

APPENDIX 13

ATTACHMENT 1

Local Government Act 1995

City of Joondalup

Parking Amendment Local Law 2015

Local Government Act 1995

City of Joondalup

Parking Amendment Local Law 2015

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Local Government Act 1995

City of Joondalup

Parking Amendment Local Law 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on **dd mm** 2015 to make the following local law.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Joondalup Parking Amendment Local Law 2015*.

1.2 Commencement

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

1.3 Purpose and effect

- (a) The purpose of this local law is to amend certain provisions within the *City of Joondalup Parking Local Law 2013*.
- (b) The effect of this local law is to better clarify the provisions relating to the control of parking throughout the district.

Part 2 - Amendments

2.1 City of Joondalup Parking Local Law 2013 amended

This Part of the local law amends the *City of Joondalup Parking Local Law 2013*.

2.2 Clause 1.5 amended

Clause 1.5 is amended as follows -

- (a) Delete the definition for "**ACROD sticker**".
- (b) After the definition of "**commercial vehicle**", insert "**disability parking permit** has the meaning given to it in the Local Government (Parking for People with Disabilities) Regulations 2014;".
- (c) Delete "**Parking facilities**" and insert "**Parking facility**".
- (d) After the definition of "**symbol**", insert "**tare weight** means the weight of a motor vehicle without the addition of the driver, passengers or load of any kind;".
- (e) Delete "**thoroughfare** has the meaning given to it by the Act;" and insert:

“**thoroughfare** means a road or other thoroughfare and includes a verge, structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from it being a thoroughfare only because it is not open at each end;”.

2.3 Clause 2.2 amended

Clause 2.2 is amended as follows -

- (a) In subclause (1)(b) replace “the” with “a”.
- (b) In subclause (2) replace “that” with “a”.

2.4 Clause 3.5 amended

Clause 3.5(2)(k) is deleted and the following inserted -

“(k) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway intersecting that carriageway on the side on which the vehicle is parked,”.

2.5 Clause 3.8 amended

Clause 3.8 is amended as follows:

- (a) In subclause (1) after “not” insert “park or”;
- (b) In subclause (2) after “not” insert “park or”.

2.6 Clause 6.9 amended

In clause 6.9(1)(b) replace “GVM” with “tare weight”.

2.7 Clause 6.15 deleted

Clause 6.15 is deleted.

2.8 Clause 9.1 amended

In clause 9.1(3) replace “\$1,000” with “\$5,000” and replace “\$100” with “\$500”.

2.9 Schedule 2 amended

Schedule 2 is amended by deleting Item 74 and the items following this being renumbered accordingly.

2.10 Amendment throughout the *City of Joondalup Parking Local Law 2013*

Replace “ACROD sticker” where referenced with “disability parking permit” throughout the *City of Joondalup Parking Local Law 2013*.

Dated dd of mm 2015.

The Common Seal of the City of Joondalup)
was affixed by authority of a resolution)
of the Council in the presence of:)

.....

TROY PICKARD
MAYOR

.....

GARRY HUNT
CHIEF EXECUTIVE OFFICER

**PROPOSED CITY OF JOONDALUP PARKING AMENDMENT LOCAL LAW 2015
SCHEDULE OF SUBMISSIONS AND COMMENTS**

ATTACHMENT 2

No.	SUMMARY OF SUBMISSION	CITY COMMENT
Department of Local Government and Communities		
1	<p>Clause 1.3 – Purpose and effect. Clause 1.3 sets out the purpose and effect of the local law. This clause has no legislative effect and can be removed if the City wishes.</p> <p>While the <i>Local Government Act 1995</i> requires the purpose and effect to be included in the public notices relating to a proposed local law, there is no requirement to include the purpose and effect in the local law itself.</p>	<p>Noted. As per section 3.15 of the <i>Local Government Act 1995</i>, inclusion of the purpose and effect assists with informing residents of the District of the purpose and effect of the local law.</p>
2	<p>Clause 2.2 - In paragraph (4) it is suggested that the words “a verge,” be removed from the proposed definition of <i>thoroughfare</i> as these words are not included in the definition for the term provided by the <i>Local Government Act 1995</i>.</p>	<p>Not supported. The definition of a thoroughfare in the <i>Local Government Act 1995</i> does not include any specific reference to verges, which form part of the thoroughfare, and creates difficulties when interpreting offences issued under these provisions. This definition was deliberately amended to include the words “a verge” in order to remove any ambiguity regarding these areas. The definition of “verge” is included in the <i>Parking Local Law 2013</i>.</p>
3	<p>Minor edits; word substitutions, grammar, setting out.</p>	<p>A number of minor edits were made based on the usual legal drafting standards.</p>