4) The owner or occupier of premises adjacent to a verge shall not charge a fee to authorise a person to stop on a verge in accordance with subclause (2) of this clause.

### **5.15 Obstructing access to and from a path, driveway, etc.**

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

### **5.16 Stopping near a public letter box**

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

- (a) is dropping off, or picking up passengers or mail; or
- (b) stops at a place on a part of a carriageway, or in an area to which a sign applies and the driver is permitted to stop at that place by the sign.

### **5.17 Stopping on a carriageway—heavy and long vehicles**

Subject to any clause to the contrary or sign referable to the carriageway, a person shall not park a vehicle or any combination of vehicles that together with any projection on, or load

carried by the vehicle or combination of vehicles is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway or other area set aside for the parking of such vehicles.

### **5.18 Stopping on a carriageway with a bicycle parking sign**

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

### **5.19 Stopping on a carriageway with a motor cycle parking sign**

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

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

### **5.20 Motor cycle stalls**

(1) A person shall not stop or park a vehicle other than a bicycle or a motor cycle to which no side car or side-box is attached in a parking stall—

- (a) marked with the symbol “M/C”; or
- (b) in which the parking of bicycles or motor cycles is permitted by a sign referable to that parking stall.

(2) A person shall not stop or park a bicycle or motor cycle in a parking stall marked with the symbol “M/C”—

- (a) for longer than the maximum period permitted for parking in that parking stall by a sign referable to that parking stall;
- (b) if there is no sign referable to that parking stall than for longer than the maximum period during which a vehicle may stop or be parked as specified on any sign referable to any parking stall adjacent thereto; or
- (c) otherwise than wholly within the stall.

## **PART 6—PARKING PERMITS**

### **6.1 Interpretation**

In this Part, unless the context otherwise requires—

***dwelling unit*** means premises lawfully used for self contained living quarters;

***eligible person*** where used in relation to an application for a—

- (a) residential parking permit means a single house occupier, a unit occupier or a unit owner;
- (b) visitor’s parking permit means—
  - (i) a single house occupier;
  - (ii) a strata company;
  - (iii) a unit owner of a residential unit which is not a strata lot;

***off street parking bay*** means an area on private property that can be used to park a vehicle(s) and is not restricted to a pavement or concrete area and any one area is not restricted to one vehicle providing multiple vehicles can fit;

***residential parking permit*** means a permit issued to a resident by the local government pursuant to clause 6.3(1);

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

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

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

**single house occupier** means an occupier of a single house;

**strata company** has the meaning given to it in the *Strata Titles Act 1985*;

**unit occupier** means a person who is an occupier of a residential unit but does not include a unit owner;

**unit owner** means a person who is an owner of a residential unit; and

**visitor parking permit** means a permit issued by the local government pursuant to clause 6.3(2).

### *Division 1 – Residential parking permits*

#### **6.2 Exemption for permit holders**

(1) Where on any part of a thoroughfare the stopping or parking of vehicles is prohibited by a sign for more than a specified period, the holder of a residential parking permit or a visitor parking permit is exempted from such prohibition;

(2) The exemption conferred by subclause (1) shall apply only—

- (a) to that part of a thoroughfare specified in the permit;
- (b) where the time restriction applicable to that part of the thoroughfare is for a period exceeding 30 minutes;
- (c) where the permit displayed is a residential parking permit to the vehicle specified in the residential parking permit;
- (d) if the permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read by an authorised person from outside the vehicle; and
- (e) if the permit is valid.

(3) The exemption conferred by subclause (1) shall not, unless specifically noted on the permit, apply during any period in which the stopping or parking of vehicles is prohibited in the thoroughfare or the part of the thoroughfare specified in the permit.

#### **6.3 Issue of permits**

(1) The local government may upon a written application of an eligible person issue a residential parking permit.

(2) The local government may upon a written application of an eligible person issue for the occasional use of visitors, a visitor parking permit.

(3) The local government’s power to issue, replace and revoke permits under this Part may be exercised by an authorised officer.

(4) Notwithstanding any other provisions in this local law, the local government may approve the issue of a number of residential parking permits or visitor parking permits to any owner or occupier on such terms and conditions as the local government sees fit.

(5) The maximum number of residential parking permits and visitor parking permits that shall be issued by the local government in relation to a dwelling must comply with the following table:

Number of off street parking bays for the dwelling	Maximum number of Residential Parking Permits	Maximum number of Visitor Parking Permits
0	2	2
1	1	2

2	0	2
3	0	1
4 or more	0	0

(6) Fees payable for residential parking permits and visitor parking permits shall be set by the local government from time to time in accordance with the Act.

**6.4 Discretionary authority**

Notwithstanding any other provisions in this local law which restrict the number of residential parking permits or visitor parking permits that may be issued, the local government may approve the issue of one additional residential parking permit or one additional visitor parking permit to any occupier on such terms and conditions as the local government sees fit.

**6.5 Validity of permit**

Every residential parking permit or visitor parking permit as the case may be shall cease to be valid upon—

- (a) the expiry of a period of 12 months from and including the date on which it is issued;
- (b) the holder of the permit ceasing to be an eligible person;
- (c) the revocation of the permit by the local government pursuant to clause 6.6; and
- (d) the replacement of any permit by a new permit issued by the local government pursuant of clause 6.3.

**6.6 Revocation of a permit**

(1) The local government may at any time give an eligible person to whom a permit was issued pursuant to the provisions of this local law notice requiring that person to notify the local government of any reason why that permit should not be revoked.

(2) The local government shall give notice referred to in subclause (1) by serving a notice on the eligible person to whom the permit was issued.

(3) If within 7 days after the date of receipt of the notice referred to in subclause (2) the eligible person to whom the permit was issued—

- (a) fails to give the local government notice in writing of any reason why the permit should not be revoked; or
- (b) gives the local government notice in writing of any reasons why the permit should not be revoked; then the local government may in its absolute discretion revoke that permit.

(4) For the purpose of subclause (3) the date of receipt of the notice shall be the date the notice was served.

(5) The local government shall give notice of the revocation by serving a notice on the eligible person to whom the permit was issued.

**6.7 Removal of a permit from a vehicle**

The holder of a residential parking permit or visitor parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.

**6.8 Replacement of permit**

(1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential parking permit or visitor’s parking permit which is lost, destroyed or stolen.

(2) The local government may determine and impose a fee for the issue of a replacement permit pursuant to this clause.

- (3) Notwithstanding subclause (2), no fee shall be payable for the issue of a replacement permit if evidence is produced in writing to the satisfaction of the local government—
- (a) that the vehicle in which the permit is displayed has been disposed of;
  - (b) that the vehicle's windscreen in which the permit is displayed has been replaced; or
  - (c) which the local government considers waiving of the fee is warranted.

### **6.9 Display of residential parking permits or visitor parking permits**

A person shall not stop or park a vehicle in an area set aside for persons or vehicles of a particular class during any permitted period unless a residential parking permit or a visitor parking permit is displayed inside the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in the zone.

#### *Division 2 – Parking facility permits*

### **6.10 Permits in parking facilities**

- (1) The local government or authorised person may, whether upon payment of a fee or not, issue a written temporary parking permission which allows a specific vehicle to park—
- (a) in a specified kerbside area;
  - (b) in a car park which is controlled by a sign, in contravention of the restriction specified on that sign; or
  - (c) in any other place under the control of the local government.
- (2) A permit issued under subclause (1) may—
- (a) authorise the stopping or parking of the vehicle continuously for a specified period or periods between specified times or from time-to-time during a specified period; and
  - (b) be revoked or suspended at any time by the local government or an authorised person before the expiration of any time or period specified in the permit without responsibility for any liability or loss or claim.
- (3) A person shall not stop or park a vehicle in respect of which a permit has been issued pursuant to subclause (2)—
- (a) except at the times or during the period specified in the permit;
  - (b) any purpose other than the purpose for which the permit was issued; or
  - (c) at any time after the cancellation, withdrawal or suspension of the permit.
- (4) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law relating to a person's right of appeal against the local government revoking or suspending a permit.

## **PART 7—MISCELLANEOUS**

### **7.1 Authorised persons**

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

### **7.2 Necessary power**

An authorised person has all necessary powers for the purpose of performing or observing all of the functions conferred on him or her under the Act and this local law.

### **7.3 Authorised person to be obeyed**

A person who is given a direction by an authorised person or a member of the WA Police Service under this local law or in relation to a contravention of this local law shall comply with that direction.

#### **7.4 Persons may be directed to leave local government property**

An authorised person may direct a person to leave local government property or a local government building where the authorised person reasonably suspects that the person has contravened a provision of this local law.

#### **7.5 Marking of tyres**

(1) For the purposes of ascertaining whether or not a parked vehicle has been or may be parked in contravention of any provision of this local law an authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance.

(2) A person shall not remove or interfere with any such mark referred to in subclause (1) so that the purpose of affixing that mark is or may be defeated.

#### **7.6 Removal of notices on a vehicle**

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

#### **7.7 Special purpose and emergency vehicles**

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

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

#### **7.8 Vehicles not to obstruct a public place or thoroughfare**

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

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours, unless the vehicle is causing or may cause a danger to the public or is jeopardising or may jeopardise the safety of a person.

#### **7.9 Causing or attempting to cause damage to Council property**

A person shall not cause or attempt to cause damage to the property of the local government in any way.

#### **7.10 Interfere with or damage to detection devices**

(1) A person shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any road, parking facility or in any other public place.

(2) A person shall not interfere with, damage or obstruct the operation of any display panels or transmitting equipment in relation to parking detection devices or instruments operated by the local government.

#### **7.11 Local government may lock parking stations**

(1) At the expiration of the hours of operation of a parking station, the local government, whether or not any vehicle remains parked in a parking station, may lock the parking station or otherwise prevent the movement of any vehicle within, or to or from the parking station.

(2) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law relating to the locking of a parking station.

## **PART 8—OBJECTIONS AND REVIEW**

### **8.1 Objections and review**

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

- (a) grant a person a permit under this local law; or
- (b) renew, vary, or cancel a permit that a person has under this local law, the provisions of Division 1 of Part 9 of the Act and Regulation 33 of the General Regulations shall apply to that decision.

## **PART 9—PENALTIES**

### **9.1 Offences and penalties**

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

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

Penalty: a fine not less than \$250, a fine not exceeding \$5,000 and if the offence is of a continuing nature, a daily penalty of \$500.

### **9.2 Modified Penalties**

Where an authorised person has reason to believe that a person has committed an offence under this local law, he or she may issue to that person an infringement notice in accordance with the modified penalties set out in the Schedule 2. The amount appearing in the final column of the Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against the clause.

### **9.3 Form of notices**

For the purposes of this local law the form of the—

- (a) notice referred to in sections 9.13 and 9.17 of the Act is that of the form in Schedule 3; and
  - (b) notice referred to in section 9.20 of the Act is that of the form in Schedule 4.
-

## **SCHEDULES**

### ***Schedule 1—Parking region***

[cl. 1.5(1)]

LOCAL GOVERNMENT ACT 1995  
City of Nedlands Parking and Parking Facilities Local Law 2013

### **PARKING REGION**

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

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



*Schedule 2—Prescribed offences*

[cl. 9.1(3)]

LOCAL GOVERNMENT ACT 1995  
City of Nedlands Parking and Parking Facilities Local Law 2013

**PRESCRIBED OFFENCES**

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1.	2.2(1), (2)	Failure to comply with signs	70
2.	2.3(a)	Unauthorised display, marking, setting up, exhibiting of a sign	60
3.	2.3(b)	Unauthorised removal, defacing or misuse of a sign	60
4.	2.3(c)	Unauthorised affixing anything to a sign	60
5.	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	60
6.	3.2(1)(b)	Failure to park wholly within parking stall	60
7.	3.2(1)(c)	Failure to park in the direction of the movement of traffic in a parking stall	60
8.	3.2(4)	Failure to park wholly within parking area	60
9.	3.3(1)(a)	Causing obstruction in parking station	90
10.	3.3(1)(b)	Parking contrary to sign in parking station	70
11.	3.3(1)(c)	Parking contrary to directions of authorised person	90
12.	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	60
13.	4.2(1)(a)	Parking by vehicles of a different class	60
14.	4.2(1)(b)	Parking by persons of a different class	60
15.	4.2(1)(c)	Parking during prohibited period	60
16.	4.2(3)(a)	Parking in no parking area	70
17.	4.2(3)(b)	Parking contrary to signs or limitations	70
18.	4.2(3)(c)	Parking vehicle in motor cycle only area	60
19.	4.2(4)	Parking motor cycle in stall not marked 'M/C'	60
20.	4.2(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	80
21.	4.3(1)(a)	Failure to park on the left of two-way carriageway	80
22.	4.3(1)(b)	Failure to park on boundary of one-way carriageway	80
23.	4.3(1)(a) or 4.3(1)(b)	Parking against the flow of traffic	80
24.	4.3(1)(c)	Parking when distance from farther boundary less than 3 metres	80
25.	4.3(1)(d)	Parking closer than 1 metre from another vehicle	60
26.	4.3(1)(e)	Causing obstruction	90
27.	4.4(b)	Failure to park at approximate right angle	60
28.	4.5(2)	Failure to park at an appropriate angle	60
29.	4.6(3)(a)	Double parking	90
30.	4.6(3)(b)	Denying access to private drive or right of way	90
31.	4.6(3)(c)	Parking beside excavation or obstruction so as to obstruct traffic	80

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
32.	4.6(3)(d)	Parking closer than 3 metres to single or double longitudinal lines	90
33.	4.6(3)(e)	Parking on intersection	90
34.	4.6(3)(f)	Parking within 3 metres of public letter box	60
35.	4.6(3)(g)	Parking within 10 metres of intersection	90
36.	4.6(4)	Parking vehicle within 10 metres of departure side of a children's crossing or pedestrian crossing	80
37.	4.6(5)	Parking vehicle within 20 metres of approach side of a children's crossing or pedestrian crossing	80
38.	4.6(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	80
39.	4.7	Parking contrary to direction of authorised person	90
40.	4.8(1), (2) or (3)	Moving vehicle to avoid time limitation	70
41.	4.9(a)	Parking in thoroughfare for purpose of sale	60
42.	4.9(b)	Parking unlicensed vehicle in thoroughfare	60
43.	4.9(c)	Parking a trailer/caravan on a thoroughfare	60
44.	4.9(d)	Parking in thoroughfare for purpose of repairs	60
45.	4.10(1)	Parking on land that is not a parking facility without consent	80
46.	4.10(2)	Parking on land not in accordance with consent	80
47.	4.11	Driving or parking on a reserve	80
48.	4.13(2)	Failure to park a motorcycle in a bay marked M/C	60
49.	4.14(2)	Event parking not in accordance with consent	80
50.	5.1(1)	Stopping contrary to a "no stopping" sign	90
51.	5.1(2)	Parking contrary to a "no parking" sign	70
52.	5.1(3)	Stopping within continuous yellow lines	90
53.	5.2	Stopping unlawfully in a loading zone	80
54.	5.3	Stopping unlawfully in a taxi zone or bus zone	80
55.	5.4	Stopping unlawfully in a mail zone	80
56.	5.5	Stopping in a zone contrary to a sign	80
57.	5.6	Stopping in a shared zone	80
58.	5.7(1)	Double Parking	90
59.	5.8	Stopping near an obstruction	80
60.	5.9	Stopping on a bridge or tunnel	80
61.	5.10	Stopping on crests/curves etc	80
62.	5.11	Stopping near fire hydrant or fire plug	80
63.	5.12(1)	Stopping near bus stop	80
64.	5.13	Stopping on path, median strip or traffic island	80
65.	5.14(1)	Stopping on verge	80
66.	5.14(4)	Owner or occupier of premises adjacent to a verge charging a fee to authorise a person to stop on a verge	500
67.	5.15	Obstructing path, a driveway etc	80
68.	5.16	Stopping near public letter box	60
69.	5.17	Stopping heavy or long vehicles on carriageway	60
70.	5.18	Stopping in bicycle parking area	60
71.	5.19	Stopping in motorcycle parking area	60

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
72.	5.20	Stopping or parking a vehicle (other than a bicycle or motor cycle) in a parking stall approved for motor cycles	60
73.	6.9	Failure to display a valid permit	70
74.	6.10(3)	Stopping or parking contrary to requirements of a permit	70
75.	7.3	Failure to comply with a lawful direction of an authorised person	90
76.	7.4	Failure to leave local government property when lawfully directed to do so by an authorised person	90
77.	7.5(2)	Removing or interfering with a lawful mark on a tyre	80
78.	7.6	Removing a notice on a vehicle	80
79.	7.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	90
80.	7.9	Causing or attempting to cause damage to Council property	500
81.	7.10(1)	Interfere or damage an electronic detection device	500
82.	7.10(2)	Interfere or damage a display panel or transmitting device	500

*Schedule 3—Notice to vehicle owner*

[cl. 9.3(a)]

LOCAL GOVERNMENT ACT 1995  
City of Nedlands Parking and Parking Facilities Local Law 2013

**PARKING INFRINGEMENT NOTICE**

**NOTICE TO THE OWNER/DRIVER**

It is alleged that the following vehicle was parked or stopped as indicated below.

Infringement No: ..... Issue date: ..... / ..... /.....

Alleged Offence: .....  
.....  
.....

Location: .....

Vehicle: .....

Colour: .....

Make: .....

Model: .....

Offence Date: .....

Offence Time: .....

Penalty: .....

Due Date: ..... / ..... /.....

Unless within 28 days after the date of the service of this notice –

- (a) The modified penalty is paid; or
- (b) you inform the CEO 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 of the alleged offence; or
- (c) you satisfy the CEO of the local government that the above vehicle had been stolen, or was being unlawfully used, at the time of the above offence,

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

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

**PAYMENT METHODS**

Payment by phone: (Visa or Mastercard)

Please call 1300 276 468 to make payment from your nominated account, quoting the infringement number shown overleaf.

Payment by Internet: (Visa or Mastercard)

www.nedlands.wa.gov.au and select the payment option.

Payment by Mail:

Make cheques payable to City of Nedlands and crossed Not Negotiable. Complete your name and address in block letters in the space provided below and return this notice and payment to City of Nedlands, PO Box 9, Nedlands, WA, 6909.

Payment in person at Council:

Present this notice intact to the cashier at the City of Nedlands, 71 Stirling Hwy, Nedlands, between 8.30 am and 5.00 pm Mon – Fri.

*Schedule 4—Infringement notice*

[cl. 9.3(b)]

**LOCAL GOVERNMENT ACT 1995**

**City of Nedlands Parking and Parking Facilities Local Law 2013**

**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 this ..... day of ..... 2013

The Common Seal of the	}
<i>City of Nedlands</i>	}
was affixed by authority of a	}
resolution of the Council in the	}
presence of:	}

\_\_\_\_\_  
**Mayor**  
 MAX HIPKINS

\_\_\_\_\_  
**Chief Executive Officer**  
 GREG TREVASKIS

## Rebecca Forrest

---

**From:** Bei Bei Guo [beibei.guo@dlgc.wa.gov.au]  
**Sent:** Thursday, July 04, 2013 12:53 PM  
**To:** Council  
**Cc:** Rebecca Forrest  
**Subject:** Attn: Greg Trevaskis - Department of Local Government and Communities - Proposed Parking and Parking Facilities Local Law 2013

Dear Mr Trevaskis

This email is in response to the City's correspondence dated 20 February 2013 regarding the City's proposed *Parking and Parking Facilities Local Law 2013*. The Department's comments are set out below for your consideration.

### **Parking and Parking Facilities Local Law 2013**

#### **1. Contents**

It is suggested "ARRANGEMENT" be substituted with "CONTENTS".

#### **2. Clause 1.2 – Purpose and Effect**

Clause 1.2 sets out the purpose and effect of the local law. This clause has no legislative effect and can be removed if the City wishes.

While the *Local Government Act 1995* requires the purpose and effect to be included in public notices relating to a proposed local law, there is no requirement to include the purpose and effect in the local law itself.

#### **3. Clause 1.4 – Repeal of amendment local law**

It is suggested that the clause should be reworded as follows:

The *City of Nedlands Parking and Parking Facilities Local Law* as published in the *Government Gazette* on 8 May 2002 and as published and amended in the *Government Gazette* of 20 September 2002 is repealed.

#### **4. Clause 1.6 – Interpretation**

It is suggested to separately define the terms ***crossover***, ***fire plug*** and ***obstruction*** which are listed in the interpretation clause as "shall have a corresponding meaning". This may assist readers of the local law to locate definitions.

In addition, it is suggested that the definition for ***caravan*** should be reworded as "has the meaning given by the *Caravan Parks and Camping Grounds Act 1995*."

## **5. Clause 1.6 – Consistency with the *Road Traffic Code 2000***

The proposed local law uses definitions that appear in the Road Traffic Code 2000. The City should ensure these definitions are consistent with the Code. Where the definition differs, the local law may be inconsistent and void to the extent of the inconsistency. It is also possible the Delegated Legislation Committee will request undertakings to correct the definition.

For example, in the proposed law, the current definition for ***motor vehicle*** may be read to include motor cycles. This is not consistent with the Code definition of ***motor vehicle*** which specifically excludes motor cycles.

Similarly, the definition for ***carriageway*** should use the word “road” instead of “thoroughfare” so that the definition is consistent with the Code.

## **6. Clause 2.1 – Erection of signs**

Clause 2.1 concerns erecting signs on any land, building or other structure within the parking region. This may be interpreted to include enabling the local government to erect signs on private land.

While the Committee has not previously raised the specific clause as an issue, the Committee has in the past raised concerns on the making of local laws dealing with matters relating to private land without the consent of the owner or occupier. The City is advised the Committee may raise this as an issue.

## **7. Clause 3.1.**

This clause appears to grant the City the power to establish or alter parking stations by making a resolution or determination.

The Delegated Legislation Committee has shown a history of disapproving of the use of determination devices in local laws. This is because determinations do not involve parliamentary scrutiny and can change the way in which local laws apply.

The Committee’s current position is that any determination made regarding a parking district must be accompanied by appropriate signage. The Committee has set out their concerns in point 7 of the JSCDL 23<sup>rd</sup> report.

As clause 3.1 is currently worded, signage appears to be optional and not compulsory. As long as this is the case, it is very likely that the Committee will request an undertaking to correct the local law.

It is suggested that the following subclause should be inserted at the end of the clause:

- (2) Where the local government makes a determination or resolution under this clause, it shall erect signs to give effect to the determination or resolution.

## **8. Event Parking**

Clause 4.1 provides a definition for **event**. The Committee has previously requested such a term have a reasonable and defined limit. The City is advised the Committee may raise the definition as an issue. The Committee's concerns are noted in the undertakings requested of *Town of Claremont Parking and Parking Facilities Local Law 2009* and *City of Perth Parking Local Law 2010* on the Committee website.

## **9. Clause 9.1 – Offences and penalties**

It is suggested subclause 9.1(3) be deleted as its effect is covered by clause 9.2.

There is a potential issue with subclause 9.1(2) which provides any offence of the local law is a prescribed offence and thus attracts modified penalties in Schedule 2. This may confuse readers as clause 9.1 also prescribes a penalty fine not exceeding \$5000 for an offence. It is suggested the distinction be made clear.

If clause 9.1(2) is to be retained, it is suggested that it should be reworded as follows:

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

The City should also consider the issue mentioned below.

## **10. Schedule 2 – Modified Penalties**

As it currently stands, there are no modified penalties for non-compliance with the following subclauses in the local law: 3.3(2), 4.13(2), 4.14(2) and 5.7(1). The City may wish to include modified penalties for non-compliance with the subclauses where it is the City's intention.

Schedule 2 also contains a potential issue regarding Item 80. This item sets a modified penalty for "All other offences not specified". This issue is also caused by clause 9.1(2), which prescribes all offences under the local law as modified offences.

Under section 9.16(2) of the *Local Government Act 1995*, a modified penalty can only be prescribed for an offence where:

- Commission of the offence is minor;
- Only straightforward issues of law and fact are involved in determining if the offence occurred; and
- The facts are easily ascertainable.

This may cause an issue, since not all conceivable offences under the local law may be minor or involve simple issues. The Committee has not formed a general opinion on this issue and has stated that it will determine the issue on a case-by-case basis.

## **11. Australian standards**



Where a reference is made to Australian standards, the Committee has previously requested that the reference include the words “as amended from time to time”.

The Committee has also expressed that where Australian Standards are used, the general public should be informed as to where they can access these standards. The local government should be advised that the Committee may inquire as to how this information will be made available to the public.

The City should also ensure references to Australian standards are accurate.

## 12. Minor edits

The following minor edits are suggested:

- Clause 1.6(1) at the end of the definition for **vehicle** insert the word “and”;
- Substitute “Chief Executive Officer” with “CEO” throughout the local law;
- Clause 1.7 replace “purpose” with “purposes”;
- Clause 1.8 delete “–” and continue sentence with “prohibit or regulate...”;
- Clause 2.5(2) remove brackets and quotation marks around (“the repealed local law”);
- Clause 3.3(1)(b) after the words “authorised person” insert “,”;
- Clause 4.1 delete “unless the context otherwise requires” to avoid confusion;
- Clause 4.1 in the definition of **event** un-italicise “Act”;
- Clause 4.2(2) redraft to clarify its meaning;
- Clause 4.6(3)(d) redraft to clarify its meaning; and
- Clause 4.10 in the header after “4.10” insert a space.

### **Minister’s Directions – pursuant to s 3.12(7) of the Local Government Act 1995**

**Please note:** Once the City has published a local law in the *Government Gazette*, you must comply with the requirements of the Minister’s *Local Laws Explanatory Memoranda Directions 2010*. The City, within ten working days of the gazettal publication date, needs to forward the signed EM material to the Committee at the current address -

Committee Clerk  
Joint Standing Committee on Delegated Legislation  
Legislative Council Committee Office  
GPO Box A11  
PERTH WA 6837

Tel: 9222 7300 Fax: 9222 7805  
E-mail: [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au)

A copy of the Minister’s Directions and EM forms can be downloaded from the Department's webpage at [www.dlg.wa.gov.au](http://www.dlg.wa.gov.au). Failure to comply with the Directions may render the local law inoperable.

My comments:

- have been provided to assist you with drafting matters;
- do not constitute legal advice;
- have been provided in good faith for your consideration; and
- should not be taken as an approval of content.

You should ensure that your proposed local law has had a detailed editorial analysis, and that the content is in accordance with your Council's policies and objectives.

If you have any queries regarding any of the comments above please do not hesitate to contact Steven Elliott, Senior Legislation Officer, on (08) 6552 1642 or at [Steven.Elliott@dlg.wa.gov.au](mailto:Steven.Elliott@dlg.wa.gov.au)

Kind regards

**Bei Bei Guo**

Legislation Officer

Legislation

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<b>TS13.13</b>	<b>Parking Restrictions – Stubbs Terrace</b>
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<b>Committee</b>	13 August 2013
<b>Council</b>	27 August 2013
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Rebecca Forrest – Technical Services Administration Officer Mark Goodlet – Director Technical Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>Director Signature</b>	
<b>File Reference</b>	IFM/414
<b>Previous Item</b>	Nil.

### Executive Summary

The purpose of this report is to implement permanent parking restrictions around Shenton College bus stop (adjacent to the railway line) at Stubbs Terrace, Shenton Park.

### Recommendation to Committee

Council approves the following parking restrictions:

1. “No Stopping on Bus Zone and Verge” at all times; and
2. “No Stopping on Road or Verge, 7.30 am – 9.30 am, 2.30 pm – 4 pm, Monday to Friday”, for approximately 40m on both sides of the Bus Zone on Stubbs Terrace, adjacent to the railway line.

### Strategic Plan

KFA: Transport

This proposal improves pedestrian and vehicular safety adjacent to a school.

### Background

The City received a request to assist in reducing parking congestion on Stubbs Terrace, directly outside Shenton College. There has been an increase in verge parking around this area and the children’s crossing point. The City met with the college on site to discuss the issue. As a result, the proposed parking restrictions are advised.

**Key Relevant Previous Council Decisions:**

There are no previous Council decisions relating to this matter.

**Discussion**

Following discussion with the Shenton Park College principal the City was able to make small improvements to the parking restrictions on the college side of Stubbs Terrace and Selby Street. This involved placing the existing parking restriction signage in locations that are visible to road users and are compliant with standards.

However, the principal also requested that parking restrictions be added on the railway side of Stubbs Terrace to assist children as they leave school and to assist vehicles as they exit the college car park. Currently vehicles park behind the bus stop area on the verge, directly opposite the exit to the college carpark and on the railway side of the Stubbs Terrace nature strip directly opposite the Selby Street intersection.

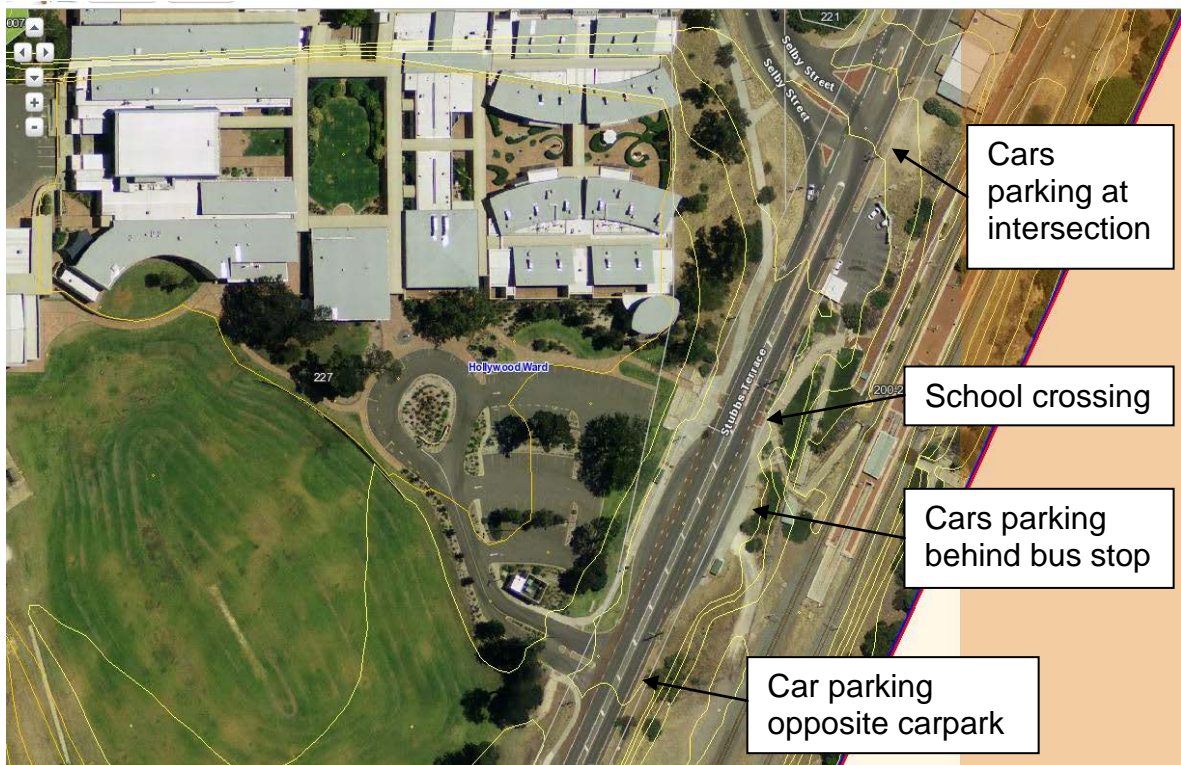


Figure 1. Existing Parking on the nature strip at Stubbs Terrace

City officers attended the site at the end of the school day and have observed the mix of children leaving the school to cross Stubbs Terrace to catch the bus or train. There is clearly a potential for conflict between the parked cars and the children. There is also a potential for obstruction of sight lines due to parked cars. For these reasons the request to ban the nature strip parking towards Selby Street and behind the bus stop is supported.

The Austroads Off-street parking guidelines recommend that the positioning of crossovers opposite intersections is avoided where possible as this creates a potential conflict point for vehicles turning at the intersection and vehicles coming from the crossover.

During school start up and end periods this situation is replicated as the college carpark entry behaves like an intersection in terms of the number of vehicles entering and leaving the carpark. For this reason the prevention of vehicles parking opposite the carpark entry during school start up and end periods is supported.

This principle extends to the nature strip opposite Selby Street where vehicles are parked on the nature strip and in the Public Transport Authority's railway land shown as the bear patch of dirt in Figure 1. The City has written to the Public Transport Authority in this regard to indicate that while it has no objection to use of the extended parking that formalizing and increasing 'park and ride' facilities in the railway reserve area may improve safety at the intersection of Selby Street and Stubbs Terrace. This safety improvement would come about by creating a larger carpark with controlled entry points in safe locations.

The response from the Public Transport Authority was supportive but indicating that there was no budget for this, unless the City opted to assist with funding. The City has not taken up this suggestion.

With respect to the two responses from businesses concerning parking the primary issue was parking scarcity. To this end the proposed restrictions opposite the college carpark are only during the school start and end periods, to allow at least medium term parking to occur on the nature strip in this area. Secondly the parking restrictions are to remain unrestricted on the nature strip further to the south east along the railway side of Stubbs Terrace. This will then shift parking opportunities away from the pedestrian and intersection areas, while still providing for short to long term parking opportunities.

## Consultation

Required by legislation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Required by City of Nedlands policy:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

In accordance with Council Policy, Administration consulted with all relevant stakeholders in the surrounding area, this included:

- Public Transport Authority (PTA)
- Department of Fire and Emergency Services (DFES)
- Department of Education

A letter drop was also conducted which included all of the business along the railway, Dalglish Fire Station and the Autism Association of WA.

Five responses were received back. PTA supports the parking restrictions, the Department of Fire and Emergency doesn't have any concerns regarding the proposed restrictions and the Department of Education supports the proposed parking restrictions.

Two other feedback responses were received, both of which expressed their concerns regarding the parking situation currently on Stubbs Terrace, one was not supportive of the proposed parking restrictions and the other just requested the City look at the parking issue all along Stubbs Terrace.

## Legislation / Policy

*Local Government Act 1995*

## Budget/Financial Implications

Within current approved budget:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Requires further budget consideration:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Minimal cost for erecting signage.

## Risk Management

The college has identified risks to the children that in the opinion of Administration are valid and should be mitigated by controlled parking. Further risks to vehicles at the intersection with Stubbs Terrace and opposite the college car park have been identified and should also be mitigated by controlled parking.

## Conclusion

The proposed changes to the parking on Stubbs Terrace have a clear benefit to the safety of children at Shenton College to vehicles at the intersection of Stubbs Terrace and Selby St and to vehicles entering and leaving the carpark of Shenton College.

There will still be unrestricted parking opportunities on the nature strip of Stubbs Terrace, albeit some 60 metres further away from the light industrial precinct and the railway station.

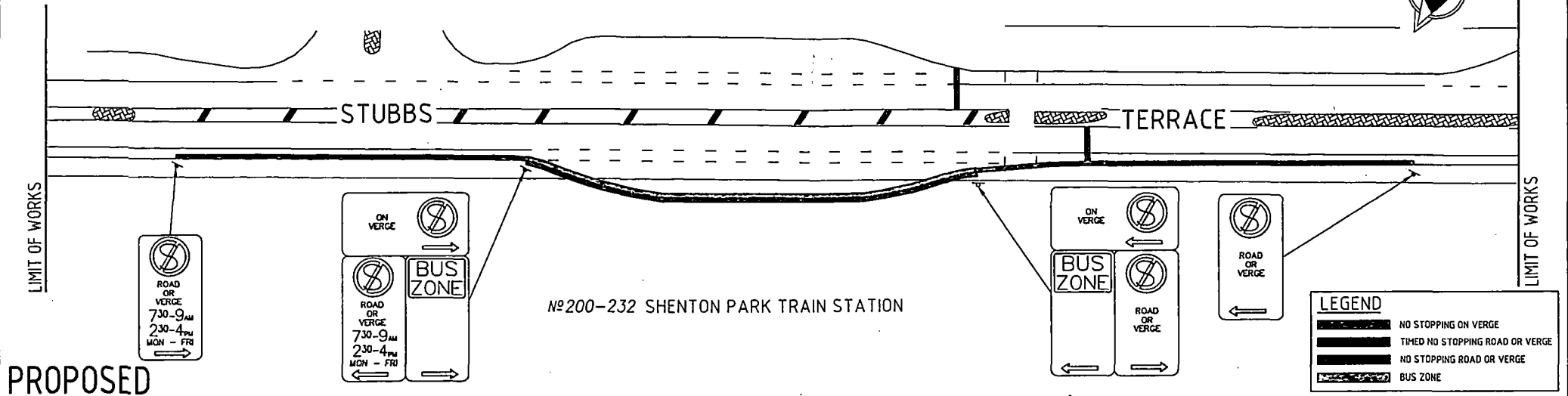
It is therefore recommended that Council approves the proposed changes to parking as per attachment 1.

## Attachments

1. Outline of proposed parking restriction zones

NOTE: ALL DIRECTIONAL ARROWS ON PARKING SIGNS ARE FOR DISPLAY ONLY AND ALTERED ACCORDINGLY ON SITE.

№227 SHENTON PARK COLLEGE



PROPOSED

REVISION	By	App'd



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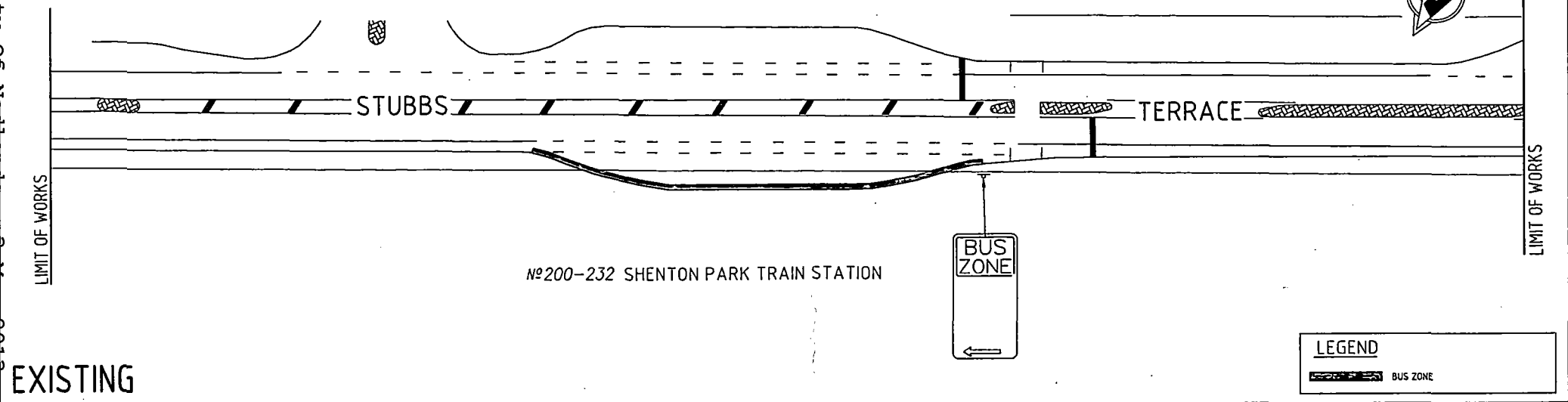
DESIGNED S. FLETCHER 04/13	SCALE N.T.S.
DRAWN S. FLETCHER 04/13	DATUM ASSUMED
CHECKED M. GOODLET 04/13	APPROVED
RECOMMENDED	

STUBBS TERRACE  
NAGAL PASS - SELBY STREET  
PROPOSED PARKING RESTRICTIONS

SHEET 1 OF 1	A 3
DRAWING No. _____	
Job No. _____	

NOTE: ALL DIRECTIONAL ARROWS ON PARKING SIGNS ARE FOR DISPLAY ONLY AND ALTERED ACCORDINGLY ON SITE.

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EXISTING

REVISION	By	App'd



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DESIGNED S. FLETCHER 04/13	SCALE N.T.S.
DRAWN S. FLETCHER 04/13	DATUM ASSUMED
CHECKED M. GOODLET 04/13	APPROVED
RECOMMENDED	

STUBBS TERRACE  
NAGAL PASS - SELBY STREET  
EXISTING PARKING RESTRICTIONS

SHEET 1 OF 1	A 3
DRAWING No. _____	
Job No. _____	

City of Nedlands - 3 May 2013

<b>TS14.13</b>	<b>Bruce Street / Elizabeth Street Black Spot Intersection Improvements</b>
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<b>Committee</b>	13 August 2013
<b>Council</b>	27 August 2013
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Mark Goodlet – Director Technical Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>Director Signature</b>	
<b>File Reference</b>	IFM/414
<b>Previous Item</b>	T22.11 – 13 December 2011 Council Meeting 23 July 13 – Petition on Elizabeth Bruce Intersection

### Executive Summary

This report is a response to Council’s resolution in December 2011 to consider other options for the Blackspot treatment of the intersection of Bruce Street and Elizabeth Street. It also responds to Council’s resolution to consider the petition (July 2013) requesting that the intersection speed be lowered to improve safety.

Seven (7) options were considered. Two (2) options are considered viable for the intersection and meet Main Roads WA approval requirements. The roundabout remains the preferred option, however a median island in Bruce Street preventing right hand turns and preventing traffic from proceeding across Bruce Street along Elizabeth Street, will meet the crash reduction aims of the works.

### Recommendation to Committee

**Council approves the installation of a roundabout, lighting upgrade and associated works at the intersection of Bruce Street and Elizabeth Street, Nedlands as approved under the Main Roads WA Blackspot Program (refer to Attachment 1).**

### Strategic Plan

KFA: Transport.

The proposed works improves the road network and meets the strategic aim of providing safe roads.



## **Background**

The intersection of Bruce Street and Elizabeth Street qualified as a Blackspot intersection in 2011/12. Subsequently a roundabout was designed in response to the crash data. This was the solution derived from analysis of the accident frequency, type and directions in accordance with the standardized evidence based mitigations enunciated in the Main Roads WA Crashtool program.

A review of the intersection was also carried out by an independent auditor who investigated alternative solutions including signalisation, four way stop signs and road termination in one direction. His conclusion was also that a roundabout was the appropriate solution.

### **Key Relevant Previous Council Decisions:**

Council was presented with a report (TS22.11) on a proposal to upgrade the intersection of Bruce Street and Elizabeth Street to a roundabout the matter on 13 December 2011 with a concept for a roundabout at the intersection.

#### Council Resolution

1. That this matter be referred back to Administration for reconsideration of further alternative design.
2. Administration review the traffic condition and parking arrangements along Bruce Street.

Council received a petition (July 2013) on the intersection of Bruce Street and Elizabeth street, seeking a reduction in speed at the intersection to improve its safety. Council resolved to have a report brought to it on the matter.

## **Discussion**

Council rejected the roundabout option and requested that further investigation be carried out to find alternative solutions. This has now been done. A total of seven (7) options have now been considered as presented below.

The seven (7) options are:

1. Roundabout, as shown in attachment 1;
2. Median Island in Bruce St, forcing Elizabeth St to terminate in each direction at Bruce Street, as shown in attachment 2;
3. Traffic calming along Bruce Street by way of mid-block (between intersections) ovals or the like at approximately 100m to 130m intervals;
4. Do nothing;
5. Four way stop sign;
6. Signalisation; and
7. Intersection Hump.

## **Option 1 - Roundabout (Preferred)**

### **Description**

A roundabout is installed at the intersection to control vehicle movements and speeds in all directions.

### **How it Works**

Give way signals at the roundabout entries establish priority. A central island directs traffic around the intersection.

### **Advantages**

- Simplifies conflicts;
- Reduces intersection speed;
- Is very likely to reduce crash severity and numbers; and
- Complies with the Blackspot Crashtool solutions.

### **Disadvantages**

- Roundabouts can be difficult for cyclists and pedestrians on high volume and multi-lane roundabouts;
- Is better for balance flow (equal traffic volumes in each street); and
- Two existing box trees will require removal.

## **Option 2 – Bruce Street Median Island (2<sup>nd</sup> Preference)**

### **Description**

Attachment 2 shows an island placed in Bruce Street which straddles the intersection. There is a break in the island which provides a staging point for pedestrians and cyclists crossing Bruce Street.

### **How it Works**

This solution works by preventing vehicles from turning across each other's path therefore eliminating accidents. The island caters for pedestrians and cyclists crossing Bruce Street by protection them and allowing a staged crossing of Bruce Street.

### **Advantages**

- Relatively inexpensive;
- No loss of trees;
- Very likely to reduce crash numbers and severity; and
- The lines and signs plan has Main Roads WA approval.

### **Disadvantages**

- A disruptive effect on traffic flow through the suburb as vehicles will need to divert into surrounding streets. Implementing a single measure in an area in isolation may have implications for the neighbouring streets in terms of traffic volumes and safety.

Consultation has not been carried out for this option. It would need to target all of the affected streets with about 860 surrounding properties needing to be consulted to determine their thoughts on the matter.

### **Option 3 – Bruce St Traffic Calming (not recommended)**

#### **Description**

Under this proposal traffic calming devices such as chicanes are inserted at regular intervals (mid-block) of about 100m to 130m along the street. In particular there are traffic calming devices located close to Elizabeth Street.

#### **How it Works**

This solution reduces the incidence and severity of accidents at the intersection by slowing the average speed of vehicles in Bruce Street. Under normal circumstances mid-block treatments are complimented by intersection traffic calming solutions such as roundabouts. In this case however, placing the traffic calming device near the intersection of Bruce Street and Elizabeth Street might slow vehicles coming into the intersection.

#### **Advantages**

- Reduces speed in Bruce Street; and
- Reduces severity of accidents.

#### **Disadvantages**

- Blackspot funding not provided and the City will need to fund this itself;
- May not achieve crash frequency reduction. Typically mid-block treatments are placed in as a follow up to intersection treatments rather than the other way round, as this proposal suggests. There is a potential for this mitigation to fail to achieve the desired results.
- May have impacts on neighbouring streets if done without precinct planning; and
- Difficult to design due to cycle preferred route and bus route in Bruce Street.

The traffic calming option would need careful design and consultation prior to implementation. Bruce Street is a preferred bicycle route and a bus route so designing traffic calming devices and locating them in positions that don't interfere with driveways and trees is difficult. Again it is likely to only provide an improvement of the accident issue but without a solution actually on the intersection itself it is unlikely to solve the Blackspot issue entirely. When done without precinct planning it may lead to unintended consequences for side streets.

### **Option 4 - Do nothing (not recommended)**

#### **Description**

Under this option no work is carried out and the City monitors ongoing performance of the intersection.

### **How it Works**

This is the business as usual scenario.

### **Advantages**

- Costs nothing (construction costs); and
- Defers to consideration of more strategic precinct planning.

### **Disadvantages**

- Accidents will continue to occur; and
- Adds to City risk.

### **Option 5 - Four Way Stop Sign (not recommended)**

#### **Description**

Two more stop signs are added to the intersection, in Bruce Street, in addition to the two already in place in Elizabeth Street. This solution is available under Austroads.

#### **How it Works**

All vehicles must stop at the intersection and give way to the right.

#### **Advantages**

- Costs little to implement; and
- Is likely to reduce crash severity.

#### **Disadvantages**

- This approach is not used in WA and is very likely to cause confusion and may lead to an increase in the number of low speed accidents; and
- Is not supported by Main Roads WA, who has considered this option.

### **Option 6 - Signalisation (not recommended)**

#### **Description**

Traffic lights are installed at the intersection to control vehicle movements in all directions.

#### **How it Works**

Vehicles comply with traffic signal direction.

#### **Advantages**

- Is very likely to reduce crash severity and numbers.

#### **Disadvantages**

- This solution is extremely expensive and would cost in excess of \$1million to implement;
- This is out of step with the surrounding intersection treatments; and
- Is not supported by Main Roads WA, who has considered this option.

## **Option 7 - Intersection Hump (not recommended)**

### **Description**

A raised hump is placed at the intersection of Bruce Street and Elizabeth Street.

### **How it Works**

Vertical displacement of the vehicles occurs as they cross the intersection. Vehicles slow down prior to entering the intersection to avoid the discomfort of the hump.

### **Advantages**

- It can highlight the presence of the intersection; and
- Is very likely to reduce crash severity and numbers.

### **Disadvantages**

- This solution is suitable in high pedestrian vehicle interaction areas such as shopping precincts. In this case there is a short period of high pedestrian vehicle interaction but the majority of the day is vehicular traffic only;
- This is out of step with the surrounding intersection treatments, which may therefore result in confusion;
- Humps can be uncomfortable for vehicle occupants;
- They may create confusion for pedestrians in terms of who has priority if the raised section is at the pedestrian crossing point and is not strongly delineated; and
- Humps can be annoying for nearby residents due to the impact noise of vehicles entering and leaving the hump.

## **Roundabout – the Preferred Solution**

The roundabout solution was originally developed by City of Nedlands' Technical Services staff based on analysis of the intersection accidents and the treatment recommended by the Austroads standards, which represent the peak road design guidelines in Australia. It was also the most appropriate solution derived from the Main Roads WA Crashtool program.

A review of the intersection was also carried out by an independent road safety auditor who investigated alternative solutions including signalisation, four way stop signs and road termination in one direction. His conclusion was also that a roundabout was the appropriate solution. A summary of this auditor's assessment is attached and is instructive in its analysis of the crash history, patterns and nominated solution.

A review of the data and the proposed solutions has also been carried out by the Director Technical Services (report author) and the same conclusion has been reached regarding the most appropriate treatment based on the Austroads Guidelines.

Blackspot treatment effectiveness compared with the literature has shown that roundabouts are slightly more effective than even the literature is suggesting. Roundabouts have shown to reduce casualty crashes by 70% and property damage only (PDO) by 50%. The Benefit Cost Ratio for roundabouts is approximately 9, indicating strong positive benefit to the community. (Harvey M, 2007, *Evaluation of the National Black Spot Program*, Australian Government, Department of Infrastructure and Transport, Canberra).

### **Liveable Neighbourhoods on Roundabouts**

Liveable Neighbourhoods indicates a general steering away from the use of roundabouts on high volume arterial roads. It specifically indicates a preference for signalisation over roundabouts for major roads (2009, Element 2 p.2) although considers they may be considered 'where pedestrian and cyclist volumes are very low' (2009, Element 2 p.9).

For minor roads it encourages the use of four-way junctions with priority control (stop signs etc) in place (2009, Element 2 pp. 31-34). This is what exists now at the intersection of Elizabeth Street and Bruce Street, and it has proven to be insufficient to reduce accidents to an acceptable level.

Liveable Neighbourhoods then goes on to suggest that where the four-way junction control is not used roundabouts are appropriate provided they are designed to suit the swept path of the vehicles they are serving, including buses.

### **Buses**

Bruce Street is used by buses and the Public Transport Authority has indicated its willingness to allow the use of its buses to test the turning paths of the Transperth fleet, in order to ensure that the buses are able to negotiate roundabout, intersections and mid-block treatments. To this end the roundabout has been designed to incorporate the bus swept paths.

Swept paths will not be of concern should the median island option be adopted.

### **Tree Removal and Replacement**

The roundabout option requires removal of two box trees on the south side of Elizabeth Street. These would be replaced in appropriate locations. Another tree would also be planted in the centre of the roundabout.

The median island solution does not require removal of any trees. However it should be noted that if separate cycle lanes in Bruce Street are added through the intersection, taking the lane widths from 3.5m to 4.7m, then three box trees would be removed. The cycle lanes are not shown in the proposed plan.

### **Bruce Street Vehicle Speeds**

Traffic data shows vehicle speeds in Bruce Street at 56kph north of Elizabeth Street, increasing to 58 kph south of Elizabeth Street. Dealing with vehicle

speed through the intersection is therefore warranted. The speed problem creates longer stopping distances, which in the case of Bruce Street is further exacerbated by the down grade of the road, increasing stopping distances even further.

### **Pedestrian and Cyclists at Roundabouts**

Concerns with respect to roundabout proposals are based, in part, on the lower safety and amenity provided for pedestrians and cyclists. Austroads, 2011, *Guide to road design part 4b: roundabouts*, 2<sup>nd</sup> edn, Austroads, Sydney, p.4, agrees with these concerns and makes the following statement based on empirical data collected on roundabouts:

*A well designed roundabout is the safest form of intersection control. Numerous 'before and after' type studies have shown that in general, fewer motor vehicle casualty crashes occur at roundabouts than at intersections containing traffic signals, stop, or give-way signs. Unfortunately, this same safety record does not apply to cyclists or pedestrians.*

With respect to pedestrians the following is noted:

*Special consideration must be given to pedestrian movement/s at roundabouts. While roundabouts are not necessarily less safe than other intersection types, children and elderly pedestrians feel less safe at roundabouts, particularly at exits. This is because, unlike traffic signals, roundabouts do not give priority to pedestrians over through traffic or right-turning traffic and some pedestrians may suffer a reduction in accessibility.*

With respect to cyclists the following is noted:

*It is also important to note that several studies have shown that roundabouts increase the risk of cyclists being involved in a crash, compared to other types of intersection. Roundabouts designed with good entry curvature require entering drivers to slow down, provide more time for motor vehicle drivers to scan for cyclists, and consequently minimise cyclist crashes.*

In summary:

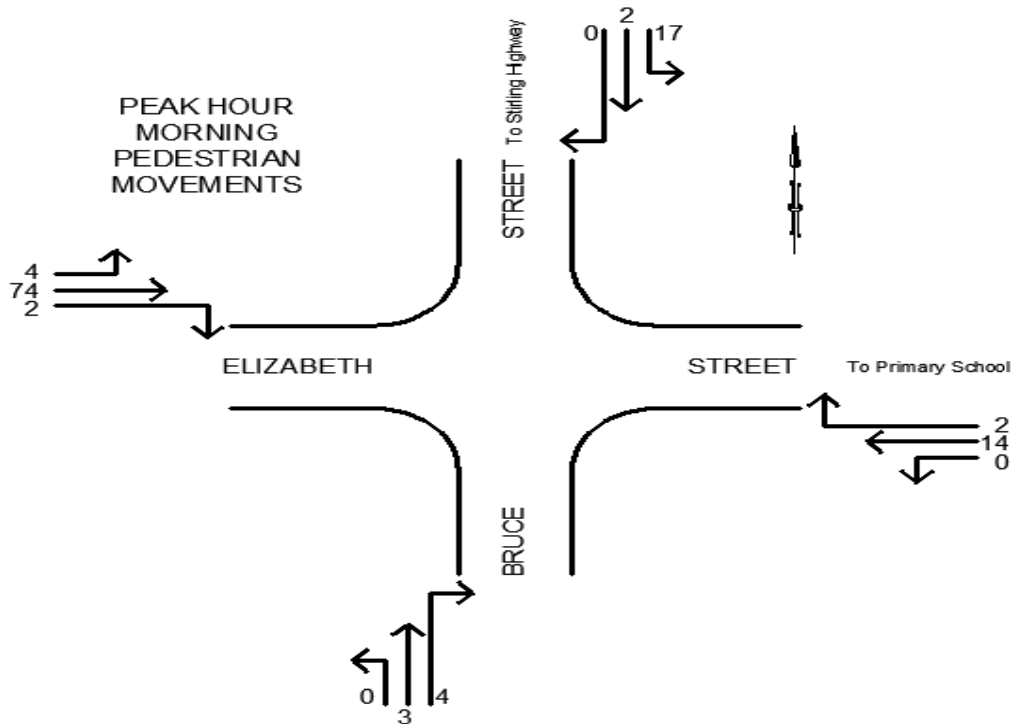
*It should be noted that although treatments can be provided for pedestrians and cyclists at roundabouts they may not be the most appropriate intersection treatment at locations where there are high levels of cycle and pedestrian traffic and alternative treatments should be considered.*

The 2011 update to the Austroads roundabouts design guidelines features a separate chapter on pedestrian and cyclist treatments. Austroads (2011, p. 50) indicates that:

*The results of various studies indicate that a separated cycle path, located outside of the circulating carriageway, is the safest design when there are high vehicle flows.*

**Pedestrian and cyclist count analysis and observations**

Pedestrian and cyclist traffic movements have been studied over three days, primarily during school start and end times to identify volumes, type and direction of movements. The results were as shown in the figures below.



**Figure 1. Peak Hour Morning Pedestrian Movements** (includes all on-footpath pedestrians, bicycles, skateboards etc.)



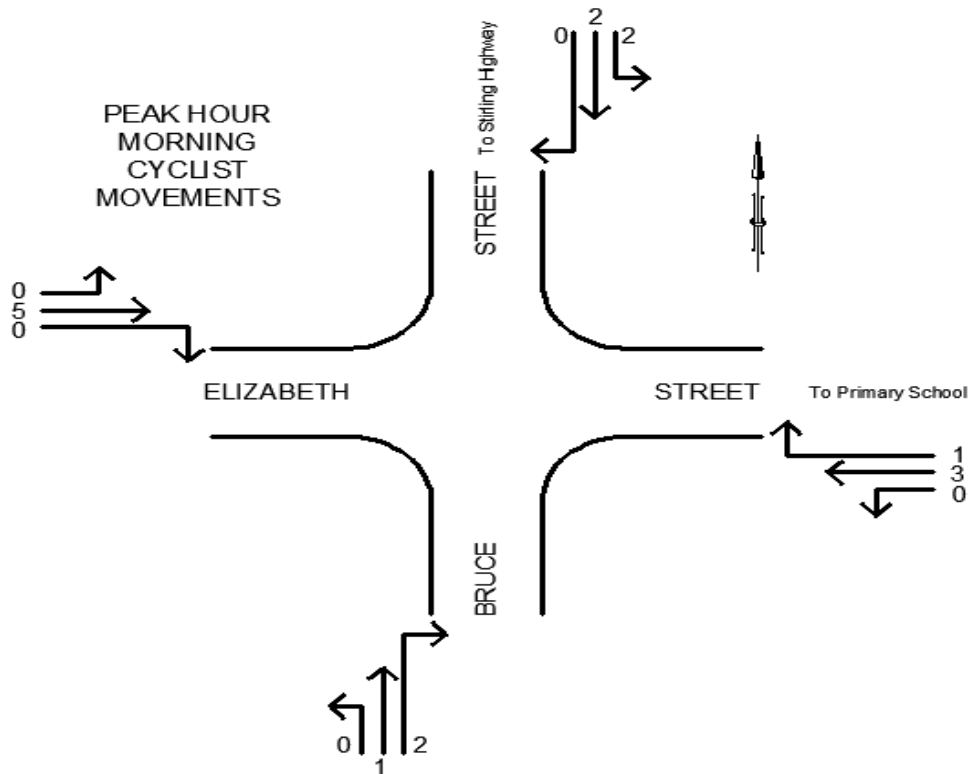


Figure 2. Peak Hour Morning Cyclist Movements (includes all on-road bicycles)

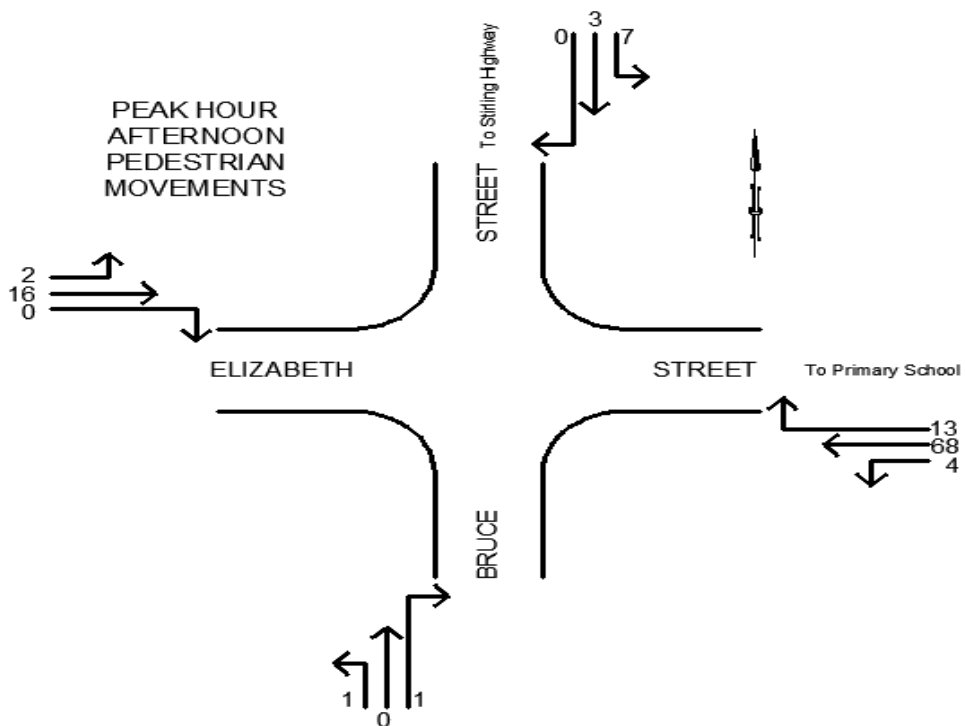
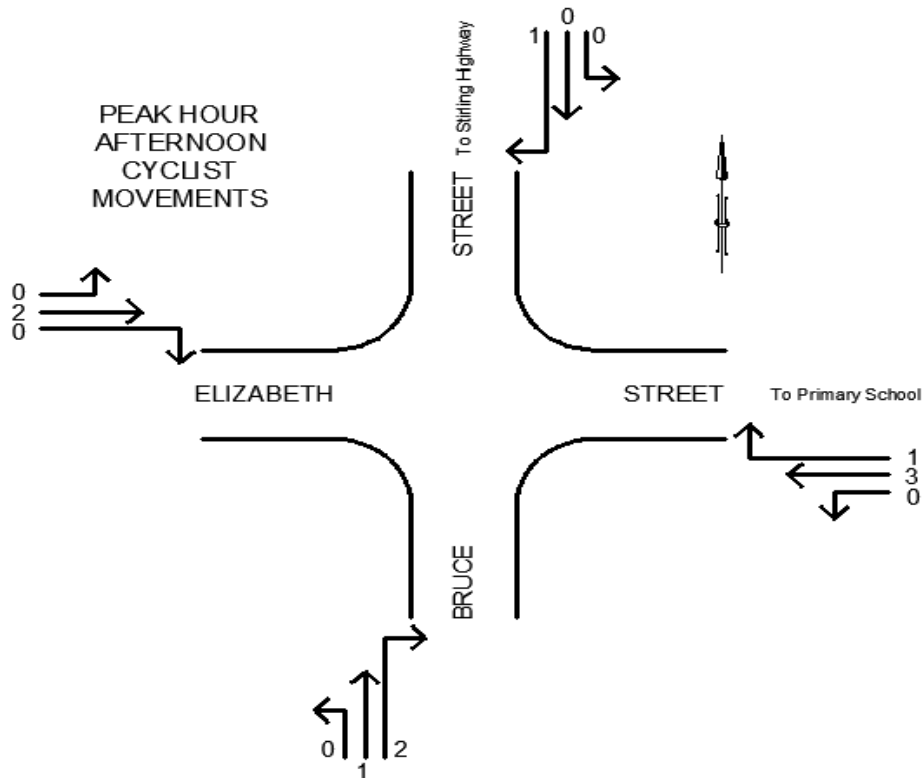


Figure 3. Peak Hour Afternoon Pedestrian Movements (includes all on-footpath pedestrians, bicycles, skateboards etc.)



**Figure 4. Peak Hour Afternoon Cyclist Movements** (includes all on-road bicycles)

The observations confirmed that:

- Nedlands Primary School is a significant generator for pedestrian movements;
- Pedestrian directly crossing Bruce Street along Elizabeth Street is the mayor movement;
- On road cyclist numbers were relatively small; and
- The existing footpath network serves the children (accompanied and unaccompanied) well and caters for the directions travelled.

As a precautionary measure many vehicles would brake as they proceeded along Bruce Street through the Elizabeth Street intersection, particularly in the presence of pedestrians. In just one observation period there were instances where vehicles needed to slow to allow groups of children, with and without parents, to cross Bruce Street. On one occasion a vehicle had to come to a standstill in Bruce Street in order to avoid a group of children crossing the road, though no guards were present.

Design implications for the observed pedestrian and cyclist numbers are:

- Slowing vehicles at the intersection is recommended;
- Mid-road propping (at a median island) for pedestrians is recommended; and
- The proposed footpath locations are appropriate for the various movements.

The footpaths have been designed to guide the pedestrians to specific crossing points and importantly provides for the staged crossing of Bruce Street. A median island allows pedestrians to prop at the northern approach island.

### **Roundabouts and Balanced Flow**

Balanced traffic volumes are desirable for roundabouts. The right turn movements create breaks in the traffic for other lanes to enter the intersection. Austroads (2013, Guide to Traffic Management Part 6, p.175) indicates that unbalanced flow is mostly problematic in the case of rural high speed high volume roads intersecting very low volume roads (Austroads, 2013). In this case there is unbalanced flow, however the speed is not high and the intersection is not rural. In this case the increase in the traffic volume in Elizabeth Street coincides with increased pedestrian flows, (school start and finish) which provides the flow disruption at the intersection needed to control vehicle speeds at the optimum time, and which is when pedestrians are attempting to cross Bruce Street.

### **Bruce Street Median Island**

The roundabout option has the distinct advantage over the Bruce Street Median Island option of slowing traffic in Bruce Street, which is important for vehicle crashes and for pedestrian safety.

Like the roundabout option the Bruce Street Median Island option provides a staging point for pedestrians crossing Bruce Street, thus improving pedestrian safety.

Prevention of all right hand turn movements and prevention of the through movement along Elizabeth Street, will reduce vehicular accidents.

The installation of a median island across Bruce Street will cause diversion of traffic into adjoining streets. About 800 vehicles per day use Elizabeth Street west of Bruce Street, while about 1500 vehicles per day use Elizabeth Street east of Bruce Street.

The overall scale of discontinuity that the median will cause is not known. However, observation of the intersection showed a significant increase in vehicular activity moving across Bruce Street along Elizabeth Street during the school pickup time. This traffic will divert mostly down to Princess Road and possibly up to Edwards Street.

The intersection of Princess Road and Bruce Street has a roundabout, so it should not present difficulties in coping with the added traffic. The intersection of View Way and Princess Road has only had two (2) reported accidents in the past five years. This intersection is a four way intersection with stop signs and a median in the northern leg of View Way. To the east along Princess Road is a traffic hump which should control vehicular speed and the sight distances in both directions along Princess Road are adequate.

There is a small environmental price to pay for the extra distance vehicles will have to travel by diverting around the Bruce Street Elizabeth Street intersection with a median present in Bruce Street. Note elsewhere in this report the discussion with respect to the trees.

In summary, the Bruce Street median island is a viable option for the intersection with Elizabeth Street. Should Council elect to further this option, the following recommendation is appropriate:

*“Council instructs the CEO to undertake consultation on the installation of a median island and associated works in Bruce Street at the intersection with Elizabeth Street (refer to Attachment 2). If the consultation is supportive of the design overall then the proposal is to be constructed and if not the matter is to be brought back to Council for further consideration.”*

While the median island options has the disadvantage over the roundabout of not slowing traffic, it could be constructed as a median island and if there are ongoing speed issues then the installation of road cushions in Bruce Street at the intersection. Road cushions allow buses to straddle them but require careful negotiation by cars, thus reducing speeds.

## Consultation

Required by legislation:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Required by City of Nedlands policy:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Community consultation has been undertaken. A mail out was sent to all surrounding residents and stakeholders containing the following:

- A letter providing informing about the proposed works;
- An information sheet showing before and after artist impression images of what the proposed works will look like;
- A comment form; and
- A Black Spot flyer providing information on Black Spots.

Should the median island proposal be adopted then further consultation will be undertaken for this option.

## Legislation / Policy

*Local Government Act 1995, s3.21, 3.51*

## Budget/Financial Implications

Within current approved budget:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Requires further budget consideration:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Cost breakdown:

Blackspot program 2/3 \$130,000 – Approved

Council 1/3 \$65,000 – Approved

Project has been approved in the 2013/2014 capital works budget.

## **Risk Management**

Should Council not approve the proposed roundabout and lighting upgrade to the intersection of Elizabeth and Bruce Street, the risk is that the intersection, as identified by Main Roads WA crash statistics will continue to be unsafe for all road users.

## **Conclusion**

This report provides two viable options for improving the safety of the intersection of Bruce Street and Elizabeth Street. The first of these is the roundabout, previously presented to Council. The second is a median island in Bruce Street at the intersection with Elizabeth Street.

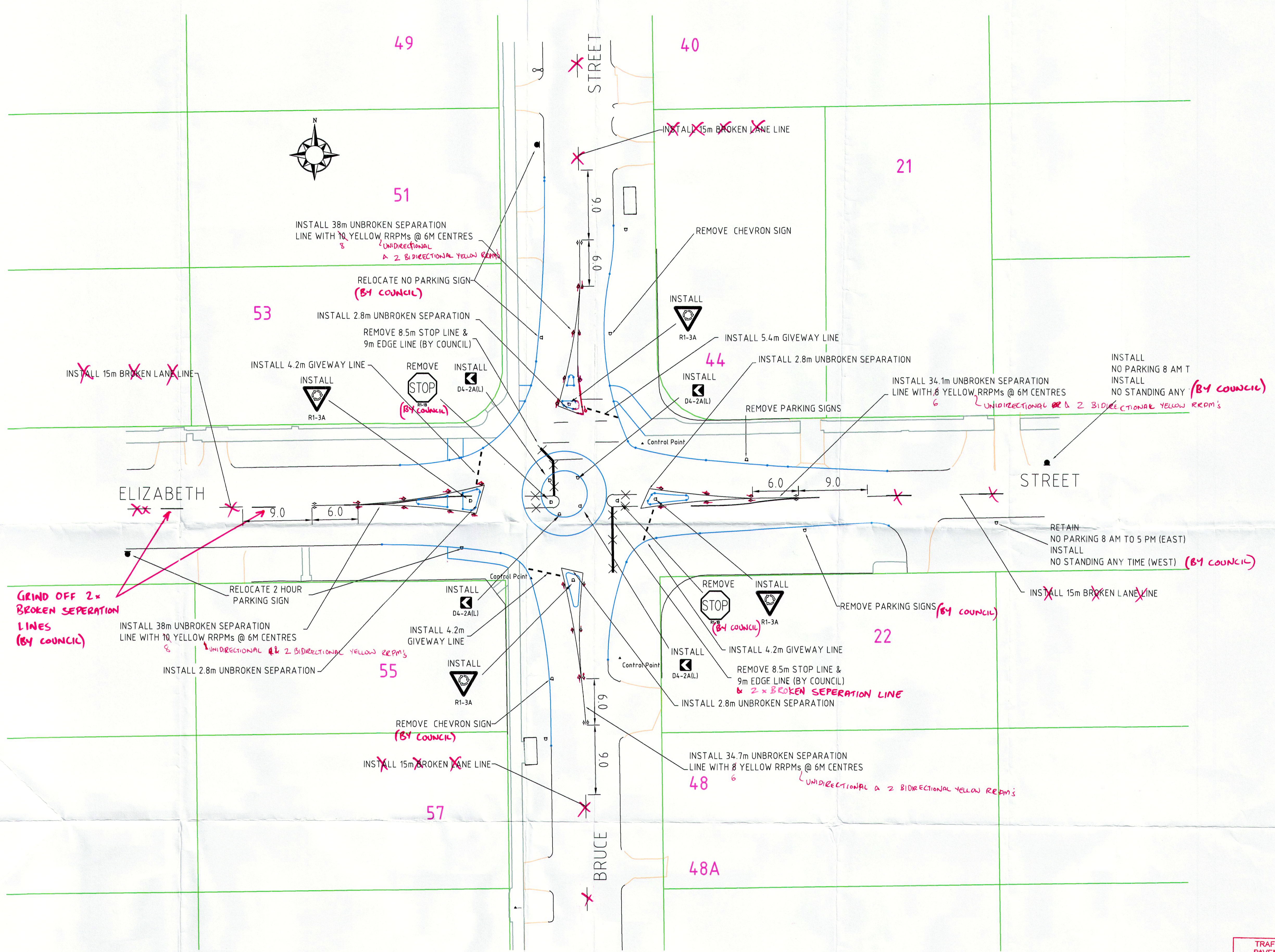
While the preference remains with the roundabout, there are some legitimate concerns about the protection of pedestrians at roundabouts, who lose the protection of priority over vehicles turning right.

On the other hand the median island solution will not lower speeds as much as the roundabout solution and it will divert traffic into other streets.

## **Attachments**

1. Plan - Previously proposed roundabout solution.
2. Plan - Island solution.
3. Auditor's assessment and recommendation.





TRAFFIC SIGNS AND PAVEMENT MARKING APPROVED  
 TSC: [Signature]  
 Date: 17/10/2011  
 MRWA File: 05/10752  
 Main Roads Western Australia

REV. No.	REVISION NOTES	DRAWN	CHECKED	DATE
A	ISSUE FOR APPROVAL & CONSTRUCTION	YK	RG	3/8/11

SCALE: 1:250 at A1 1:500 at A3	DESIGNED: R.G. 11/07/11	CHECKED / DATE: R.G. 11/07/11
COUNCIL MINUTES:	DRAWN: Y.K. 11/07/11	APPROVED / DATE: R.G. 11/07/11

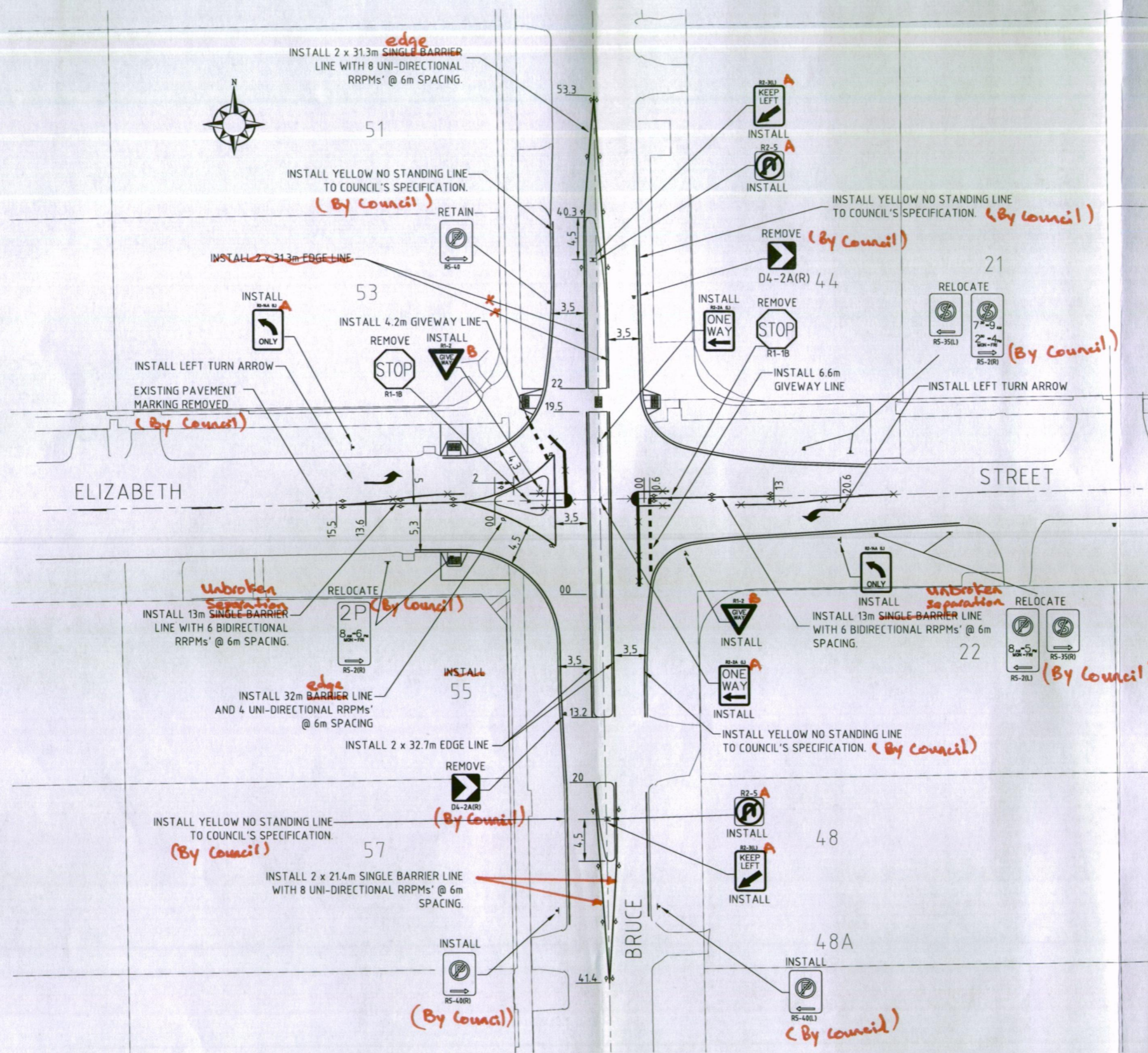
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TITLE: BRUCE STREET/ELIZABETH STREET INTERSECTION NEDLANDS ROUNDABOUT PAVEMENT MARKINGS AND SIGNAGE LAYOUT

SIZE: **A1** DWG NO: BR9-EL1-2011-02-MGA94-A






**TRAFFIC SIGNS AND  
PAVEMENT MARKING  
APPROVED**

A/TBC: *Di...*  
 Date: 27/11/12  
 MRWA File: 05/10752  
 Main Roads Western Australia

No.	DATE	DESCRIPTION	APPROVED
C	05/10/2012	AMENDED MRWA COMMENTS	
B	14/08/2012	GENERAL AMENDMENT	
A	10/08/2012	ISSUE FOR REVIEW	
AMENDMENTS			

CLIENT




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REFERENCES.

SURVEY	
HORIZONTAL SCALE	1:250 @ A1
VERTICAL SCALE	

DESIGNED	Y.KE
DRAWN	Y.KE
DIRECTOR	T.SHAW



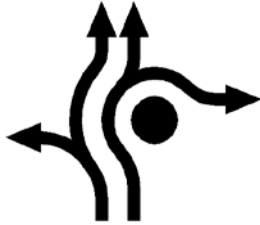
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DESCRIPTION  
 BRUCE STREET & ELIZABETH STREET-NEDLAND  
 INTERSECTION MODIFICATION WORKS  
 LINES & SIGNS DETAIL LAYOUT

CITY OF NEDLANDS	
LOCAL AUTHORITY	
DRAWING TYPE	DRAWING NUMBER
	BR9-EL1-2012-01-MGA94-B
AMEND.	C

SCALE (HZ)  
A 1





TRAFFIC SAFETY CONSULTANTS PTY LTD  
A.C.N. 091 844 781 A.B.N. 64 091 844 781

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e-mail fwinkler@smartchat.net.au

**Wayne Mo**  
**City of Nedlands**  
**PO Box 9**  
**Nedlands WA 6909**

Date: 6 Dec 2011

Our Ref:

Your Ref:

**RE: Validity of proposed treatment at Bruce St / Elizabeth St**

Dear Wayne

The City of Nedlands made submission in 2010 for Black Spot funding for the installation of a roundabout at the intersection of Bruce St and Elizabeth St. The submission was reviewed and found to meet the criteria for funding. This review included the validity of the proposed countermeasure.

The crash history shows 10 recorded crashes in the 6-year period 2005-2010, spread fairly evenly over the years. Eight of these were right-angle (RA) and one was a right-turn-against (RTA). Six of the RA crashes involved vehicles from the north (3 each with east and west vehicles). Two RA crashes involved vehicles from the south (1 each with east and west vehicles). The remaining RA crash has no directions recorded. The distributions of the crashes suggests that vehicles from the north are more likely to be involved in RA crashes, possibly due to the downhill nature of the approach which generally results in higher speeds. However, the crash data indicates that the 'colliding' vehicles (as opposed to 'target' vehicles) are equally distributed between Bruce St and Elizabeth St. This randomness indicates that there is no obvious specific direction or approach which may be contributing to the cause.

Other factors such as time of day, day of week and time of year also exhibit a random pattern, except that all crashes occurred during daylight hours. All but one crash occurred in dry weather.

One crash was a medical and all others were major property damage. All vehicles were cars, utes or station wagons (no 4WDs trucks etc). This suggests that crashes were occurring at speed.

The underlying causes may possibly be the straight approaches that encourage inappropriate higher speeds and inattention coupled with restricted sight lines.



These factors indicate that a 'global' solution is required, rather than a solution targeted at a specific direction, time of day, or other condition. Typically countermeasures that have shown to be effective against right-angle crashes include traffic signals (70% reduction), roundabout (50%), closure of one leg of a 4-way intersection (50%), improve/reinforce priority (e.g. double-up STOP signs – 30%).

As this intersection already has median islands with STOP signs on the Elizabeth St approaches there is no further opportunity to improve priority. The median islands also provide some channelisation which raises conspicuity as well as guiding vehicles through the intersection.

It is unlikely that the installation of median islands in Bruce St will significantly affect the crash patterns, as half of the crashes were due to drivers in Elizabeth St proceeding through the STOP control and crashing into vehicles travelling along Bruce St.

The installation of a roundabout (with suitably designed pre-deflection to reduce entry speeds) is a reasonable and viable countermeasure that addresses all the past crash types and directions with an expected average of 50% reduction of RA crashes and 70% reduction of RTA crashes. Roundabouts are known to have the potential to introduce/increase rear-end crashes, but these will generally be of a lesser severity and lower cost to the community.

It is considered that at this location the installation of a roundabout is a valid proposal with a relatively high potential for crash reduction and reasonable cost/benefit ratio (BCR) of 1.5 based on the 2005-2009 crash data supplied in the submission. Based on the 2006-2010 crash data and the latest crash costs the BCR will increase to 2.1 (providing the cost remains the same).

Franz Winkler