



Meeting attachments

Ordinary Meeting of Council

Wednesday 12 March 2025 6:00pm

**C2503-1 SOUTH TERRACE, NO. 234 (LOT 27), SOUTH FREMANTLE -
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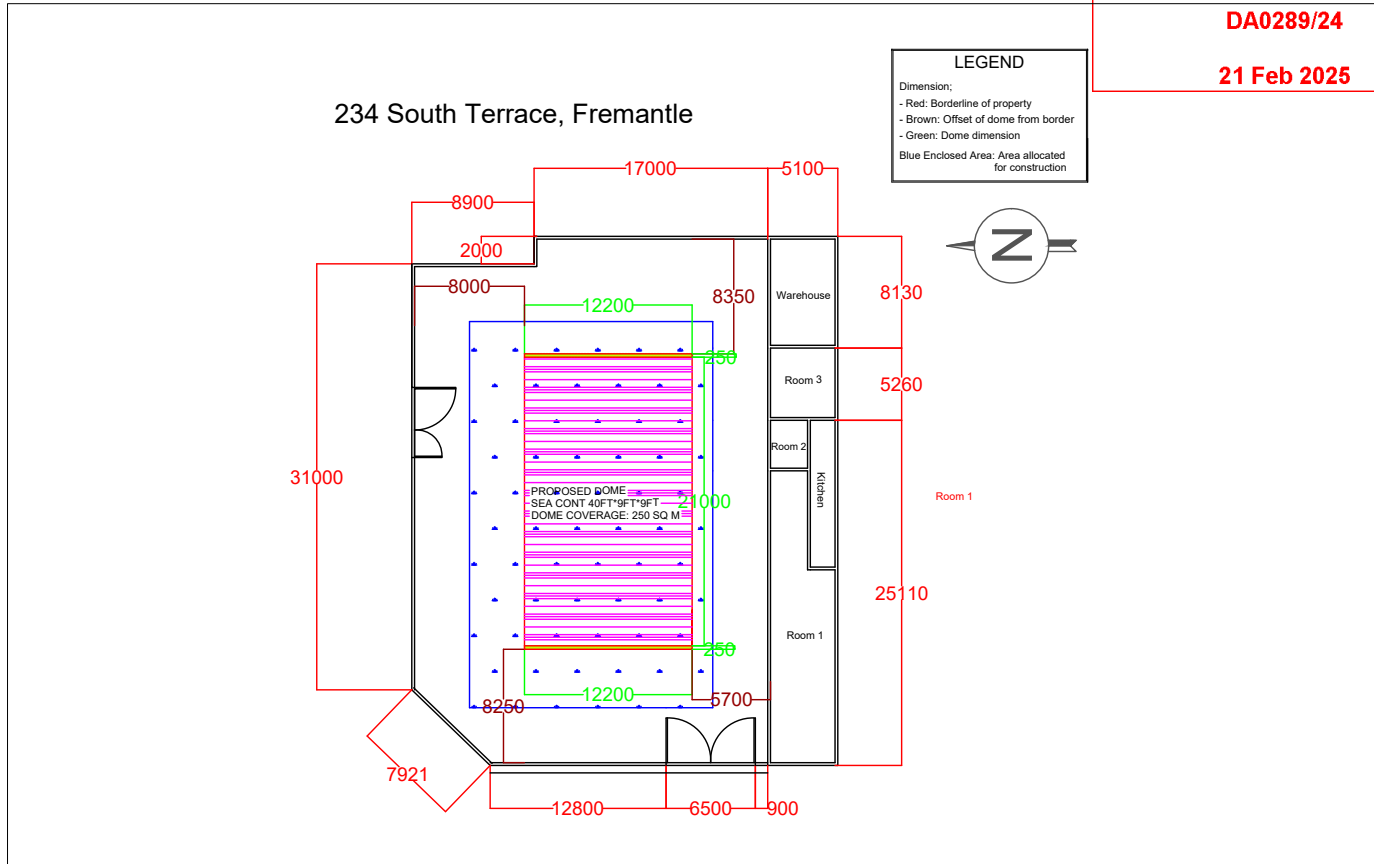
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 21 Feb 2025



PROJECT TITLE: PROPOSED SITE PLAN LOCATION: 234 SOUTH TERRACE, FREMANTLE	DRAWING TITLE TITLE: DOME SITE PLAN	OWNER: MACK McCORMACK	SCALE: 1:1	DESIGNED AND DRAWN BY: YESHI TSHERING DORJI	REVISION NOTES: UPDATED SIZE	DRAWING NO: 1
	21TH FEBRUARY, 2025		ORIENTATION LANDSCAPE			

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PROJECT TITLE: PROPOSED SITE PLAN LOCATION: 234 SOUTH TERRACE, FREMANTLE	DRAWING TITLE TITLE: DOME SITE PLAN	OWNER: MACK McCORMACK	SCALE: 1:1	DESIGNED AND DRAWN BY: YESHI TSHERING DORJI	REVISION NOTES:	DRAWING NO: 2
	21TH FEBRUARY, 2025		ORIENTATION LANDSCAPE			

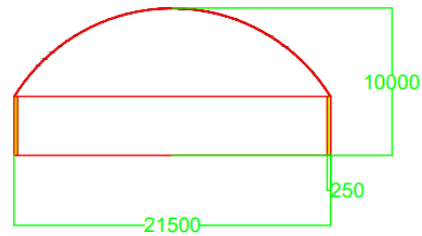
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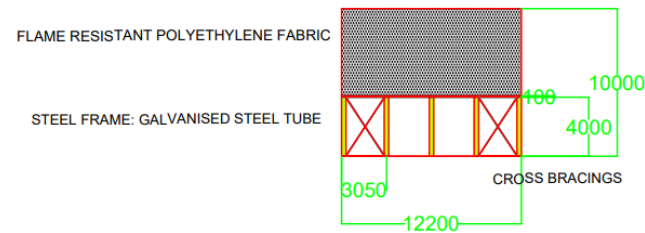
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	21TH FEBRUARY, 2025		ORIENTATION LANDSCAPE			

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FRONT ELEVATION

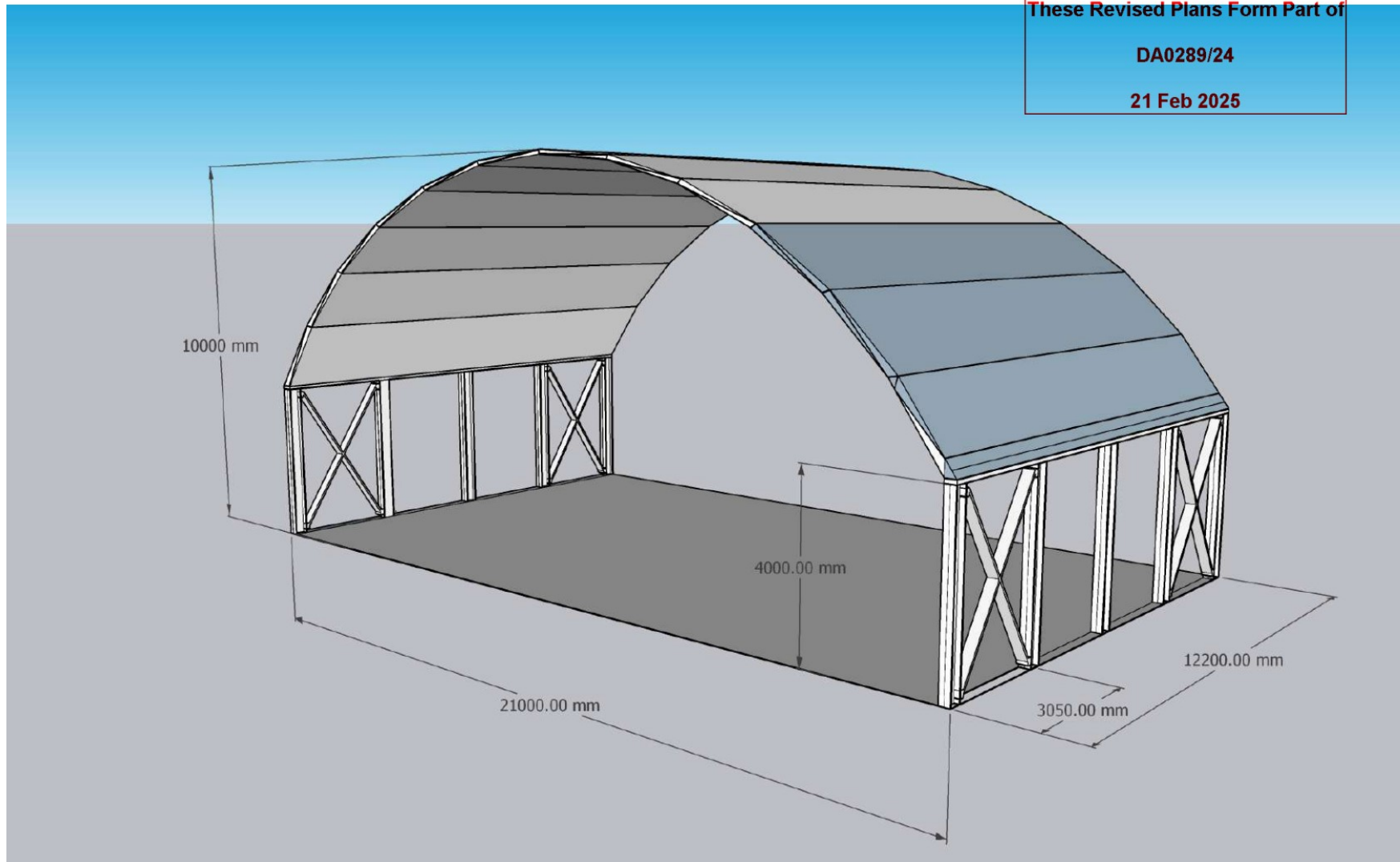


SIDE ELEVATION

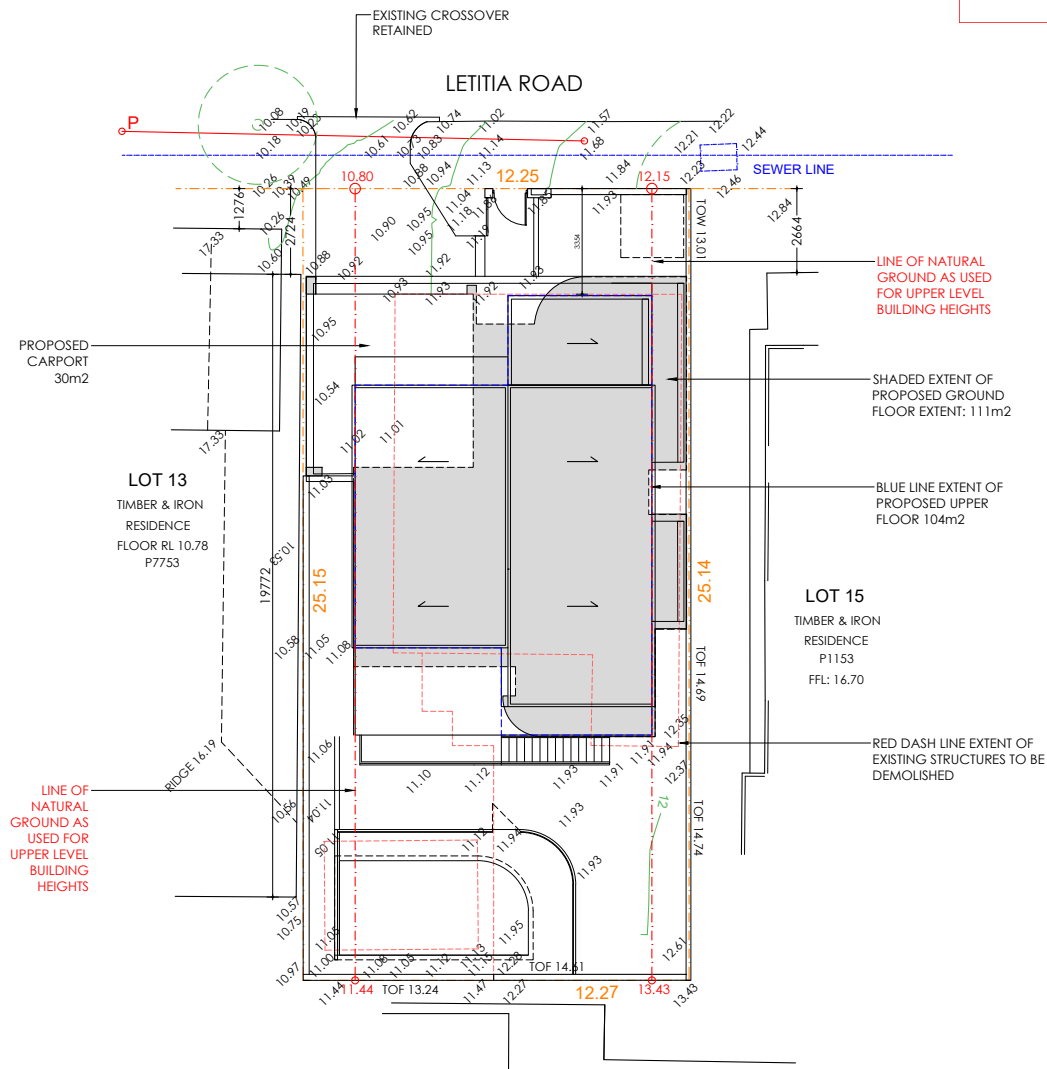


PROJECT TITLE: PROPOSED SITE PLAN LOCATION: 234 SOUTH TERRACE, FREMANTLE	DRAWING TITLE TITLE: DOME SITE PLAN 21TH FEBRUARY, 2025	OWNER: MACK McCORMACK	SCALE: 1:1 ORIENTATION: LANDSCAPE	DESIGNED AND DRAWN BY: YESHI TSHERING DORJI	REVISION NOTES: UPDATED SIZE	DRAWING NO. 1 UNITS IN MILLIMETERS
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16 Dec 2024



AREAS	
SITE AREA:	308m ²
GROUND FLOOR:	111m ²
CARPOR:	30m ²
UPPER FLOOR:	104m ²
OPEN SPACE:	167m ² 54.2%

01 SITE / ROOF PLAN
 SCALE 1:200 @ A3



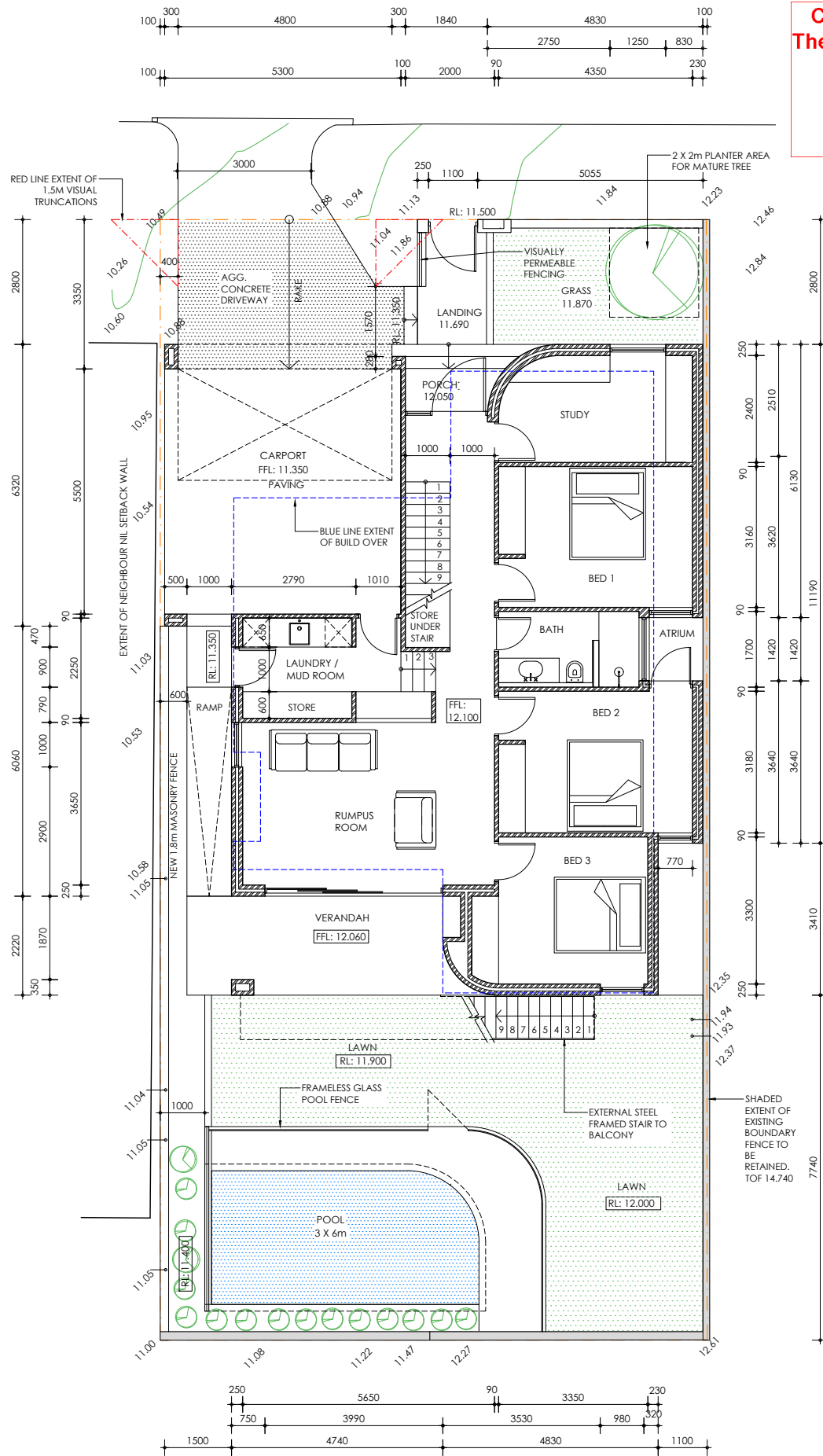
No.	REVISION	DATE
1	DA SUBMISSION	24/11/2024

CLIENT
TIM MACPHERSON
 PROJECT DESCRIPTION
3 LETITIA ROAD

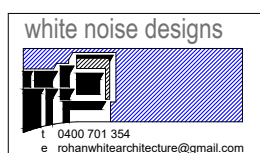
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DRAWING TITLE			
SITE PLAN			
JOB NO.	REV	DRAWING	
DRAWN	RW	1	A0.01
SCALE	AS SHOWN		

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01 GROUND FLOOR PLAN
 SCALE 1:100 @ A3

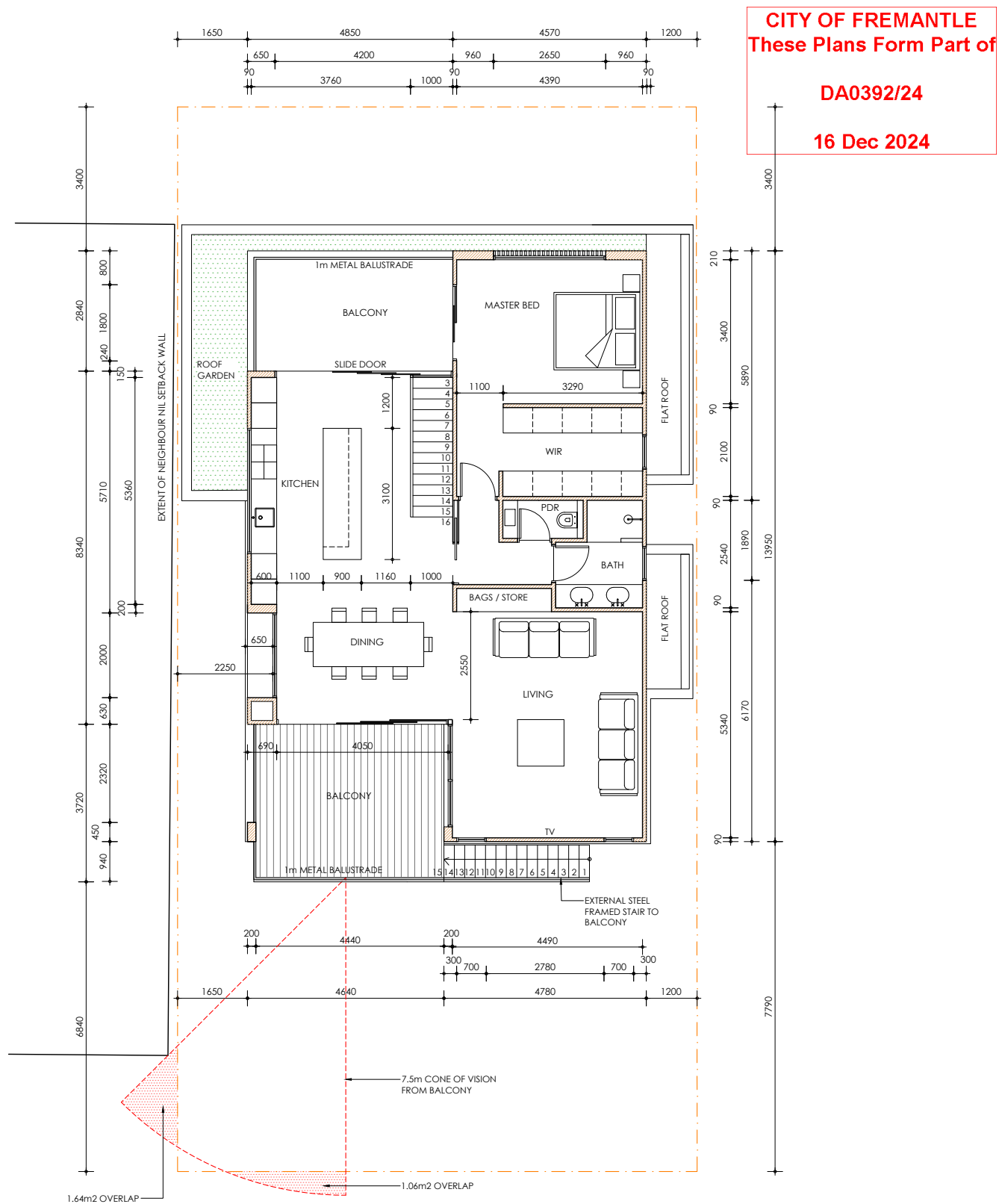


1	DA SUBMISSION	24/11/2024
No.	REVISION	DATE

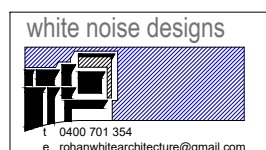
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DRAWING TITLE GROUND FLOOR PLAN			
JOB NO.	REV	DRAWING	
DRAWN SCALE	RW AS SHOWN	1	A1.01



01 UPPER FLOOR PLAN
SAMPSON
SCALE 1:100 @ A3

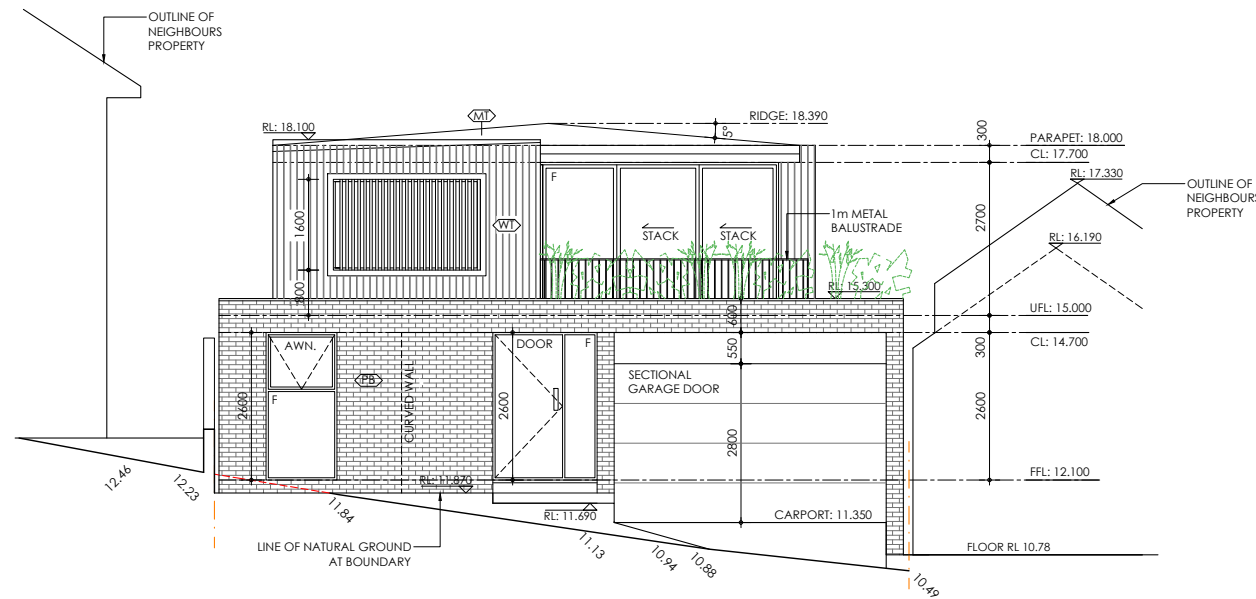


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1	DA SUBMISSION	24/11/2024

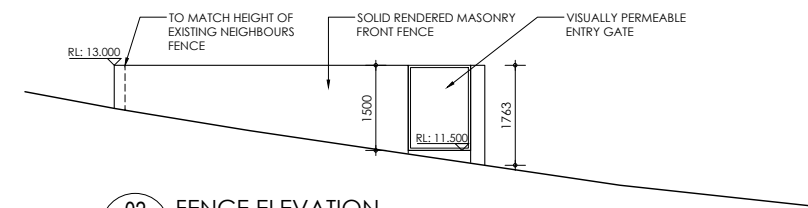
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JOB NO. DRAWN SCALE	

DRAWING TITLE UPPER FLOOR PLAN		
REV 1	DRAWING A1.02	

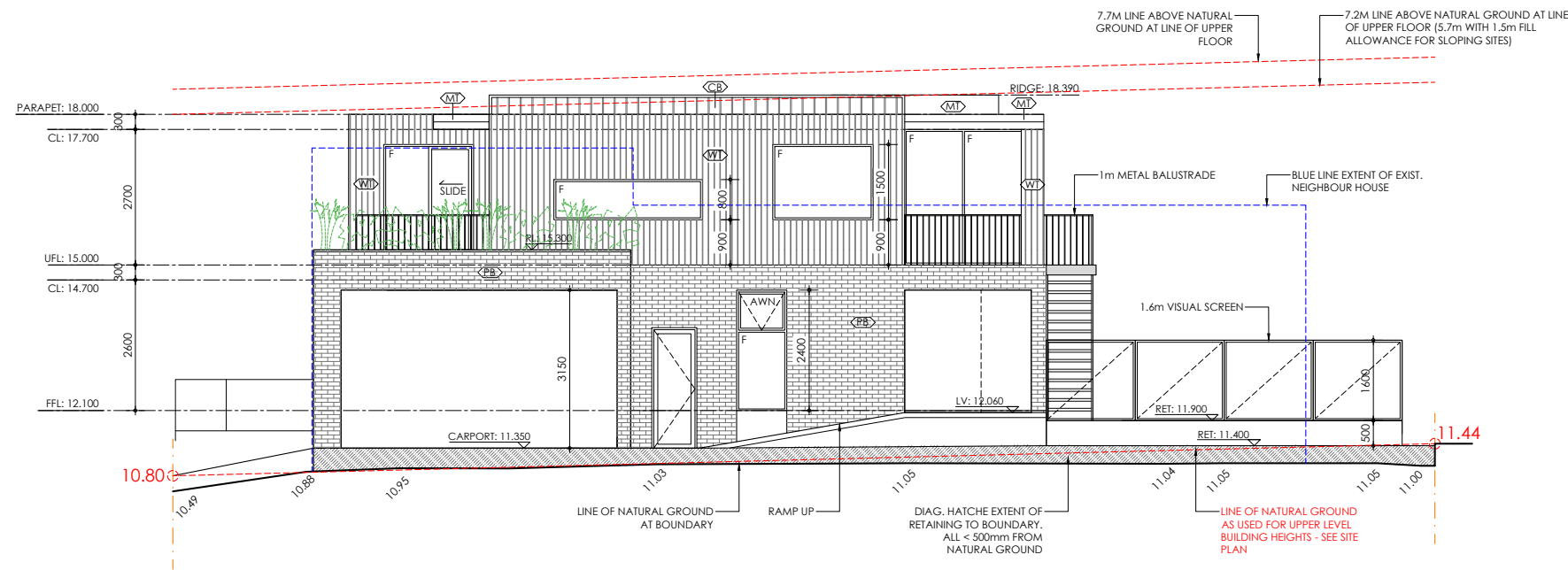
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01 NORTH (STREET) ELEVATION
SCALE 1:100 @ A3

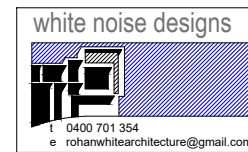


02 FENCE ELEVATION
SCALE 1:100 @ A3



- FINISHES
- <WT> WEATHEREX VERTICAL CLADDING
 - <CB> COLORBOND ROOF SHEETING, COLORBOND GUTTERS, FASCIAS, AND DOWNPIPES
 - <MT> COLORBOND FLASHING
 - <PB> WHITE PAINTED BRICKWORK

02 WEST ELEVATION
SCALE 1:100 @ A3

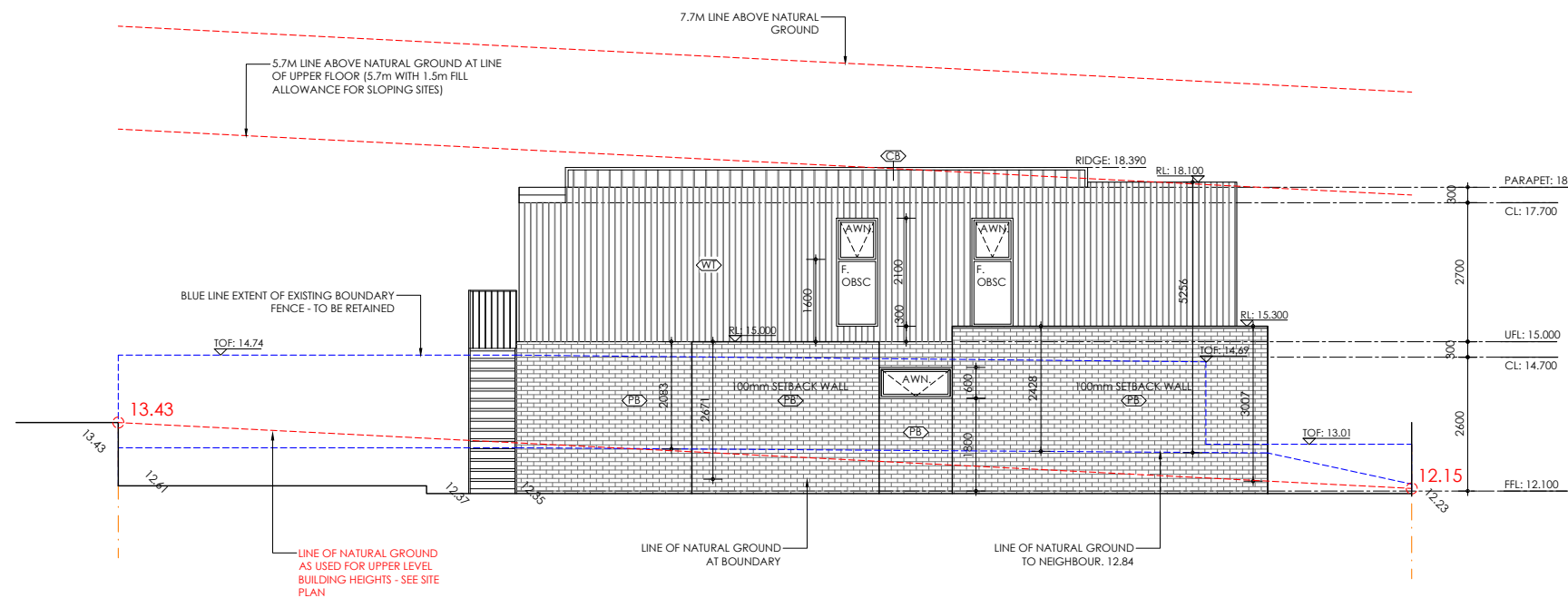
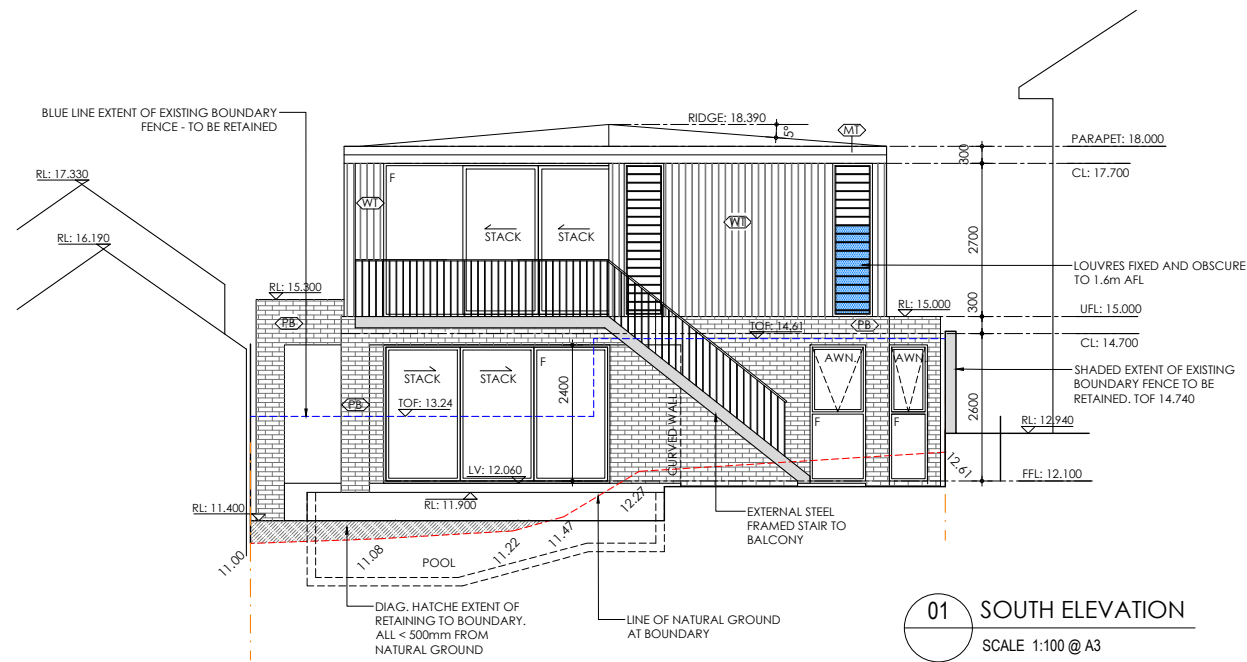


No.	REVISION	DATE
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CLIENT	TIM MACPHERSON
PROJECT DESCRIPTION	3 LETITIA ROAD

DRAWING TITLE		
ELEVATIONS 1		
JOB NO.	REV	DRAWING
DRAWN	RW	1
SCALE	AS SHOWN	A2.01

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16 Dec 2024



- FINISHES
- WEATHERTEX VERTICAL CLADDING
 - COLORBOND ROOF SHEETING, COLORBOND GUTTERS, FASCIAS, AND DOWNPIPES
 - COLORBOND FLASHING
 - WHITE PAINTED BRICKWORK

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PROJECT DESCRIPTION
3 LETITIA ROAD

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DRAWING TITLE ELEVATIONS 2			
JOB NO.	REV	DRAWING	
	RW	1	A2.02
SCALE	AS SHOWN		

SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

1. HAMPTON ROAD, NO. 46A (LOT 2), FREMANTLE - ADDITIONS AND ALTERATIONS TO EXISTING GROUPED DWELLING - (JD DA0403/24)
2. WALKER STREET, NO.31(LOT 55), SOUTH FREMANTLE- ANCILLARY DWELLING ADDITION AND ALTERATIONS TO EXISTING SINGLE HOUSE - (CR DA0386/24)
3. LIME STREET, NO.7 (LOT 3), NORTH FREMANTLE - TWO LOT FREEHOLD SUBDIVISION - (JL WAPC201220)
4. COLLICK STREET, NO. 45A (LOT 1), HILTON - ADDITIONS AND ALTERATIONS TO EXISTING GROUPED DWELLING - (JD DA0297/24)
5. KEEGAN STREET, NO.13/16 (LOT 13), O'CONNOR - ADDITION TO EXISTING WAREHOUSE - (CR DA0013/25)
6. NICHOLAS CRESCENT, NO.12 (LOT 1043), HILTON- TWO SURVEY STRATA SUBDIVISION - (LG WAPC42-25)
7. HAMPTON ROAD, NO.92 (LOT 736), FREMANTLE - RETROSPECTIVE FRONT BOUNDARY WALL - (LG DA0402/24)
8. AMHERST STREET, NO.14D (LOT 303), FREMANTLE - PATIO ADDITION TO EXISTING SINGLE HOUSE - (CR DA0015/25)
9. MARINE TERRACE, NO. 56 (LOT 12), FREMANTLE - OFFICE REFURBISHMENT TO EXISTING BUILDING - (LG DA0002/25)
10. SAMSON STREET, NO.135 (LOT 20), WHITE GUM VALEY - HOME OCCUPATION (BEVERAGE PRODUCTION) - (CR DA0010/25)
11. MALCOLM STREET, NO. 20 (LOT 1), FREMANTLE - ADDITIONS AND ALTERATIONS TO EXISTING GROUPED DWELLING (ED DA0363/24)
12. POINT STREET, NO.1/1 (LOT 1), FREMANTLE - SIGNAGE ADDITIONS (CR DA0018/25)
13. AINSLIE ROAD,3A (LOT 300), NORTH FREMANTLE - ADDITIONS TO EXISTING SINGLE HOUSE - (JL DA0020/25)
14. HEBBARD STREET, NO.15 (LOT 257), SAMSON - RETROSPECTIVE APPROVAL FOR OUTBUILDING - (LG DA0389/24)
15. HANLIN WAY, NO. 6 (LOT 449), SAMSON - CARPORT ADDITION TO EXISTING SINGLE HOUSE - (NK DA0032/25)
16. LEE AVENUE, NO.2 (LOT 29), HILTON - ANCILLARY DWELLING ADDITION - (LG DA0384/24)
17. LITTLE HIGH STREET NO.14 (SL 4), FREMANTLE - BALCONY ALTERATIONS TO EXISTING MULTIPLE DWELLING (JL DA09/25)
18. HAMPTON ROAD, 15/250 (STRATA LOT 15), BEACONSFIELD - UNAUTHORISED SHADE STRUCTURE AND SIGNAGE - (JL DA0012/25)
19. TYDEMAN ROAD, LOT 34 (LOT 3), NORTH FREMANTLE - TEMPORARY APPROVAL FOR UNAUTHORISED SEA CONTAINER ADDITION - (JL DA0394/24)
20. WARREN STREET, NO.4A (LOT 801), BEACONSFIELD - CHANGE OF USE TO HOME BUSINESS (HAIR SALON)- (LG DA0408/24)
21. ASHBURTON TERRACE, NO. 24 (LOT 1), FREMANTLE - ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - (JD DA0406/24)
22. SOUTH STREET, NO.177 (LOT 29), BEACONSFIELD - SIGNAGE ADDITIONS - (CR DA0405/24)
23. 306 South Terrace SOUTH FREMANTLE WA 6162, (LOT 100) - SECTION 40 (SMALL BAR) (CR LL0001/25)



Local Planning Policy 2.26

Tree Retention

fremantle.wa.gov.au



Tree Retention

Statutory background

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as Local Planning Policy 2.26: Tree Retention (LPP 2.26).

Introduction and purpose

Trees and other vegetation in urban areas provide significant social, economic, and environmental benefits to the community. The greatest environmental, aesthetic and cooling benefits of trees are provided by large, mature trees which typically have the largest canopy cover.

This policy outlines that the City recognises the increasing importance of retaining trees and ensures that retention and enhancement of the City's tree canopy cover is considered at all stages of development.

This Policy should be read in conjunction with:

- Any relevant provisions of the City of Fremantle Local Planning Scheme No. 4, including the Register of Significant Trees and Vegetation Areas;
- State Planning Policy 7.3 – Residential Design Codes of Western Australia, Volume 1 and Volume 2;
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas;
- City of Fremantle Trees on City Owned or Managed Land Policy;
- City of Fremantle Crossover Policy;
- City of Fremantle Urban Forest Plan;
- Australian Standard 4970 – 2009 – Protection of Trees on Development Sites; and
- Australian Standards 4373 – 2007 – Pruning of Amenity Trees.

Tree-damaging activity constitutes works under the *Planning and Development (Local Planning Scheme) Regulations 2015* and development under the *Planning and Development Act 2005*. The policy clarifies the circumstances in which a development application and approval are required for any tree-damaging activity and guides the assessment of these applications and other planning proposals.



Objectives

The policy aims to encourage and facilitate the protection of trees and to maintain and enhance tree canopy. The objectives of the policy are to:

- Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process.
- Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes.
- Preserve and enhance neighbourhood amenity, character and sense of place.
- Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.

Definitions

Arborist's report means a report which is prepared by a suitably qualified and experienced arboriculturist with a minimum qualification of Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5) or equivalent, and with demonstrated experience in high level tree assessment and diagnosis.

Maintenance pruning means pruning that does not harm, or is not likely to harm, the health, stability, or long-term viability of a tree, such as:

- a) removing dead or diseased wood; or
- b) activity done to a fruit tree for fruit production; or
- c) works to balance the tree; or
- d) otherwise minor maintenance or thinning of the crown.

Regulated tree means a living tree that:

- a) is 8m or more in height; and / or
- b) has an average canopy diameter of at least 6m; and / or
- c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and
- d) is of a species that is not included on State or local area weed register.

Tree-damaging activity means:

- a) the killing or destruction of a tree; and / or
- b) the removal of a tree; and / or
- c) the severing of branches, limbs, stems or trunk of a tree; and / or
- d) the ringbarking, topping or lopping of a tree; and / or



- e) any other substantial damage to a tree.

Policy Statement

1. Policy Application

- 1.1 This Policy applies to all lots within a Development Area, on land zoned 'Industrial', or on land coded R30 and below within the City's Local Planning Scheme No. 4 area, including in the circumstances described below:

- development applications;
- subdivision applications;
- other strategic planning proposals including scheme amendments and structure plans; and
- any tree-damaging activity to a regulated tree where no other development or subdivision is proposed.

- 1.2 A development application is required for any tree-damaging activity to a regulated tree even if a proposal is for other works that are exempt from development approval under the Local Planning Scheme per Schedule 2, Part 7 Clause 61 (deemed provisions) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (e.g. the erection of a Single House that meets the deemed-to-comply requirements of the Residential Design Codes of Western Australia) or Local Planning Policy 1.6 - Development Exempt from Approval Under Local Planning Scheme No. 4.

2 Exemption from Development Approval

- 2.1 Tree-damaging activity requires development approval *except* in any of the following circumstances:

- a) the land is located outside the application area set out in clause 1.1 of this Policy;
- b) the tree does not satisfy the definition of a regulated tree;
- c) the tree-damaging activity is maintenance pruning as defined in this policy;
- d) the tree is a palm tree;
- e) the tree-damaging activity is required as a result of a development approval or deemed-to-comply notification issued prior to this policy coming into effect;
- f) the tree-damaging activity is carried out in the course of works in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61 (b) item 18:

works that are urgently necessary for any of the following –



- a) *public safety;*
- b) *the safety or security of plant or equipment;*
- c) *the maintenance of essential services; or*
- d) *the protection of the environment.*

In such cases, the onus is on the proponent to demonstrate the above to the satisfaction of the City;

- g) the tree-damaging activity is required as part of an approved Bushfire Management Plan and there are no other viable options;
- h) tree-damaging activity to a regulated tree that is listed as a Weed of National Significance, or is declared by the Department of Primary Industries and Regional Development or other relevant government agency to be a harmful plant or pest under the *Biosecurity and Agriculture Management Act 2007*;
- i) the tree-damaging activity is carried out by the local government on a City-owned or managed tree;
- j) the tree-damaging activity is a public work; or
- k) the Department of Primary Industries and Regional Development or relevant authority has issued a direction to carry out tree damaging activity on a regulated tree. A copy of this direction is to be provided to the local government prior to works occurring.

3. Application Requirements

3.1 Development applications, subdivision applications and strategic planning proposals that are subject to this Policy are to provide the following applicable information:

- a) A site survey and / or site plan indicating:
 - (i) the locations of all regulated trees, including street trees;
 - (ii) whether any regulated tree is proposed to be retained or affected by any tree damaging activity;
 - (iii) tree protection zone(s) in accordance with Australian Standard 4970 – Protection of Trees on Development Sites; and
 - (iv) any trees proposed to be planted on the development site.
- b) Where practicable, identification of all regulated trees on neighbouring properties within 5m of the development footprint;
- c) For any regulated trees within 5 metres of the proposed development footprint, a demonstration that the root zones will not be impacted in a manner that would detrimentally affect the tree;



- d) Written justification for any proposed tree damaging activity against the objectives and requirements of this Policy; and
 - e) Whether any regulated tree was identified to be retained at a previous planning stage (e.g. structure plan or subdivision approval).
- 3.2 An arborist's report may be required in the following instances:
- a) To justify tree-damaging activity to a regulated tree specifically considering the health of the tree and / or any safety risk it may pose to people or property; and
 - b) To explain any mitigation measures proposed to protect a regulated tree including works proposed within the tree protection zone (refer to Australian Standard 4970 – Protection of Trees on Development Sites for details on how to identify the tree protection zone).
- 3.3 Additional technical reports (i.e. environmental reports, tree retention strategy, structural engineering reports) may be required for structure plan and large-scale subdivision applications.
- 4. General Requirements**
- 4.1 Unless its removal is approved as part of a subdivision or development approval, or is exempt under the provisions of this Policy, a regulated tree is to be retained and protected for the duration of its natural life.
- 4.2 Retention and protection of regulated trees is to be prioritised, and development works, structure plan and subdivision design are to avoid or, as a minimum, minimise harm to regulated trees.
- 4.3 Where tree-damaging activity is proposed to a regulated tree the following will be given due regard in the assessment process:
- a) health, maturity, species, and location of the tree;
 - b) ecological, biodiversity, and environmental values of the tree;
 - c) contribution of the tree to the streetscape;
 - d) the preservation of any other regulated tree on the subject site;
 - e) the location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention with particular regard for retaining regulated trees within setback areas, private open space, and common property areas;
 - f) any existing development on the site;
 - g) design and location of proposed crossovers;
 - h) topography and the potential impact from excavation / fill;



- i) possible safety risks due to tree limb failure and infrastructure, and / or structural damage associated with the retaining the tree;
 - j) tree protection zone(s) per Australian Standard 4970 – Protection of Trees on Development Sites;
 - k) tree replacement and / or planting proposed;
 - l) recommendations of an arborist’s report; and
 - m) the objectives of this Policy.
- 4.4 The following justifications for tree damaging activity to a regulated tree will not be considered:
- a) impact on views;
 - b) the tree is disliked;
 - c) to reduce presence of birds or other fauna;
 - d) the tree causes nuisance by way of leaf, fruit, or bark shedding or the like; or
 - e) the tree impacts private gardens, solar installations, swimming pools, etc.

5. Development Application Assessment

- 5.1 The City will assess any development application in accordance with the general requirements above.
- 5.2 There is a general presumption against tree-damaging activity (other than maintenance pruning) to any regulated tree and the siting and design of the development shall, where possible, avoid impacting any regulated tree.
- 5.3 Where necessary to retain a regulated tree, the City may consider variations to provisions of the Scheme, Residential Design Codes (R-Codes), or local planning policies where these provisions may be lawfully varied and are acceptable on planning grounds.
- 5.4 Tree-damaging activity to a regulated tree may be considered where, in the City’s opinion, the following relevant information and / or technical reports have been provided that demonstrate:
 - a) the regulated tree is unhealthy, based on an arborist’s report;
 - b) the regulated tree causes safety risks to people, or damage to infrastructure or buildings based on recommendations of an arborist’s report and / or structural engineering report; or
 - c) the redesign of the development to accommodate the regulated tree is unfeasible.

6. Tree Replacement and Maintenance



- 6.1 Where removal of a regulated tree is approved by the City, two replacement trees of minimum 30 litre pot size and capable of achieving a height of 8m shall be planted in-ground within the lot, each having the minimum tree planting areas as prescribed by clause 5.3.2 of the R-Codes or otherwise approved by the City.

Note: The City’s Urban Forest Plan includes suggested trees appropriate for your area.

- 6.2 The City may include conditions on the care and maintenance of regulated trees proposed to be retained and, when applicable, provision of replacement trees.

7. Subdivision applications

- 7.1 The City may recommend that, prior to the determination of an application for subdivision approval, additional information be provided to the Western Australian Planning Commission (WAPC) to allow consideration of the impacts of the subdivision design and layout on any regulated tree and whether the general requirements above have been addressed.
- 7.2 Subdivision design, layout and earth working levels, including the positioning of public open space (POS), configuration of the public road network, lot design and densities, should prioritise the retention of regulated trees.
- 7.3 The subdivision plan should identify regulated trees and note if they are to be retained or removed, and the applicant is to demonstrate how the retained regulated trees will be protected as part of the subdivision process.
- 7.4 The City may request the WAPC to include a condition on the subdivision approval to ensure identification and/or protection of regulated trees on site.

8 Strategic Planning Proposals (Scheme Amendments, Structure Plans, etc.)

- 8.1 Where applicable, local planning scheme amendments, structure plan proposals and the like should identify regulated trees and shall outline mechanisms and measures to protect regulated trees at subsequent stages of the planning process.
- 8.2 Concept plans supporting local planning scheme amendments, structure plans and the like shall prioritise positioning of public open space (POS), configuration of the public road network, and lot design and densities to retain regulated trees.
- 8.3 Strategic planning proposals shall be supported by technical information and reports that demonstrate that the protection of regulated trees has been prioritised.

Responsibility and review information	
Responsible officer:	Manager Strategic Planning and City Design
Document adoption/approval details	Ordinary Meeting of Council – Item - Date
Next review date	+ 4 years



Tree Retention Policy Engagement Report

February 2025

fremantle.wa.gov.au

Acknowledgement of Country

The City of Fremantle acknowledges the Whadjuk people as the Traditional Owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

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INTRODUCTION

At the 27 November 2024 Ordinary Council Meeting the draft Tree Retention Policy was unanimously endorsed by Council for the purpose of public advertising and community engagement. The policy was then opened for community comment.

The draft Local Planning Policy 2.26: Tree Retention (Tree Retention Policy) aims to retain existing mature canopy trees on private property, by requiring development (planning) approval to remove trees above a specified size, on lots coded R30 and below and Development Areas.

The primary purpose of the draft policy is to retain mature canopy trees during the subdivision and demolition stages, as well as encourage proponents to consider design that responds to existing trees on site. Trees and other vegetation in urban areas provide significant social, economic, and environmental benefits to the community. The greatest environmental, aesthetic and cooling benefits of trees are provided by large, mature trees which typically have the largest canopy cover.

However, large trees in urban environments are most likely to be removed during subdivision and demolition stages when land tends to be clear-felled to make way for new development. The proposed policy aligns with the [City of Fremantle's Urban Forest Plan \(2017\)](#) (External link) and demonstrates City recognition of the increasing importance of retaining trees, ensuring that retention and enhancement of the City's tree canopy cover is considered at all stages of development.

In summary, the draft Tree Retention Policy aims to:

- Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process.
- Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes.
- Preserve and enhance neighbourhood amenity, character and sense of place.
- Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.

The City recognised that the adoption of this policy may affect residents, developers and businesses within the community. The public engagement process sought to inform the public of this policy proposal and collect feedback from individuals, groups, and organisations for Council to consider before its final adoption.

In conjunction with the [City of Fremantle’s community engagement policy](#), and the [International Association for Public Participation’s \(IAP2\)](#) spectrum of public participation, this engagement program aimed to **CONSULT** the community throughout the project:

IAP2 Spectrum of Public Participation



IAP2’s Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public’s role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

		INCREASING IMPACT ON THE DECISION				
		INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.	
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.	

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The City of Fremantle conducted a series of in-person, local media, and digital community engagement activities to collect submissions and feedback for this draft council policy.

The public was asked to:

- Review the draft Tree Retention Council Policy, Key Documents and Frequently Asked Questions.
- Contribute feedback by completing the survey below.
- Provide a written submission or request a 1:1 meeting with a City Officer.

City officers aimed to:

- Keep the public informed, listen to and acknowledge their concerns and provide feedback on how public input influenced the decision.
- Work with the public to ensure that their concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.

This engagement report details how we engaged; who we reached; and what we heard. The findings of this report will help City staff and Elected Members to make an informed decision on next steps for this topic.

HOW WE ENGAGED

The City of Fremantle opened public engagement on the Draft Tree Retention Policy on 15 January, 2025, and collected submissions until close-of-business on 12 February 2025.

City officers promoted the public engagement period in the following ways:

Social Media:

- The public engagement program for this project was heavily mentioned on the City of Fremantle's Facebook page, as well as its Instagram profile throughout the lifespan of the submission period.

Electronic Newsletters:

- The Community Engagement team deployed a "Just Launched" email newsletter announcing the opening of the public consultation period on 15 January, 2025.
- The Community Engagement team advertised this project via its monthly engagement newsletter in January and February 2025.
- This email is deployed to over 3,000 people who are subscribed to hear engagement updates from the City of Fremantle.
- The project was also featured in the City's Freo Weekly newsletter.

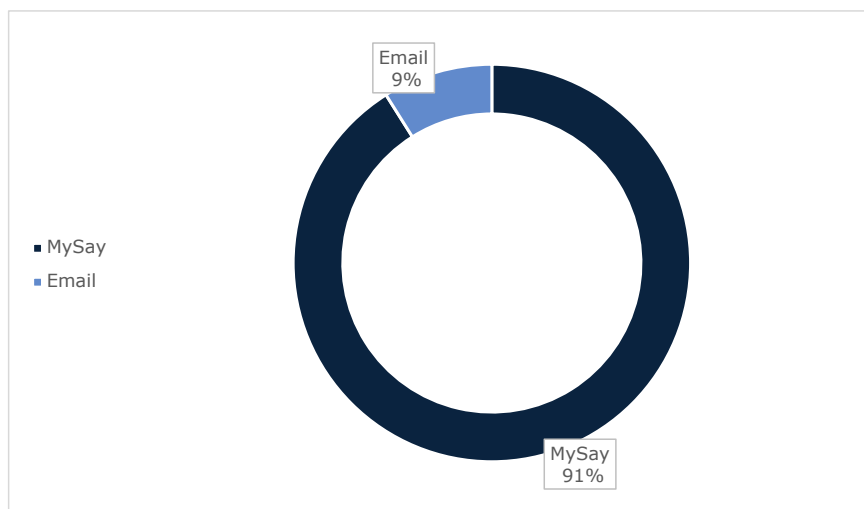
Traditional Media:

- The project was advertised in the Fremantle Herald via a fortnightly half-page advertisement.

1:1 Meetings

- Throughout the engagement period, members of the public were able to book 1:1 meetings with City officers to discuss the draft policy and its implications before submitting any feedback.

HOW WE COLLECTED FEEDBACK



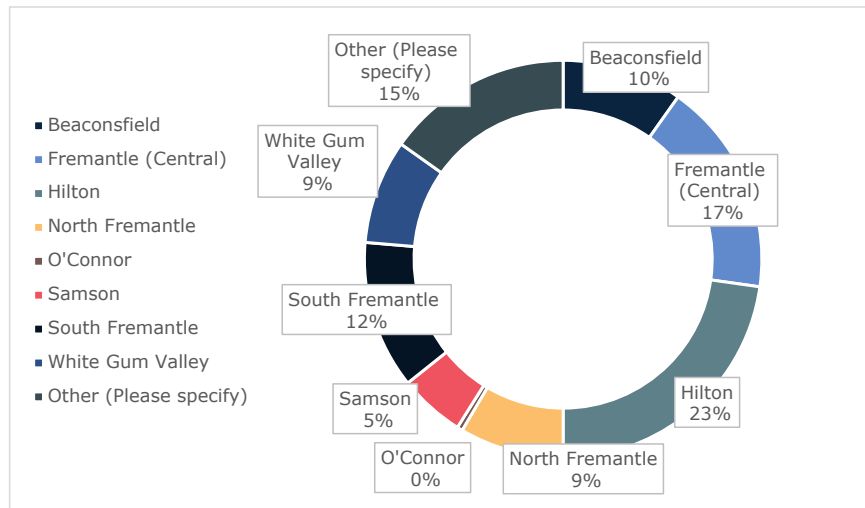
What does this data tell us?

- The public engagement program **reached 1,203 people** through face-to-face conversations and online visits to the City's MySay portal.
- City officers collected submissions in two ways:
 - o **94% of submissions** were collected via formal submissions to the City's MySay platform, or hard copies of the MySay survey submitted to City staff.
 - o **6% of submissions** were collected via an interactive map on the City Plan MySay page.
- This resulted in **more than 2,475 individual pieces of information*** collected through the engagement program.

Note: 1 formal submission via a MySay survey captures multiple comments and data from respondents.

WHO WE REACHED

Location Demographics



What does this data tell us?

- The public comment period for this draft policy attracted a healthy mix of respondents from every part of the City of Fremantle.
- **23% of respondents** were from Hilton – representing the largest number of respondents to the engagement program.
- **17% of respondents** were from Fremantle (Central).
- **15% of respondents** selected "Other (Please specify)" and submitted the following locations:
 - o Hamilton Hill (7); East Fremantle (5); Spearwood (2); Willagee (2); City Beach; Mount Pleasant; Coolbellup; Inglewood; Leeming; South Perth; Peppermint Grove; Yallingup; Attadale; Success; Samson; City of Melville; Applecross; Maylands.

How do you identify?

Identification Type	# of times selected
Resident	180
Ratepayer	145
Property owner	145
Visitor	15
Business Owner	13
Other (Please specify)	8

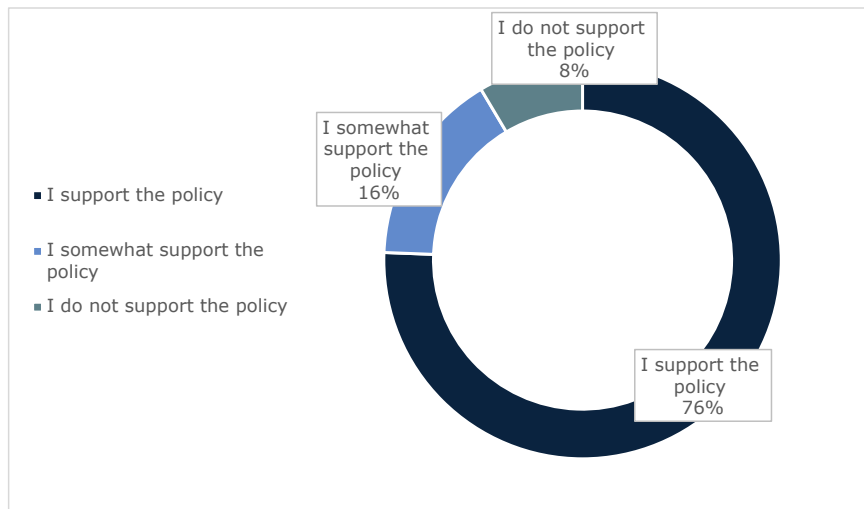
What does this data tell us?

- Respondents were asked to identify themselves through the options above, and could select all that applied.
- Residents, ratepayers, and property owners made up the highest number of respondents to the engagement program.
- Respondents who selected "Other (Please specify)" submitted the following responses:
 - o Frequenter and lover of Fremantle
 - o Former resident
 - o Pen lessee at Fremantle Sailing Club
 - o Previous local, now very common visitor
 - o Work and socialise in Fremantle
 - o Renter
 - o Grandchild, lived childhood in Fremantle
 - o Nearby suburb that has lost 85% of canopy cover and mature trees due to urban infill

WHAT WE HEARD

Support for the draft policy

Respondents were asked "Do you support the adoption of the draft Tree Retention Policy?"



What does this data tell us?

- The data highlights the strong support for adoption of the tree retention policy.
- **76% of respondents SUPPORT** the draft policy.
- **16% of respondents SOMEWHAT SUPPORT** the draft policy.
- **8% of respondents DO NOT** the draft policy.

Respondents were also asked to explain their selection via an open text survey question. Their answers have been summarised into the following categories:

- **Supportive**
- **Somewhat supportive**
- **Not supportive**

Supportive

Tree Retention and Protection was voiced 25 times. Respondents highlighted the following:

- Strong support for retaining mature trees, particularly on both private and public land.
- Emphasis on the need for a robust policy to protect trees from being cleared for development.
- Concerns about the loss of tree canopy, especially in urban areas, and the need for more regulation to prevent tree removal.
- Importance of the ecological value of preserving trees, including habitat for local wildlife.
- The importance of tree protection to ensure the survival of species like the Carnaby Black Cockatoos and other native animals.
- Desire for legislation that provides more control over landowners and developers who may remove trees at their discretion.

Climate Change and Urban Heat Island Effect was voiced 15 times. Respondents highlighted the following:

- The critical role trees play in combating climate change, particularly by cooling the environment.
- Trees provide a cooling effect, which is crucial as urban areas like Fremantle experience hotter temperatures due to climate change and the urban heat island effect.
- There is a lack of canopy coverage in Perth and how the loss of trees exacerbates these environmental issues.
- The retention of trees as a measure to mitigate the growing temperatures in urban areas and improve the quality of life.

Biodiversity and Wildlife Habitats were voiced 14 times. Respondents highlighted the following:

- Trees are valued for their ecological importance, providing habitat and food for a wide range of species.
- Specific wildlife, like black cockatoos, native bees, and tawny frogmouths, rely on mature trees for survival.
- The importance of retaining trees to preserve biodiversity, with comments stressing how the loss of mature trees affects local ecosystems and wildlife.
- Importance of the ecological functions of trees in sustaining healthy environments.

Health and Wellbeing Benefits were voiced 10 times. Respondents highlighted the following:

- Acknowledgement of the physical and mental health benefits trees provide to people, such as reducing stress, improving air quality, and promoting physical activity.
- Respondents expressed personal experiences of the positive impact of trees on quality of life, including stress reduction and creating pleasant living spaces.
- Emphasis on trees being essential to overall community wellbeing, with references to improving the quality of life in urban environments.
- Tree canopy is seen as important for enhancing the aesthetic appeal of neighbourhoods.

Lack of State-Level Regulations was voiced 9 times. Respondents highlighted the following:

- There is a lack of state-level protections for trees, especially on private land.
- This is an opportunity for local government leadership in protecting trees due to the inaction or opposition at the state level.
- Respondents are frustrated that the State Government has not implemented tree protection laws or supported the adoption of a canopy target for WA.
- Criticisms of developers and landowners who act against community desires regarding tree preservation due to insufficient legal frameworks.

Somewhat supportive

Tree Maintenance & Safety Concerns was voiced 12 times. Respondents highlighted the following:

- The safety risks posed by large or overhanging trees, such as branches causing storm damage, roots damaging property foundations, and falling limbs creating hazards for residents.
- The cost and difficulty in maintaining trees (cleaning gutters, trimming branches, etc.), particularly for older residents or those with financial constraints.
- Safety concerns regarding fire hazards from certain tree species (e.g., eucalyptus) and potential dangers from poorly maintained trees.

Tree Removal for Development was voiced 11 times. Respondents highlighted the following:

- The impact of development on tree retention is a recurring theme, with concerns about large trees being removed for new housing, subdivision, and urban infill.
- Respondents are frustrated with the current policies allowing the removal of trees for development purposes, feeling that this contributes to a reduction in the canopy and environmental degradation.
- The need for stronger protections of mature trees against development and ensuring that trees are not unnecessarily removed for profit-driven projects.

Inappropriate Tree Planting was voiced 9 times. Respondents highlighted the following:

- Inappropriate or poorly chosen tree species being planted in residential areas, often resulting in future problems like structural damage, excessive pruning, or conflicts with power lines.
- Some trees are described as unsuitable for small urban lots, which can lead to issues such as obstructing pathways, interfering with bin collection, or causing sap damage to vehicles.

Policy Strength and Effectiveness was voiced 8 times. Respondents highlighted the following:

- The policy is too lenient and does not go far enough in protecting trees, particularly when it comes to the size and species criteria for tree removal and replacement.
- The 8m height limit for regulated trees is too generous and should be more stringent to ensure better canopy cover.
- The policy needs clearer guidelines on tree replacement, such as ensuring replaced trees provide adequate shade and habitat for wildlife.

Rights and Responsibilities of Property Owners was voiced 7 times. Respondents highlighted the following:

- The loss of property owners' rights to remove trees on their own land, especially when trees pose a danger or cause significant damage.
- The high costs associated with managing trees and the responsibility that fall on homeowners when trees are planted improperly or cause issues with neighbouring properties.
- Clearer communication about the decision-making process when it comes to tree removal, including transparency and the ability for residents to challenge or appeal decisions.

Not supportive

Cost and Bureaucratic Burden was voiced 13 times. Respondents highlighted the following:

- High costs for landowners associated with maintaining or removing trees, such as the need for arborists, reports, or special maintenance for tree-related issues.
- Increased administrative work and red tape for residents, including fees, forms, and permits.
- The policy could lead to higher costs for ratepayers and create financial burdens.
- Suggestion for more incentives (e.g., rate reductions, support with maintenance) rather than punitive measures.

Policy Fairness and Effectiveness was voiced 12 times. Respondents highlighted the following:

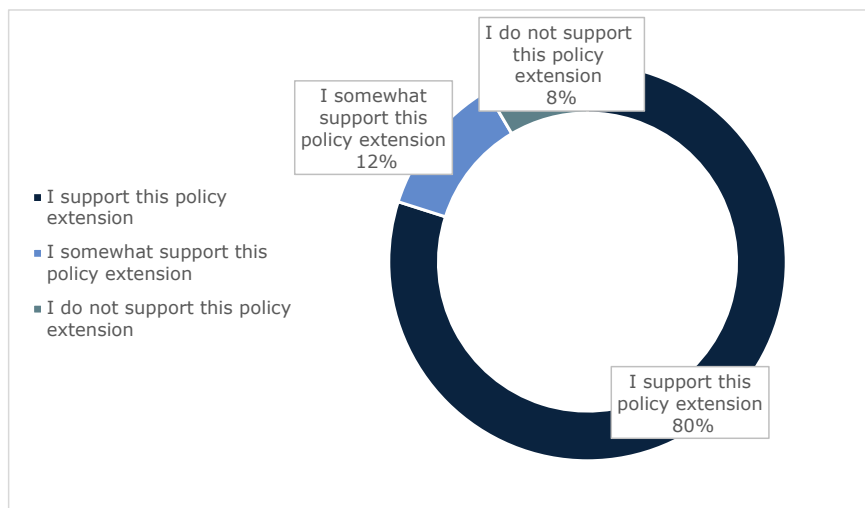
- The policy is seen as potentially unfair, subject to inconsistent implementation and difficult to enforce.
- The policy will result in overregulation and excessive control over residents' property choices.
- Opportunities for more focused policies on redevelopment areas, not on existing private properties without redevelopment plans.
- Scepticism that the policy will be implemented fairly.
- The desire for better policies that balance both conservation and development.

Private Property Rights and Autonomy was voiced 10 times. Respondents highlighted the following:

- Property owners should have the right to decide what happens to trees on their land, including removal for purposes like pools or access.
- The policy is seen as government overreach and interference in personal property decisions.
- The need for fewer regulations and bureaucratic processes related to tree management on private land.
- This policy might set a dangerous precedent for local government control over private property.

Support for policy extension to industrial areas

Respondents were asked "Are you in favour of the policy being extended to also apply to industrial areas?"



What does this data tell us?

- The data highlights the strong support for this policy to apply to industrial areas.
- **80% of respondents SUPPORT** the draft policy.
- **12% of respondents SOMEWHAT SUPPORT** the draft policy.
- **8% of respondents DO NOT** the draft policy.

Respondents were also asked to explain their selection via an open text survey question. Their answers have been summarised into the following categories:

- **Supportive**
- **Somewhat supportive**
- **Not supportive**

Supportive

Tree Canopy for Heat Mitigation was voiced 22 times. Respondents highlighted the following:

- Industrial areas, with their extensive concrete and asphalt, trap heat, making them significantly hotter than surrounding residential areas.
- The lack of tree canopy in industrial areas can lead to uncomfortable conditions for workers, contributing to increased use of air conditioning and higher energy consumption.
- By maintaining or increasing tree canopy, industrial zones can help alleviate the heat island effect, benefiting both workers and surrounding neighbourhoods.

Biodiversity and Habitat Creation was voiced 20 times. Respondents highlighted the following:

- Industrial areas often have large, unused spaces that can be repurposed for planting trees and creating green corridors, which can support a wide range of wildlife, including birds, insects, and other species.
- By incorporating trees into industrial landscapes, there is potential to create microhabitats, providing refuge for endangered species and improving ecological connectivity.
- The creation of small green spaces or urban forests can also contribute to the restoration of fragmented habitats in urban environments.

Policy Extension to Industrial Areas was voiced 19 times. Respondents highlighted the following:

- Extending tree retention policies to industrial areas ensures that all urban spaces—regardless of their land use—contribute equally to addressing the canopy crisis.
- Many industrial areas in Fremantle and surrounding regions have significant existing tree canopy that should be preserved and integrated into future planning efforts.
- Policies should encourage businesses to adapt their development plans to incorporate trees into the design of industrial parks, retail areas, and car parks, softening the harshness of urban sprawl and ensuring long-term sustainability.
- Public and private sector cooperation is key in ensuring that industrial landowners and developers comply with tree retention and expansion policies.

Climate Change Mitigation and Environmental Responsibility was voiced 18 times. Respondents highlighted the following:

- The presence of trees helps reduce the concentration of pollutants like nitrogen dioxide, particulate matter, and ozone, improving air quality in industrial zones that are often heavily impacted by industrial activities.

- Tree canopy also supports carbon sequestration, which is crucial in the fight against climate change by capturing carbon dioxide from the atmosphere.
- Corporate responsibility is enhanced when businesses invest in green spaces, contributing positively to their environmental impact and promoting sustainability.

Aesthetic and Wellbeing Benefits were voiced 15 times. Respondents highlighted the following:

- Green spaces in industrial zones improve the visual appeal of otherwise bleak and barren environments, making them more attractive for employees, customers, and visitors.
- Access to nature and greenery in the workplace has been linked to reduced stress, higher productivity, and overall improved mental health for workers.
- Trees can act as noise buffers, reducing the sound pollution that is common in industrial areas due to traffic, machinery, and production activities.

Somewhat supportive

Impact on Business Operations was voiced 6 times. Respondents highlighted the following:

- Concerns about the impact of tree retention on business operations, particularly regarding the need for space for large industrial buildings and access for trucks.
- Avoiding overly restrictive policies that might hinder business efficiency or lead to increased paperwork and delays in applications.
- The balancing of tree retention with operational needs is noted, with emphasis on minimizing disruption to industrial activity.

Policy Applicability and Flexibility was voiced 5 times. Respondents highlighted the following:

- Policies need to apply equally across different land uses, including industrial areas, to avoid exemptions that might lead to uneven tree protection across the city.
- The need for a flexible approach, such as allowing certain exceptions or adjustments in policy based on specific industrial needs or circumstances, but with a clear commitment to tree retention and growth.
- Incentives for tree planting should be given to landowners, particularly in industrial areas, to encourage the integration of trees without disrupting business activity.

Not supportive

Council Control through Policy was voiced 12 times. Respondents highlighted the following:

- Fear of council involvement in tree retention on private property, citing the potential for political influence and lack of common sense in planning decisions.
- Council control over trees on private land sets a dangerous precedent and may discourage individuals from planting trees.
- The policy could limit the flexibility of land use, particularly in industrial zones, as these areas have different needs compared to residential areas.

- Overreach of policy into private property rights, especially in industrial areas.

Balance Between Tree Retention and Development Needs was voiced 7 times. Respondents highlighted the following:

- Industrial areas require large, flat, clear spaces to function efficiently, and preserving trees could impede business operations, including laydown areas and other needs for large spaces.
- Tree retention policies should prioritize residential areas first, leaving industrial areas more flexibility for development and business needs.

Lack of Incentives for Private Landowners was voiced 5 times. Respondents highlighted the following:

- There is an absence of incentives for private landowners to retain or plant trees, especially in industrial areas, suggesting that subsidies or other encouragements would be more effective.
- Without proper incentives, landowners may be reluctant to participate in tree retention initiatives.

ADDITIONAL PUBLIC COMMENTS

Respondents were asked to share any additional comments or feedback that may not have been captured via the questions presented in our MySay survey. Their answers have been summarised into themes that appear multiple times with accompanying bullet points below.

Tree Protection and Accountability was voiced 14 times. Respondents highlighted the following:

- Need for Council to incorporate more accountability into the protection process.
- Create annual reporting on canopy changes – listing exceptions to tree removals.
- Provide incentives for tree preservation.

Urban Development and Tree Retention was voiced 13 times. Respondents highlighted the following:

- Better planning codes to retain trees, especially in new developments.
- Apply tree retention policy to all zoning levels.
- Higher-density developments often reduce available space for trees and that the housing crisis shouldn't justify sacrificing green spaces.

Species Selection and Tree Diversity was voiced 7 times. Respondents highlighted the following:

- Process to select the right species for urban areas.
- Promoting biodiversity, and a preference for native and drought-resistant species.
- Criticism was directed at the planting of inappropriate or invasive species like jacarandas, and a call for better guidance on tree selection was common.



Council Policy

Trees on City Owned or Managed Land

fremantle.wa.gov.au



Trees on City Owned or Managed Land Policy

Policy scope

This Policy outlines how the City of Fremantle will responsibly manage trees on City owned or managed land.

Trees provide a range of social, economic and ecological services to the community including:

- reduction in air pollution
- control of storm water
- mitigation of wind and noise
- improved biodiversity
- shade and reduced UV exposure
- reduced heat island effect and energy demand
- enhanced sense of place and wellbeing
- increased property values
- carbon dioxide reduction
- visual screening and
- encouragement of outdoor activity.

Policy statement

1. Tree Planting

- 1.1. The City is responsible for planting street and reserve trees. This includes identifying and assessing potential planting sites, selecting tree species and establishment watering.
- 1.2. Street trees will be planted on all available verge spaces, with at least one tree planted per property, or more if space permits, to provide environmental services for the broader community.
- 1.3. Tree planting takes precedence over individual preferences of the nearest property owner/s.



- 1.4. Residents can request for the verge bordering their property to be assessed for tree planting.

2. Tree Pruning and Maintenance

- 2.1. The City is solely responsible for pruning and maintaining City trees. Pruning is undertaken in accordance with Australian Standards *AS4373: Pruning of Amenity Trees and Guidelines for the Management of Vegetation near Power Lines (Government of Western Australia)*.
- 2.2. Trees will be pruned as part of the City's program to:
 - clear the crown from interfering with overhead powerlines, electrical feeder lines to individual properties and other utilities.
 - remove branches that present an unacceptable risk to road or pedestrian traffic, buildings or structures.
 - improve aesthetic form and structural architecture.
 - remove dead, dying, damaged or pest/diseased impacted branches or abnormal growth.

3. Tree Removal

- 3.1. The City is responsible for the removal of City trees. They may be removed if the tree:
 - is dead.
 - is diseased or in decline.
 - is damaged or structurally unsound.
 - has been identified for removal due to poor performance in the landscape.
 - is planted without the City's approval and is deemed not suitable for retention.
 - other reasons as determined by the City.
- 3.2. Any trees removed by the City, or removed by another party without authorisation, will be replaced by the City on the same verge or reserve in the next available planting season.
- 3.3. If the City determines that a tree on City Owned or Managed Land requires removal due to a City led or managed development, the City will replace the tree with a minimum of two trees. The replacement trees will:
 - a. have a minimum pot size of 30 litres;
 - b. be capable of reaching a mature height of at least 8 metres; and
 - c. will be planted in-ground at the location of the removed tree or in a suitable nearby location.



4. Tree assessment requests

- 4.1. Residents can request for City trees to be assessed for service. An officer will assess the tree and determine whether any works are required and their priority. If appropriate, works will be incorporated into the next round of scheduled maintenance for the area.
- 4.2. The following are not sufficient or justifiable reasons for the pruning or removal of City trees:
 - height reduction.
 - to reduce natural debris such as leaves, flowers, fruit and bark.
 - to reduce presence of birds or other fauna.
 - medical concerns.
 - blocked views or the potential to block views.
 - shading of a residence, garden or solar panels.
 - general property clearance.
 - species, form, size, shape or location are disliked by the resident.
 - to enable vehicles to park on the verge.

5. Tree Protection Adjacent to Development Sites

- 5.1. City trees adjacent to development sites are to be protected for the duration of the works, including during demolition and construction, at the developer's cost. For this reason, it is a requirement that:
 - A Tree Protection Zone (TPZ) shall be identified using temporary construction fencing around the tree trunk for the duration of construction in accordance with AS 4970-2009 Protection of Trees on Development Sites.
 - At a minimum, temporary fencing must cover two metres by two metres around the trunk. Any lesser sizes will need to be approved in writing by the City.
 - The temporary fencing must not obstruct roads or footpaths.
- 5.2. Should a City tree be damaged, decline or die because of the demolition works or development, it will be addressed ~~as per section in~~ accordance with clause 10 "Damage to Trees".

6. Bonds

- 6.1. A bond will be charged by the City prior to the commencement of development or other activities that have the potential to cause damage to City trees.
- 6.2. Bond amounts will be determined by the City.



7. Street Trees and Crossovers/Driveways

- 7.1. A minimum setback is required between any crossovers/ driveways to any street tree based on the Diameter at Breast Height (DBH) of the street tree:
 - DBH of up to 200mm requires a minimum setback of one metre.
 - DBH of 201mm to 400mm requires a minimum setback of two metres.
 - DBH of 401mm or more requires a minimum setback of three metres.
- 7.2. Should a setback of less than those specified **above in clause 7.1** be required, a site inspection will need to be conducted to determine whether the distance can be reduced. Council inspection fees will apply.
- 7.3. Setbacks of less than 1 metre will not be considered to ensure reduced impacts on the trees' root systems.
- 7.4. Should pruning of street trees' crown or roots be required to accommodate a crossover, the works shall be completed by the City and the cost covered by the applicant/developer.

8. Street Tree Removal and Replacement at Development Sites

- 8.1. Street tree removal to enable subdivision and/or development will only be considered if no other reasonable design option exists as part of the Development Application or Subdivision process. Where a Development Application or Subdivision approval is not required, tree removal will be considered as part of the Crossover Permit process.
- 8.2. If tree removal is approved, the applicant will be required to compensate the City for the costs associated with the removal, replacement and valuation of the tree.
- 8.3. Replacement street trees will be planted in line with the following conditions:
 - At least one replacement street tree will be planted on the verge adjacent to the development.
 - If multiple frontages are created, then at least one street tree will be planted in each frontage, space permitting.
 - Any replacement street trees that cannot be planted on the verge adjacent to the development due to insufficient space, will be planted elsewhere in the City at the City's discretion

9. Street Tree Attachments

- 9.1. Residents may install street tree attachments on a street tree directly bordering their property as specified in the Verge and Urban Garden Guidelines, taking care to not impact the health of the tree or present a hazard to the community.
- 9.2. If in the opinion of the City, a street tree attachment does not meet the requirements outlined in the Verge and Urban Garden Guidelines, then the resident will be required to remove and/or modify it to become compliant.



10. Damage to Trees

- 10.1. City trees provide both ecological and amenity services to the community. As such, damage to street and reserve trees affects everyone. Members of the community who witness vandalism to trees are encouraged to report this information.
- 10.2. All reported incidents of damage to City trees will be investigated and responded to.
- 10.3. Resolution of vandalism to trees may involve:
 - Issuing of infringements under the City’s Local Government Property Local Law 2002.
 - Reclaiming the costs associated to any works needed to rectify the damage.
 - Recouping costs for the full tree valuation, removal and replacement cost including tree purchase and watering over its establishment period.
 - Further legal action.

Definitions and abbreviations

Diameter at Breast Height (DBH) – The diameter of the trunk/stem of a tree as measured at 1.4m above the ground. If a tree is has multiple trunks, DBH is calculated as the square root of the sum of the diameters of each stem.

Responsibility and review information	
Responsible officer:	Manager Parks and Landscape
Document adoption/approval details	14 February 2024 - Item C2402-10 Ordinary Meeting of Council – Doc ID 5949872
Document amendment details	
Next review date	14 February 2028



Parking Local Law 2021

(Consolidated with amendments adopted on:
24 August 2022.)

fremantle.wa.gov.au

City of Fremantle consolidated Parking Local Law 2021



Parking Local Law 2021

(Consolidated with amendments adopted on: 24 August 2022)

Under the powers conferred on it by the Local Government Act 1995 and under all other enabling powers, the Council of the City of Fremantle resolved on 28 July 2021 to make this local law.

PART 1 - PRELIMINARY

1.1 Title

This is the City of Fremantle Parking Local Law 2021.

1.2 Commencement

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

1.3 Repeal

The City of Fremantle Parking Local Law 2006 published in the Government Gazette on 29 November 2006 is repealed.

1.4 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to -
 - (a) the approach and departure prohibition areas of all traffic control signal installations as determined by the Commissioner of Main Roads;
 - (b) the prohibition areas that apply to all bridges and subways as determined by the Commissioner of Main Roads; and
 - (c) any road that comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.
- (3) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law is to apply to that facility or station.
- (4) The agreement referred to in subclause (3) may be made on such terms and conditions as the parties may agree.

City of Fremantle consolidated Parking Local Law 2021



1.5 Terms used

In this local law -

Act means the *Local Government Act 1995*;

approved alternative method of payment means a method of payment approved under clause 2.5;

attended parking station means a parking station –

- (a) attended by an employee, or by an agent or contractor, of the local government; and
- (b) in respect of which fees for the parking of a vehicle are payable immediately prior to the removal of the vehicle from the station;

authorised person means a person appointed 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 CEO or an authorised person, or by any written law, to park on a thoroughfare or parking facility;

bank note means an Australian note that is legal tender under section 36(1) of the *Reserve Bank Act 1959* (Cth);

bicycle has the meaning given in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given in the Code;

built-up area means the territory contiguous to and including any road –

- (a) on which there is provision for lighting by means of streetlamps at intervals of not over 100 metres for a distance of at least 500 metres or, if the road is shorter than 500 metres for the whole road;
- (b) which is built up with structures devoted to business, industry or dwelling houses at intervals of less than 100 metres for a distance of 500 metres or more; or
- (c) beyond a sign indicating 'Built-up Area' erected at the roadside to face drivers approaching a development consisting of dwelling houses, or business or industrial structures;

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus stop has the meaning given in the Code;

bus zone has the meaning given in the Code;

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

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carriageway means –

- (a) a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and
- (b) where a thoroughfare has 2 or more of those portions divided by a median strip, - each of those portions, separately;

CEO means chief executive officer of the local government;

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

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

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

clearway means a length of carriageway to which a 'clearway' sign applies;

Code means the *Road Traffic Code 2000*;

coin means a coin that is legal tender under the *Currency Act 1965* (Cth);

commercial vehicle –

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

Council means the council of the local government;

disability parking permit has the meaning given in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the local government;

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

electric vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to

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an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle;

electronic parking ticket means a parking ticket issued in an electronic form;

emergency vehicle has the meaning given in the Code;

employee means an employee of the local government;

fee, or **parking fee**, means the fee, payable under this local law, that is determined and imposed by the local government under the Act;

fee paying machine means –

- (a) a parking meter;
- (b) a ticket issuing machine;
- (c) a pay station; or
- (d) any other machine or device that can be used to pay for a parking fee;

fee paying zone means a zone referred to in clause 0;

footpath has the meaning given in the Code;

grouped dwelling means a dwelling that is one of a group of 4 or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

grouped or multiple dwelling means either a grouped dwelling or a multiple dwelling;

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

head of a cul-de-sac means the part of a road that is closed at one end and is shaped in such a way that it can be used for vehicles to turn, and includes bulb or hammer-head shaped closed roads;

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

loading zone means a parking stall to which a loading zone sign applies;

local government means the City of Fremantle;

mail zone has the meaning given in the Code;

median strip has the meaning given in the Code;

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metered stall means a parking stall in a metered zone;

metered zone means a road or reserve in respect of which a parking meter regulates the parking of vehicles;

mobile device means a portable computing device such as a smart phone or a tablet computer;

motorcycle has the meaning given in the Code;

motor vehicle –

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

multiple dwelling means a dwelling in a group of 4 or more dwellings on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but –

- (a) does not include a grouped dwelling; and
- (b) includes any dwellings above the ground floor in a mixed-use development;

nature strip has the meaning given in the Code;

no parking area has the meaning given in the Code;

no parking sign means a sign with –

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

no stopping area has the meaning given in the Code;

no stopping sign means a sign with –

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

occupier has the meaning given in the Act;

owner –

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, means the person in whose name the vehicle has been registered under that Act;

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- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

park has the meaning given in the Code;

parking app means the local government's mobile application designed to operate on a mobile device for the purpose of purchasing or obtaining an electronic parking ticket or a parking permit, and includes a similar process using a web browser;

parking area has the meaning given in the Code;

parking facilities includes –

- (a) land, thoroughfare, reserves, buildings, shelters, parking stations, metered zones, metered stalls, ticket machine zones, pay by phone zones, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

parking meter means a machine or device that, as a result of a payment by any permitted means, indicates (without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered stall to which the machine or device relates;

parking permit, or permit, means –

- (a) a parking permit issued under this local law; and
- (b) a parking permit issued under a repealed parking local law of the local government where the permit is in force immediately prior to the commencement of this local law under clause 1.2;

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

parking stall means a section or part of a road, reserve or parking station that is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices in a way that indicates where a vehicle may be parked;

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

parking ticket means a ticket, whether printed or electronic, that –

- (a) is issued from a ticket issuing machine or a ticket issuing device;

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- (b) authorises the parking of a vehicle in a parking stall or a parking station or part of the parking station; and
- (c) includes the date and time that the authorisation expires, whether or not the payment of a fee is required;

pay by phone means payment for parking using the parking app;

pay by phone transaction means the transaction of paying for a parking fee, or purchasing or obtaining a parking permit, using the parking app;

pay by phone zone means a parking station, or any other road or reserve, in respect of which signage is installed indicating that, at specified times or generally, payment for parking is required by using the parking app;

pay station means a machine or device that, after receipt of the payment of the parking fee in respect of a vehicle, either –

- (a) issues a ticket to activate an exit barrier of the parking station; or
- (b) otherwise enables the exit barrier of the parking station to be activated, so as to enable egress of the vehicle from the parking station;

path has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

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

permitted means permitted under this local law or by the local government, the CEO or an authorised person;

place of refuge for pedestrians means any area or place that is open to or used by the public and not ordinarily intended for the stopping, parking or movement of vehicles, and includes any physical provision or an area demarcated by the marking of lines or otherwise identified by a sign;

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

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

reserve means any land –

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

residential parking permit means a permit of that description issued by the local government under Part 6;

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residential street means a thoroughfare where the majority of properties abutting the thoroughfare are used for residential purposes;

right of way means a portion of land that is -

- (a) shown and marked 'Right of Way' or 'R.O.W', or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*,

but does not include -

- (a) a private driveway; or
- (b) a right of way created by easement between two parties;

road means a thoroughfare that is open to, or used by, the public;

Schedule means a Schedule to this local law;

shared zone has the meaning given in the Code;

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

- (a) approved by the local government or by the CEO; and
- (b) placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given in the Code;

stop has the meaning given in the Code;

taxi has the meaning given in the Code;

taxi zone has the meaning given in the Code;

thoroughfare has the meaning given in the Act;

ticket includes a token;

ticket issuing device means a mobile device which issues a ticket showing the period during which it is lawful to remain parked in a parking stall or a

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parking station or part of the parking station in the area to which the device relates;

ticket issuing machine means a machine which issues a ticket showing the period during which it is lawful to remain parked in a parking stall or a parking station or part of the parking station in the area to which the machine relates;

ticket issuing machine zone means a parking station, or any other road or reserve, in respect of which a ticket issuing machine is installed to regulate parking in parking stalls;

traffic island has the meaning given in the Code;

trailer has the meaning given in the Code;

truck means a vehicle that has a load capacity exceeding 1,000 kilograms;

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

unexpired parking ticket means a ticket, whether paper or electronic, on which a date and expiry time is printed or displayed, and that time has not expired;

valve stem reading means a method of recording the position of the tyre valves in relation to the kerb or road surface;

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008*; and

verge has the same meaning as **nature strip**.

1.6 Application of particular terms

- (1) In applying the definitions of **no parking area**, **no stopping area** and **parking area**, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the sign was turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.
- (3) Where a term is used but not defined in this local law, and that term is defined in the *Road Traffic (Administration) Act 2008* or in the Code, then, unless the context otherwise requires, the term is to have the meaning given to it in that Act or the Code.
- (4) A reference to a thoroughfare, road, reserve, parking station, parking facility or parking zone includes a reference to any part of the thoroughfare, road, reserve, parking station, parking facility or parking zone.

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1.7 Pre-existing signs

- (1) A sign that -
 - (a) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and
 - (b) relates to the parking of vehicles within the parking region,is taken to have been erected by the local government under this local law.
- (2) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor.
- (3) Where an inscription, word, number, expression or symbol on a sign referred to in subclause (1) relates to the stopping of vehicles, it is taken for the purposes of this local law to operate and have effect as if it related also to the parking of vehicles.

1.8 Classes of vehicles

For the purposes of this local law classes of vehicles are -

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) bicycles;
- (e) taxis;
- (f) vehicles 2.1 metres or higher;
- (g) tour coaches;
- (h) electric vehicles; and
- (i) all other vehicles.

1.9 Part of thoroughfare to which sign applies

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

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

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PART 2 - GENERAL POWERS TO REGULATE PARKING

2.1 Establishment of parking facilities

The Council may establish and vary parking facilities for the purposes of this local law.

2.2 Power to prohibit and regulate

The Council may prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle or any class of person or vehicle, or both, but is to do so consistently with this local law.

2.3 Determinations

- (1) The Council may determine –
 - (a) permitted times and conditions of stopping and parking that may vary within the parking region;
 - (b) permitted classes of persons who may stop or park their vehicles;
 - (c) permitted classes of vehicles that may stop or park; and
 - (d) the manner of stopping or parking.
- (2) Where the Council makes a determination under subclause (1) –
 - (a) it may vary the determination; and
 - (b) the CEO is to ensure that one or more signs are erected to give effect to the determination.

2.4 Parking fees

Parking fees payable under this local law are to be determined and imposed by the Council under the Act.

2.5 Approved alternative methods of payment

- (1) The Council may approve an alternative method of payment for parking under this local law.
- (2) An approved alternative method of payment –
 - (a) is to be on the terms and conditions determined by the Council;
 - (b) may enable a payment to be made in advance or in arrears; and
 - (c) may be effected by issuing (electronically or otherwise) a permit, invoice, ticket or other record.
- (3) The CEO or an authorised person may authorise a person to make an approved alternative method of payment.

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- (4) A person who has been authorised to make an approved alternative method of payment for parking is exempt from paying fees at the relevant parking facility provided that he or she complies with the terms and conditions of the approved alternative method of payment.
- (5) An alternative method of payment may not be used by any person other than the person authorised under this clause.

PART 3 - FEE PAYING ZONES

3.1 Fee paying zones

The fee paying zones are –

- (a) a metered zone;
- (b) a ticket issuing machine zone;
- (c) a pay by phone zone; and
- (d) any other fee paying zone established by the local government under clause 0.

3.2 Payment of fees

- (1) This clause does not apply to a fee paying zone that is in a parking station.
- (2) A person who stops or parks a vehicle in a fee paying zone must –
 - (a) in the case of a metered stall - immediately pay, by any form of permitted payment at the fee paying machine, the appropriate fee as indicated by a sign on the parking meter referable to the metered stall;
 - (b) in the case for a ticket issuing machine zone – immediately pay, by any form of permitted payment at the fee paying machine, the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone; or
 - (c) in the case of a pay by phone zone –
 - (i) immediately commence the pay by phone transaction and obtain notification that the transaction has commenced;
 - (ii) ensure that the transaction remains active at all times while the vehicle is stopped or parked; and
 - (iii) immediately before the vehicle is driven from where it had been stopped or parked, complete the pay by phone transaction and obtain notification that the required fee has been paid.
- (3) Subject to the provisions of this Part 3, the payment of the fee referred to in subclause (2) entitles a person to stop or park a vehicle in –

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- (a) a metered stall for the period shown on the sign referable to the stall;
or
- (b) the relevant ticket issuing machine zone or pay by phone zone for the period shown on the parking ticket,

but does not authorise the parking of the vehicle during any time when stopping or parking in that stall or zone is prohibited under this local law.

3.3 Suspension of requirement to pay fees

The local government may from time to time determine that clause 0 is not to apply during the period specified in the determination.

3.4 Expired parking meter

Unless permitted by an authorised person, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered stall –

- (a) during the hours when a fee is payable to stop or park a vehicle in the stall when the parking meter referable to that stall exhibits the sign 'Expired', a negative time or a series of red flashing lights; or
- (b) for longer than the maximum period stated on the sign referable to that stall during which continuous stopping or parking is permitted.

3.5 Hooded parking meters

Unless permitted by an authorised person, a person must not leave a vehicle, or permit a vehicle to remain, stopped or parked in a metered stall if the parking meter referable to the metered stall is hooded with a covering bearing words or symbols that indicate that a temporary parking prohibition, restriction or reservation applies to the metered stall.

3.6 Display of parking tickets

- (1) A person must not stop or park a vehicle in a fee paying zone during the period in which stopping or parking is permitted only on the purchase of a printed parking ticket unless –
 - (a) an unexpired parking ticket issued by a ticket issuing machine in that fee paying zone is displayed inside the vehicle; and
 - (b) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in that fee paying zone.
- (2) Unless subclause (3) applies, where in a fee paying zone more than one printed parking ticket is displayed bearing the same date and time or issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have been expired until the expiry of –
 - (a) the aggregate of those periods; or

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- (b) the maximum period of time a vehicle is permitted to park in the fee paying zone,
whichever occurs first.
- (3) If a trailer is attached to a vehicle or if a vehicle is too long or too wide to fit completely within a single metered stall or parking stall, the person parking the vehicle must –
 - (a) park the vehicle (or, as the case may be, the vehicle and the trailer) within the minimum number of metered stalls or parking stalls needed to park the vehicle (or, as the case may be, the vehicle and the trailer);
 - (b) purchase and obtain a parking ticket for each occupied metered stall or parking stall as permitted under this local law; and
 - (c) display each printed ticket inside the vehicle in accordance with subclause (1)(a).

3.7 Use of counterfeit or altered parking tickets

A person must not –

- (a) park a vehicle in a fee parking zone that requires a printed parking ticket, if there is displayed on that vehicle, so as to be visible outside the vehicle, a parking ticket that has been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking ticket that has been counterfeited, altered, obliterated or interfered with.

3.8 Time restrictions

- (1) A person must not stop or park a vehicle in a fee paying zone –
 - (a) except during the period stated on the sign referable to the fee paying zone during which stopping or parking is permitted; or
 - (b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee parking zone, as stated on a sign referable to the fee paying zone unless –
 - (i) clause 0 applies; or
 - (ii) the vehicle displays a disability parking permit, and the person with the disability is either the driver or the passenger, in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code.
- (2) Where parking of vehicles in a thoroughfare or reserve within a fee paying zone is permitted for a limited time, a person must not move a vehicle along,

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or return to, the thoroughfare or reserve so that the total time of parking the vehicle exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare or reserve for at least 2 hours.

3.9 Vehicles to be within metered stall

- (1) Subject to clause (3), a person must not park a vehicle in a metered stall in a thoroughfare otherwise than -
 - (a) wholly within the metered stall; and
 - (b) where the metered stall is set out parallel to the kerb - parallel to and as close to the kerb as practicable.
- (2) A person must not park a vehicle partly within and partly outside a metered zone.

3.10 One vehicle per metered stall

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

3.11 Free parking period

Where, in a fee paying zone (during the period when a fee is otherwise required for parking) a period of free parking is permitted, a person must not move a vehicle within, or return to, the fee paying zone unless the vehicle has been removed from the fee paying zone for at least 4 hours.

PART 4 - PARKING STATIONS

4.1 Restrictions on entering

A person must not enter a parking station without first obtaining an entrance ticket or parking ticket or being permitted to do so by an authorised person (if one is on duty) unless -

- (a) permitted by a sign applicable to that parking station; or
- (b) the person entering the parking station is -
 - (i) employed at the parking station and is in the course of his or her functions;
 - (ii) a police officer and is in the course of his or her functions; or
 - (iii) the driver of, or a passenger in, a vehicle stopped or parked in that station.

4.2 Payment of fees

A person who stops or parks a vehicle in -

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- (a) an attended parking station - must ensure that, when required by the attendant, the appropriate fee as indicated by a sign is paid;
- (b) a parking station with a ticket issuing machine - must ensure that the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine, or the fee is otherwise paid by any other form of permitted payment;
- (c) a parking station with a pay station - must ensure that the appropriate fee as indicated by a sign is inserted into the pay station, or is otherwise paid by any other form of permitted payment, and that the ticket is validated immediately prior to departure; or
- (d) a parking station (or that part of a parking station) that is a pay by phone zone –
 - (i) must immediately commence the pay by phone transaction and obtain notification that the transaction has commenced; and
 - (ii) immediately before commencing to drive the vehicle from the parking station, must complete the pay by phone transaction and obtain notification that the required fee has been paid.

4.3 Suspension of requirement to pay fees

The local government may from time to time determine that clause 4.2 is not to apply during the periods specified in the determination.

4.4 Display of parking tickets

A person who stops or parks a vehicle in a parking station with a ticket issuing machine must, after paying the appropriate fee for the purchase of a parking ticket under clause 4.2(b) –

- (a) in the case of a printed parking ticket, ensure that –
 - (i) an unexpired parking ticket issued by the ticket issuing machine in that parking station is displayed inside the vehicle; and
 - (ii) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in that parking station; and
- (b) in the case of an electronic parking ticket, ensure that, using the parking app, an electronic parking ticket has been issued for that vehicle in that parking station.

4.5 Use of counterfeit or altered parking tickets

A person must not –

- (a) park a vehicle in a parking station that requires a printed parking ticket if there is displayed on that vehicle, so as to be visible from outside the

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vehicle, a parking ticket that has been counterfeited, obliterated or interfered with; or

- (b) produce to an authorised person who accepts payment for parking, a parking ticket that has been counterfeited, altered, obliterated or interfered with.

4.6 No entrance or parking ticket

Where an entrance ticket or parking ticket is required to be produced, but is not produced, by the driver of a vehicle that is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station.

4.7 Removal of vehicles

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until –
 - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the person has been given a notice from an authorised person specifying the fee to be paid.
- (2) Where a person has been given a notice under subclause (1)(b), the person must pay the specified fee within 3 working days from the time that the notice was given.

4.8 Time restrictions

- (1) A person must not stop or park a vehicle in a parking station –
 - (a) except during the period stated on the sign referable to the parking station during which stopping or parking is permitted; or
 - (b) for longer than the maximum period permitted for continuous parking of a vehicle in the parking station, as stated on a sign referable to the parking station unless –
 - (i) clause 0 applies; or
 - (ii) the vehicle displays a disability parking permit, and the person with the disability is either the driver or the passenger, in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code.
- (2) Where parking of vehicles in a parking station is permitted for a limited time, a person must not move a vehicle within, or return to, the parking station so that the total time of parking the vehicle exceeds the maximum time

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permitted, unless the vehicle has first been removed from the parking station for at least 2 hours.

4.9 Entering and exiting

A person must not, in a vehicle, enter or exit a parking station other than through an authorised entry or exit designated as such by a sign.

4.10 Locking of a parking station

At the expiration of the hours of operation of a parking station, whether or not any vehicle remains parked in the parking station, an authorised person may lock the parking station or otherwise prevent the movement of any vehicle into, within or from the parking station.

4.11 Stopping and parking restrictions

A person must not stop or park a vehicle in a parking station –

- (a) so as to obstruct an entrance or exit, or any area intended for the movement of vehicles or pedestrians through the parking station; or
- (b) so that any portion of the vehicle is on or over a footpath or place of refuge for pedestrians.

4.12 Behaviour in a parking station

A person must not –

- (a) remain in a parking station after having been required to leave by a police officer or an authorised person;
- (b) loiter in a parking station;
- (c) drive a vehicle in a parking station -
- (d) in a direction other than the direction indicated by a sign; or
- (e) at a speed that is in excess of the speed limit as indicated by a sign;
- (f) ride on, drive or be carried on a bicycle, tricycle, skateboard, roller-skate, rollerblade or other wheeled thing, other than a licensed vehicle or wheelchair, within a parking station; or
- (g) unless permitted by the CEO or an authorised person, sell, offer to sell or provide (whether or not for any consideration) any goods or services in a parking station.

4.13 Special event parking

- (1) In this clause, special event means a function or activity characterised by all or any of the following—
 - (a) formal organisation and preparation;

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- (b) its occurrence is generally advertised or notified in writing to particular persons;
 - (c) organisation by or on behalf of a club or a body corporate;
 - (d) payment of a fee to attend; and
 - (e) systematic recurrence in relation to the day, time and place.
- (2) The local government may —
- (a) by giving local public notice and the use of a sign:
 - (i) *set aside, for a period not exceeding 4 weeks, parking facilities for the parking of vehicles by those attending a special event; or*
 - (ii) *establish additional parking facilities on a reserve or local government property, for a period not exceeding 4 weeks, for the parking of vehicles by those attending a special event.*
 - (b) by resolution of council and by giving a minimum of 4 weeks local public notice, and the use of a sign:
 - (i) *set aside parking facilities for a period exceeding 4 weeks for the parking of vehicles by those attending a special event; or*
 - (ii) *establish additional parking facilities on a reserve or local government property, for a period exceeding 4 weeks, for the parking of vehicles by those attending a special event.*
- (3) A person must not stop or park a vehicle—
- (a) in a parking station set aside under subclause (2) during the period for which it is set aside; or
 - (b) on a reserve or local government property established as a parking facility under subclause (2) during the period for which it is established,
 - (c) unless a permit obtained from the local government with respect to the special event is—
 - (d) in the case of a printed permit, 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 is stopped or parked in the parking station; or
 - (e) in the case of an electronic permit, the person (using the parking app) has obtained notification that the required fee has been paid or that the permit has been issued.

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PART 5 - STOPPING AND PARKING GENERALLY

Division 1 – Parking facilities and other thoroughfares

5.1 Contrary to signs

- (1) A person must not stop or park a vehicle in a parking facility –
 - (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;
 - (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) for more than the maximum time specified by a sign unless –
 - (i) clause 0 applies; or
 - (ii) the vehicle displays a disability parking permit, and the person with the disability is either the driver or the passenger, in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;
 - (e) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked; or
 - (f) that is designated by a sign as a loading dock – unless, in respect of the vehicle, a person is actively engaged in loading or unloading goods or materials used in any trade, business, industry or other work.
- (2) Unless permitted by an authorised person, a person must not stop or park a vehicle, otherwise than in an authorised vehicle, in an area designated by a sign stating, 'Authorised Vehicles Only'.
- (3) A person must not stop or park a vehicle in an area designated by a sign as a reserved area unless –
 - (a) in accordance with a permit; and
 - (b) in the case of a permit that is issued as a printed permit – the 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 is stopped or parked in the area; and
 - (c) in the case of a permit that is issued as an electronic permit – the person (using the parking app) has obtained notification that the required fee has been paid or that the permit has been issued.

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5.2 Other prohibitions

- (1) A person must not stop or park a vehicle –
 - (a) in a no stopping area;
 - (b) at the side of a carriageway marked with a continuous yellow edged line;
 - (c) in an area of a carriageway signed or marked with a keep clear marking;
 - (d) in a stall marked 'M/C' unless it is a motorcycle;
 - (e) in a bus lane or bus way;
 - (f) in a transit lane;
 - (g) in a truck lane; or
 - (h) in a bicycle lane or on a bicycle path.
- (2) A person must not park a vehicle in a no parking area, unless the driver –
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) within 2 minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.
- (3) A person must not park a vehicle on any portion of a road or within a parking station –
 - (a) for the purpose of exposing the vehicle for sale;
 - (b) if the vehicle is not licensed under the *Road Traffic (Vehicles) Act 2012* or a corresponding law of another State or Territory or of the Commonwealth;
 - (c) if the vehicle is a trailer unattached to a motor vehicle; or
 - (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the road or parking station.

5.3 Parking stalls

- (1) A person must not stop or park a vehicle other than wholly within a parking stall – unless the vehicle is too wide or too long to fit completely within a single stall, in which case it must be parked within the minimum number of stalls needed to park it.
- (2) A person must not stop or park, or attempt to stop or park, a vehicle in a parking stall in which another vehicle is stopped or parked.

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- (3) A person must not stop or park a bicycle in a parking stall.

5.4 Double parking

- (1) Subject to subclause (2), a person must not stop or park a vehicle on a road so that any portion of the vehicle is between any other stationary vehicle and the centre of the carriageway of that road.
- (2) Subclause (1) does not apply to –
 - (a) a person who parks a motorcycle in a bay marked “M/C”; or
 - (b) a person who stops or parks a vehicle in a parking stall or metered stall abreast of or alongside another vehicle.

5.5 Stopping or parking on a carriageway

A person stopping or parking a vehicle on a carriageway must stop or 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 road on which the vehicle is stopped or parked;
- (b) in the case of a one-way carriageway - so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway; and
- (d) so that it does not obstruct any vehicle on the carriageway.

5.6 Movement of vehicles to avoid time limitation

Where parking of vehicles in a thoroughfare or reserve is permitted for a limited time, a person must not move a vehicle along, or return to, that thoroughfare so that the total time of parking the vehicle exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least 2 hours.

5.7 Heavy and long vehicles

- (1) A person must 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 more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes –

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- (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;
- (b) on a carriageway outside a built-up area, except –
 - (i) on the shoulder of the carriageway; or
 - (ii) in a truck bay or other area set aside for the parking of commercial vehicles; or
 - (iii) in a parking station or on a reserve, except in a truck bay or other area set aside for the parking of commercial vehicles.
- (2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

5.8 Construction site

- (1) In this clause, unless the context otherwise requires –
 - builder** has the meaning given in the *Building Regulations 2012*;
 - construction site** means any land subject to development;
 - construction site vehicle** means a vehicle connected to an approved work zone;
 - daily fee** means the daily fee determined by the local government;
 - development** means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;
 - eligible person** means an owner or occupier of a construction site or a builder carrying out work on a construction site;
 - establishment fee** means the fee determined by the local government; and
 - work zone** means a road or part of a road, whether or not marked as a metered stall, parking stall or fee paying zone, that is set aside by the local government by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.
- (2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the CEO who may approve or refuse the application.
- (3) Where the CEO approves an application, the CEO is to give the applicant a written notice specifying –
 - (a) the number and location of work zones the applicant may use;
 - (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone;

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- (c) the period for which the approval is valid;
 - (d) any conditions to which the approval of the local government is subject;
and
 - (e) the amount of the establishment fee.
- (4) The CEO is to set aside a work zone in accordance with the notice referred to in subclause (3) within 14 days from the date of payment of the establishment fee.
- (5) An eligible person must, in addition to the establishment fee, pay to the local government a daily fee for each day that a work zone is set aside.
- (6) The daily fee is payable monthly in advance.
- (7) Where the CEO has approved an application to establish a work zone adjacent to a construction site, the CEO may cancel its approval by written notice to the applicant if –
- (a) the applicant, or any person authorised by the applicant to use the work zone, stops or parks a vehicle other than in accordance with –
 - (i) a condition specified in the notice issued to the applicant under subclause (3); or
 - (ii) a sign applicable to the work zone;
 - (b) the applicant fails to pay the daily fee as required under subclauses (5) and (6); or
 - (c) the local government or an authorised person requires access to or near the place where the work zone is situated, for the purpose of carrying out works in or near that place.
- (8) A person must not stop or park a vehicle in a work zone unless the vehicle is –
- (a) a construction site vehicle; or
 - (b) permitted to stop in the work zone in accordance with this local law.

5.9 Obstruction generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking stall or metered stall.
- (2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is –

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- (a) on a road and causes an obstruction on the road - unless it is a public bus stopping in a bus zone;
- (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
- (c) on an intersection, subject to paragraphs (d) and (e);
- (d) on a carriageway or verge within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals - unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
- (e) on a carriageway or verge within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked, unless-
 - (i) the vehicle stops or parks at a place on a carriageway, or in an area, to which a parking control sign applies, or the vehicle is otherwise permitted to stop or park at that place under this local law; or
 - (ii) the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
- (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;
- (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway - if the vehicle would obstruct traffic;
- (h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign;
- (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines;
- (j) between a single continuous longitudinal line or a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line - unless there is a distance of at least 3 metres clear between the vehicle and the continuous line; or
- (k) within the head of a cul-de-sac.

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Division 2 – Stopping or parking in particular areas

5.10 Loading zone

- (1) A person must not stop or park a vehicle in a loading zone unless –
 - (a) the vehicle is a commercial vehicle, or an authorised vehicle and a person is continuously engaged in loading or unloading goods to or from that vehicle; or
 - (b) in respect of any other vehicle – only while taking up or setting down passengers.
- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign or, if no time is indicated on the sign, for longer than 30 minutes, unless authorised by an authorised person.

5.11 Taxi zone

- (1) A person must not stop a vehicle in a taxi zone unless the person is driving a taxi.
- (2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

5.12 Charter vehicle zone

- (1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.
- (2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for no more than –
 - (a) 15 minutes - if the charter vehicle has 12 or more seats including the driver; or
 - (b) 5 minutes - if the charter vehicle has less than 12 seats including the driver.
- (3) If subclause (2)(b) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

5.13 Shared zone

- (1) A person must not stop or park a vehicle in a shared zone unless the vehicle –
 - (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies, and the vehicle is permitted to stop at that place under this local law;
 - (b) stops in a parking stall and the vehicle is permitted to stop in the parking stall under this local law;

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- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

5.14 Pedestrian mall

A person must not stop or park a vehicle in a pedestrian mall unless the vehicle –

- (a) is, and is being used as, an emergency vehicle;
- (b) is, and is being used as, a special purpose vehicle;
- (c) is stopped or parked in accordance with a written authorisation by the CEO or an authorised person; or
- (d) is a service vehicle which –
 - (i) is in a service zone;
 - (ii) is in the pedestrian mall during a period when service vehicles are permitted;
 - (iii) is continuously being loaded or unloaded; and
 - (iv) is stopped or parked for a continuous period of less than 30 minutes or otherwise in accordance with a sign that applies to the service zone.

5.15 Bus stop and pedestrian, children and train crossings

- (1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 10 metres of the departure side of –
 - (a) a bus embayment or a bus zone unless the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) a pedestrian crossing or children’s crossing.
- (2) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 metres of –
 - (a) the approach side of a bus embayment or a bus zone, unless the vehicle is a public bus stop to take up or set down passengers;
 - (b) the approach side of a pedestrian crossing or children’s crossing; or
 - (c) the approach side or departure side of a railway crossing.
- (3) A person must not stop or park a vehicle in a bus zone unless the person is driving a public bus, or a bus of a type that is permitted by a bus zone sign applying to the bus zone to stop at the bus zone.
- (4) This clause does not apply if –

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- (a) the vehicle is stopped or parked in a marked stall;
- (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
- (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

5.16 Fire hydrant or public letter box

- (1) A person must not stop or park a vehicle on a road, otherwise than in a metered stall or parking stall, 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 person is driving a public bus that stops in a bus embayment or bus zone and is not left unattended; or
 - (b) the person is driving a taxi that stops in a taxi zone and the taxi is not left unattended.
- (2) A person must not stop or park a vehicle within 3 metres of a public letter box unless the person -
 - (a) is dropping off, or picking up, passengers or mail; or
 - (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies, and the driver is permitted to stop at that place under the Code.

5.17 Median strips and traffic islands

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

5.18 Verges

- (1) In this clause, long or heavy vehicle means a vehicle that -
 - (a) is more than 6.5m long;
 - (b) is more than 2.2m wide;
 - (c) is more than 2.4m high; or
 - (d) exceeds a GVM of 3.5 tonnes.
- (2) A person must not -
 - (a) stop or park a bus on any part of any verge;
 - (b) stop or park a long or heavy vehicle on any part of any verge - unless subclause (3) or subclause (4) applies; or

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- (c) stop or park a vehicle (except for a bus, a long or heavy vehicle, or a bicycle) –
 - (i) on a verge that is adjacent to a grouped or multiple dwelling; or
 - (ii) on a verge that is not adjacent to a grouped or multiple dwelling unless the person –
 - (A) is the owner or occupier of the premises adjacent to the verge; or
 - (B) is authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge.
- (3) A person may stop or park a long or heavy vehicle on any part of any verge while the vehicle is being loaded or unloaded, with reasonable expedition, with goods or materials collected from or delivered to the premises adjacent to the portion of the verge on which the vehicle is parked, provided that no obstruction is caused to the passage of any vehicle or person using a carriageway, driveway or footpath.
- (4) A person may stop or park a long or heavy vehicle on a verge provided that –
 - (a) the vehicle does not exceed a GVM of 4.5 tonnes;
 - (b) the verge is not adjacent to a grouped or multiple dwelling;
 - (c) the person stopping or parking the vehicle –
 - (i) is the owner or occupier of the premises adjacent to the verge; or
 - (ii) is authorised by the occupier of those premises to stop or park the vehicle on the verge;
 - (d) no part of the vehicle is less than 1.5m from the nearest kerb; and
 - (e) no obstruction is caused to the passage of any vehicle or person using a carriageway, driveway or footpath.

5.19 Driveways

A person must not stop or park a vehicle on or across a driveway or other way of access for a vehicle travelling to or from land adjacent to a thoroughfare - unless the person is immediately dropping off or picking up passengers.

5.20 Reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve, other than an area specifically set aside for that purpose, unless the person –

- (a) is an employee of the local government in the course of their functions;

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- (b) is an authorised person; or
- (c) has obtained the permission of the CEO or an authorised person.

5.21 Parking on private land

- (1) In this clause a reference to land does not include land that –
 - (a) belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*; and
 - (c) is an 'otherwise unvested facility' within section 3.53 of the Act;
 - (d) is the subject of an agreement referred to in clause 1.4(3); or
 - (e) is determined by the local government to be a parking station under the care, control and management of the local government.
- (2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

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PART 6 - PARKING PERMITS

Division 1 – General provisions

6.1 Application of this Part

- (1) This Part applies to –
 - (a) residential parking permits;
 - (b) temporary residential parking permits;
 - (c) multi-purpose parking permits; and
 - (d) other classes of parking permits, if any, determined under clause 0.

6.2 Classes of parking permits

- (1) The Council may determine –
 - (a) classes of parking permits, in addition to residential parking permits, temporary residential parking permits and multi-purpose parking permits; and
 - (b) the eligibility criteria for each class of parking permit.

6.3 Application for a permit

- (1) An application for a parking permit (other than a temporary residential parking permit) must –
 - (a) be in the form determined by the local government;
 - (b) provide the information required by the form;
 - (c) contain any other information required, for that class of permit under this local law;
 - (d) be signed by the applicant or, in the case of an electronic application, include an electronic acceptance of the application conditions; and
 - (e) be forwarded to the local government together with any fee determined and imposed under the Act.
- (2) The CEO or an authorised person may require an applicant to provide additional information reasonably related to their application.
- (3) The CEO may refuse to consider an application that is not in accordance with subclause (1) or where the applicant has not provided the additional information required under subclause (2).

6.4 Decision on application for a permit

- (1) The CEO or an authorised person may –

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- (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If an application for a permit is approved, the CEO or an authorised person is to issue to the applicant, in the form determined by the CEO, a permit that may be printed or electronic.
- (3) If an application for a permit is refused, the CEO or an authorised person is to give notice of that refusal to the applicant.

6.5 Compliance with and variation of conditions

- (1) Where a permit has been issued subject to conditions, the permit holder must comply with each of the conditions.
- (2) The CEO or an authorised person may vary the conditions of a permit, and the permit holder must comply with those conditions as varied.

6.6 Validity of a permit

- (1) A parking permit ceases to be valid on –
 - (a) the expiry of any time or period specified in the permit;
 - (b) the holder of the permit ceasing to be eligible;
 - (c) the cancellation of the permit under clause 0; or
 - (d) the replacement of the permit by a new permit issued under clause 0.
- (2) Where a permit ceases to be valid, the permit holder must immediately –
 - (a) cease to use the permit;
 - (b) in the case where the permit holder has ceased to be eligible – notify the local government in writing when and why the permit holder ceased to be eligible;
 - (c) in the case of a permit affixed to a vehicle – remove it from the vehicle and return it to the local government; and
 - (d) in the case of a written permit – return it to the local government.

6.7 Renewal of a permit

- (1) A permit holder may apply to the local government in writing prior to the expiry of a permit for the renewal of the permit.
- (2) The provisions of this Part and any other provision of this local law relevant to the permit that is to be renewed apply, with appropriate modifications, to an application for the renewal of the permit.

6.8 Permit not transferable

A parking permit is not transferable.

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6.9 Cancellation of a permit

- (1) A permit may be cancelled by the CEO if the permit holder has not complied with –
 - (a) a condition of the permit; or
 - (b) a provision of any written law which may relate to the activity regulated by the permit.
- (2) If a permit is cancelled, the permit holder –
 - (a) must, in the case of a written permit, return the permit to the local government as soon as practicable; and
 - (b) is taken to have forfeited any fees paid in respect of the permit.

6.10 Replacement of a permit

The CEO or an authorised person may issue a replacement permit where an application is made and is accompanied by supporting documentation and the appropriate fee, if any, determined and imposed by the local government under the Act.

6.11 Exemption for permit holders

- (1) The holder of a valid parking permit is exempt from a prohibition against the stopping or parking of vehicles on any part of a road for more than a specified period.
- (2) The exemption under subclause (1) applies only –
 - (a) to the part of the road specified in the permit;
 - (b) where the permit specifies a particular vehicle - to the vehicle specified in the permit;
 - (c) in accordance with the terms and conditions of the permit; and
 - (d) if the permit, if printed, is displayed in the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the permit relates.
- (3) The exemption under subclause (1) does not apply during any period during which the stopping or parking of vehicles is prohibited on the road, or the part of the road, specified in the permit.

6.12 Use of counterfeit or altered parking permit

A person must not –

- (a) use or display in a vehicle, a parking permit that has in any way been counterfeited, altered, obliterated or interfered with; or

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- (b) produce to an authorised person a parking permit that has been counterfeited, altered, obliterated or interfered with.

6.13 Objection and appeal rights

A person adversely affected by a decision relating to a permit made under this Part, including a decision to refuse to approve an application for a permit or to cancel a permit, may be entitled to object or appeal against the decision under Part 9, Division 1 of the Act.

Division 2 – Residential and multi-purpose parking permits

6.14 Terms used

In this Division –

applicant means an applicant for a residential parking permit or a multi-purpose parking permit under this Division;

Eligibility Table means the table specified in clause 6.167;

residential complex means a group of 9 or more residential units with a common driveway or accessway;

residential unit means premises, other than a single house, lawfully used for self contained living quarters; and

single house means premises constructed on its own and lawfully used for self contained living quarters.

6.15 Eligibility

- (1) Subject to clause 0, to be eligible for a residential parking permit or a multi-purpose parking permit, an applicant must be –
 - (a) the owner or occupier of a single house or residential unit –
 - (i) that is not in a residential complex;
 - (ii) that has not had renovations carried out after January 1993 which have affected the parking availability on the property;
 - (iii) in respect of which there is no adequate off-road parking on the site;
 - (iv) that, in respect of a single house, is adjacent to a part of a road (not being a road described in subclause (2)) on which the stopping or parking of vehicles is prohibited for more than a specified period; and
 - (v) that, in respect of a residential unit, is part of a building that is adjacent to a part of a road (not being a road described in subclause (2)) on which the stopping or parking of vehicles is prohibited for more than a specified period; and

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- (b) either the holder of a vehicle that is licensed in their name at the address shown on the application, or the permitted user of a work vehicle that is certified by an employer or principal as being the vehicle assigned to them and, in either case, where the vehicle –
 - (i) is not a caravan, motor home or trailer; and
 - (ii) is not a commercial vehicle that exceeds 7.5m in length or 4.5 tonnes gross vehicle mass.
- (2) A multi-purpose parking permit cannot be issued to a person whose place of residence is on a parcel of land that has a common boundary with a road that has adjacent to that boundary, or part of it, a fee paying zone.

6.16 Restrictions on numbers of permits

- (1) In respect of a single house or residential unit, the maximum numbers of residential parking permits and/or multi-purpose parking permits that can be issued are set out in the Eligibility Table.
- (2) The CEO or an authorised person may restrict the number of residential parking permits or multi-purpose parking permits that can be issued in respect of a particular road or a particular area.

6.17 Eligibility Table

The Eligibility Table is –

Number of parking bays on site	Number of vehicles registered to the residential address	Maximum number of permits that can be issued
Nil	Nil	1 multi-purpose parking permit
	1	1 residential parking permit 1 multi-purpose parking permit
	2 or more	2 residential parking permits 1 multi-purpose parking permit
1	Nil	nil

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	1	1 multi-purpose parking permit
	2 or more	1 residential parking permit 1 multi-purpose parking permit
2	Nil	nil
	1	nil
	2 or more	1 multi-purpose parking permit

6.18 Temporary parking permits

- (1) After receipt of an application for a residential parking permit (under clause 0) and before its determination, the CEO or an authorised person may issue to the applicant in the form of one or more temporary residential parking permits, the number of residential parking permits that would be issued to the applicant, in accordance with the Eligibility Table, if their application were to be successful.
- (2) A temporary residential parking permit issued under this clause is to be for the period, not exceeding 6 months, that the CEO considers is appropriate to enable the application to be determined.

6.19 Power to override eligibility requirements

If an applicant -

- (a) has made an application for a residential parking permit or a multi-purpose parking permit under this Part;
- (b) is not eligible for a residential parking permit or a multi-purpose parking permit under any one or more of the provisions of clause (1); and
- (c) submits in writing to the CEO reasons why the applicant would be issued with a permit,

the CEO, if he or she considers that the reasons warrant the issue of a permit, may issue to the applicant a residential parking permit or multi-purpose parking permit in accordance with the Eligibility Table.

PART 7 - MISCELLANEOUS

7.1 Powers of an authorised person

- (1) An authorised person may, for a purpose connected with their functions -

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- (a) mark the tyres of a vehicle parked in a parking facility with chalk or other non-indelible substance;
 - (b) take a valve stem reading of a vehicle;
 - (c) record a vehicle registration number;
 - (d) photograph a vehicle or anything in or on it; or
 - (e) affix to a vehicle any notice.
- (2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.
- (3) No offence under this local law is committed by an authorised person while carrying out their functions.

7.2 Impersonating an authorised person

A person who is not an authorised person must not impersonate or purport to exercise the functions of an authorised person.

7.3 Obstructing an authorised person

A person must not obstruct or hinder an authorised person in the execution of their functions.

7.4 Use of fee paying machines

- (1) A person must not insert into a fee paying machine anything other than the designations of coin or bank note or other form of permitted payment indicated by a sign on the fee paying machine.
- (2) A person must not operate a fee paying machine except in accordance with the operating instructions on the fee paying machine.

7.5 Removal of notices on vehicle

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

7.6 Unauthorised signs and defacing of signs

A person must not, without the authority of the CEO or an authorised person

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, erected, set up or displayed by the local government under this local law;
- (b) remove, deface or misuse a sign, or property that is marked, erected, set up or displayed by the local government under this local law; or

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- (c) affix a board, sign, placard, notice or other thing to, or paint or write on, any part of a sign that is marked, erected, set up or displayed by the local government under this local law.

7.7 Signs must be complied with

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

7.8 General provisions about signs

- (1) A sign that is marked, erected, set up or displayed on or near a thoroughfare is, in the absence of evidence to the contrary, presumed to be a sign that is marked, erected, set up or displayed under this local law.
- (2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

7.9 Damage to local government property

A person must not damage or interfere with, or obstruct the operation of, a fee paying machine or any local government property used in, or in connection with, a parking facility.

7.10 Special purpose, emergency and vehicles driven by authorised persons

Despite anything to the contrary in this local law -

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

7.11 Vehicles not to obstruct a public place

Unless permitted under this local law, or unless authorised under any other written law, a person must not leave a vehicle, or any part of a vehicle, in a public place if it -

- (a) obstructs the use of any part of the public place; or
- (b) appears to an authorised person to have been abandoned, having regard to factors such as -

City of Fremantle consolidated Parking Local Law 2021



- (i) whether there are any number plates on the vehicle;
- (ii) the extent of any damage to the vehicle;
- (iii) whether the vehicle has been in the same position for more than 24 hours; and
- (iv) whether the vehicle appears to be inoperable.

7.12 Direction to move vehicle

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after being directed by an authorised person or a police officer to move the vehicle.

7.13 Urgent, essential or official functions

- (1) Where –
 - (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
 - (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility, the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.
- (2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.
- (3) Permission given under subclause (1) may –
 - (a) allow 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 an authorised person.
- (4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

City of Fremantle consolidated Parking Local Law 2021



PART 8 - ENFORCEMENT

8.1 Legal proceedings

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

8.2 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is to be liable, on conviction, to a penalty not less than \$250 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.3 Form of notices

For the purposes of this local law -

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

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SCHEDULE 1 - PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of offence	Modified penalty
1.	3.2(2)	Failure to pay fee in a fee paying zone	60
2.	3.4(a)	Parking when meter has expired	60
3.	3.4(b)	Parking in excess of maximum period shown on metered stall	60
4.	3.5	Parking contrary to a meter hood	60
5.	3.6(1)	Failure to display ticket in fee paying zone	60
6.	3.7/4.5	Displaying a ticket that is altered or is otherwise non-compliant	80
7.	3.8(1)	Parking in excess of maximum period in fee paying zone	60
8.	3.8(2), 4.8(2) or 5.6	Moving vehicle to avoid time limitation	60
9.	3.9(1)(a)	Failure to park wholly within metered bay	80
10.	3.9(2)	Failure to park wholly within metered zone	80
11.	3.10	Parking or attempting to park a vehicle in a metered stall occupied by another vehicle	60
12.	3.11	Failure to comply with free parking period restriction	60
13.	4.1	Entering a parking station without permission	80
14.	4.2	Failure to pay parking station fee	60
15.	4.4	Failure to display ticket in parking station	60
16.	4.7	Leaving without paying parking station fee	80
17.	4.8(1)	Parking in excess of maximum period in a parking station	60
18.	4.11(a)	Causing obstruction in parking station	80
19.	4.12(a)	Remaining in a parking station after being required to leave	80
20.	4.12(b)	Loitering in a parking station	80
21.	4.12(c)	Driving in a parking station contrary to a sign	80

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Item No.	Clause No.	Nature of offence	Modified penalty
22.	4.12(d)	Using a wheeled thing, other than a licenced vehicle or wheelchair, in a parking station	80
23.	4.12(e)	Engaging in unauthorised activities in a parking station	80
24.	5.1(1)(a)	Parking wrong class of vehicle	65
25.	5.1(1)(b)	Parking by persons of a different class	65
26.	5.1(1)(c)	Parking during prohibited period	80
27.	5.1(1)(d)	Parking vehicle in excess of maximum time	60
28.	5.1(1)(e)	Parking or stopping contrary to sign	60
29.	5.1(2)	Parking without permission in an area designated for 'Authorised Vehicles Only'	80
30.	5.1(3)	Stopping without permission in a reserved area	80
31.	5.2(1)(a)	Stopping or parking in a no stopping area	80
32.	5.2(1)(b)	Stopping alongside continuous yellow lines	80
33.	5.2(1)(c)	Stopping or parking contrary to keep clear marking	80
34.	5.2(1)(d)	Parking or stopping vehicle in motorcycle only area	80
35.	5.2(1)(e)	Parking in a bus lane	150
36.	5.2(1)(h)	Stopping in a bicycle lane	150
37.	5.2(2)	Stopping or parking in a no parking area	80
38.	5.2(3)(a)	Parking in thoroughfare for purpose of sale	65
39.	5.2(3)(b)	Parking unlicensed vehicle in thoroughfare	65
40.	5.2(3)(c)	Parking a trailer on a thoroughfare	65
41.	5.2(3)(d)	Parking in thoroughfare for purpose of repairs	65
42.	5.3(1)	Failure to park wholly within parking stall	80
43.	5.3(2)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	65
44.	5.3(3)	Stopping or parking a bicycle in a parking stall	65
45.	5.4	Double parking	150
46.	(a)	Failure to park on the left of two-way carriageway	65
47.	5.5(a) or 5.5(b)	Parking against the flow of traffic	65

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Item No.	Clause No.	Nature of offence	Modified penalty
48.	5.5(b)	Failure to park on boundary of one-way carriageway	80
49.	5.5(c)	Parking when distance from farther boundary less than 3 metres	80
50.	5.5(d)	Causing obstruction on carriageway	80
51.	5.7(1)	Parking heavy or long vehicle on carriageway	80
52.	5.9(3)(a)	Stopping or parking a vehicle causing an obstruction on a road	150
53.	5.9(3)(b)	Stopping or parking a vehicle causing an obstruction in a parking facility	80
54.	5.9(3)(c)	Stopping or parking a vehicle on an intersection	150
55.	5.9(3)(d)	Stopping or parking a vehicle within 20 metres of an intersection with traffic control signals	80
56.	5.9(3)(e)	Stopping or parking a vehicle within 10 metres of an intersection	80
57.	5.9(3)(f)	Stopping or parking a vehicle on a prohibited place	80
58.	5.9(3)(g)	Stopping or parking a vehicle near works	60
59.	5.9(3)(h)	Stopping or parking a vehicle on a bridge, tunnel or underpass	80
60.	5.9(3)(i)	Stopping or parking a vehicle where double lines	80
61.	5.9(3)(j)	Stopping or parking a vehicle where single line	80
62.	5.9(3)(k)	Stopping or parking a vehicle within the head of a cul-de-sac	65
63.	5.10(1)	Stopping or parking an unauthorised vehicle in a loading zone	65
64.	5.10(2)	Stopping or parking a vehicle in a loading zone in excess of maximum period	65
65.	5.11(1)	Stopping a vehicle, other than a taxi, in a taxi zone	65
66.	5.11(2)	Leaving a taxi unattended in a taxi zone	65
67.	5.12(1)	Stopping or parking a vehicle, other than a charter vehicle, in a charter vehicle zone	65
68.	5.12(2)	Stopping or parking in a charter vehicle zone for longer than the maximum period	65

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Item No.	Clause No.	Nature of offence	Modified penalty
69.	5.12(3)	Leaving a charter vehicle unattended in a charter vehicle zone	65
70.	5.13	Stopping or parking a vehicle in a shared zone	65
71.	5.14	Stopping or parking a vehicle in a pedestrian mall	65
72.	5.15(1)	Stopping or parking a vehicle within 10 metres of the departure side of a bus bay or crossing	65
73.	5.15(2)	Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus zone or crossing	65
74.	5.15(3)	Stopping or parking a vehicle, other than a permitted bus, in a bus zone	65
75.	5.16(1)	Parking within 1 meter of fire hydrant or plug	65
76.	5.16(2)	Parking within 3 metres of public letter box	65
77.	5.17	Parking on a median strip/traffic island	80
78.	5.18	Stopping on verge	80
79.	5.19	Parking on a driveway	80
80.	5.20	Driving or parking on reserve	150
81.	5.21(2)	Parking on land that is not a parking facility without consent	150
82.	5.21(3)	Parking on land not in accordance with consent	65
83.	6.12(a)	Using a counterfeited or altered parking permit	150
84.	7.1(2)	Removing mark of authorised person	150
85.	7.3	Obstructing or hindering an authorised person	250
86.	7.4(1)	Non-permitted insertion in ticket issuing machine	80
87.	7.6(a)	Marking, setting up or exhibiting a sign	250
88.	7.6(b)	Removing, defacing or misusing a sign	250
89.	7.6(c)	Defacing a sign	250
90.	7.9	Damage to local government property	250
91.	7.11	Leaving vehicle so as to obstruct a public place	150
92.	7.12	Parking contrary to directions of authorised person	250
93.		All other offences not specified	65

City of Fremantle consolidated Parking Local Law 2021



SCHEDULE 2 – INFRINGEMENTS NOTICE FORMS

[Clause 8.3]

FORM 1

PARKING LOCAL LAW 2021

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle:

make: ;

model: ;

registration: ,

was involved in the commission of the following offence -

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

contrary to clause of the Parking Local Law 2021.

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

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

- (a) within 28 days after being served with this notice;
 - (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

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(b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5)

(6)

Insert:

- (1) Name of 'owner' (as defined in the *Parking Local Law 2021*)
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorised person
- (6) Name and title of authorised person giving notice

City of Fremantle consolidated Parking Local Law 2021



**FORM 2
PARKING LOCAL LAW 2021
INFRINGEMENT NOTICE**

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4)

in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence:

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

contrary to clause of the Parking Local Law 2021.

The modified penalty for the offence is \$

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

If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted, or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken –

your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately.

(6)

(7)

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Insert:

- (1) Name of alleged offender or 'owner' (as defined in the *Parking Local Law 2021*)
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

City of Fremantle consolidated Parking Local Law 2021



**FORM 3
PARKING LOCAL LAW 2021
INFRINGEMENT NOTICE**

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4)

in respect of vehicle:

make: ;

model: ;

registration: ,

you committed the following offence:

.....
.....

contrary to clause of the Parking Local Law 2021.

The modified penalty for the offence is \$

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

Unless within 28 days after being served with this notice:

(a) you pay the modified penalty; or

(b) you:

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

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

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

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If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted, or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken –

your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately.

(6)

(7)

Insert:

- (1) Name of ‘owner’ (as defined in the *Parking Local Law 2021*)
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

City of Fremantle consolidated Parking Local Law 2021



**FORM 4
PARKING LOCAL LAW 2021
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' (as defined in the *Parking Local Law 2021*).

(2) Address of alleged offender.

(3) Signature of authorised person

(4) Name and title of authorised person giving notice

LOCAL GOVERNMENT ACT 1995

CITY OF FREMANTLE

PREVENTION AND ABATEMENT OF SAND DRIFT LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and by all other powers, the Council of Fremantle resolved to make the following Local Law on the 16th day of September 2002.

Amended gazetted 04.10.2005 (amended at Ordinary Meeting of Council 24.08.2005)

PART 1 – DEFINITION AND OPERATION

Operation

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

Interpretation

2. (a) In this Local Law, unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“district” means the district of the City of Fremantle and includes any area placed under the jurisdiction of the Council pursuant to any Act or Regulation;

“Council” means the City of Fremantle;

“land” includes any building or other structure on the land;

“occupier” includes any person who, at the time the notice is served, is in control of any place or part of any place or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place to perform any work in relation to any place and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor;

“sand” means any granular or particulate material consisting of small eroded fragments of rocks finer than gravel, and includes dust and organic matter;

- (b) Where in this Local Law a duty, obligation or liability is imposed on an “owner or occupier” the duty shall be deemed to be imposed jointly and severally on every owner and occupier.

- (c) Where, under this Local Law, an act is required to be done or forbidden to be done in relation to any land, the owner or occupier of the land has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.
- (d) Where this Local Law refers to the giving of a notice, other than the giving of an infringement notice, no particular form is prescribed and it will be sufficient that the notice be in writing giving sufficient details to enable the owner or occupier to know the offence committed and the measures required to be taken or conditions to be complied with, as the case may be.

PART 2 – APPLICATION OF LOCAL LAW

- 3. This Local Law applies to all land in the district.

PART 3 – PROHIBITED ACTIVITIES

- 4. An owner or occupier of land must take effective measures to:
 - (a) stabilise sand on such land; and
 - (b) ensure no sand is released or escapes from the land whether by means of wind, water or any other cause.

- 5. (1) Where the Council forms the opinion that:
 - (a) an owner or occupier has not complied with sub-section 4(a); or
 - (b) sand has escaped from land and is such as to cause a nuisance, risk to health, hazard or environmental damage,

the Council may serve on the owner or occupier of the land a notice requiring the owner or occupier to:

- (c) comply with sub-section 4(a); or
 - (d) clean up and make good any damage resulting from the release or escape; and
 - (e) take effective measures to stop any further release or escape of sand.
- (2) The requirements set out in a notice issued under sub-section 5(1) must be complied with by the time or date specified in the notice.

6. Where the Council is of the opinion that, as a result of an activity being carried on, or likely to be carried on from any land, sand may be released or escape, the Council may give to the owner or occupier a notice providing that the activity can only be carried on subject to conditions and specifying the conditions.
7. Where an owner or occupier:
 - (a) fails to comply with a notice issued pursuant to section 5;
or
 - (b) fails to comply with any conditions specified in a notice issued pursuant to section 6,the Council may undertake or cause to be undertaken the requirement not complied with.
8.
 - (a) Where the Council proposes to undertake or cause to be undertaken any work pursuant to section 7, it shall give to the owner or occupier of the land written notice at least 24 hours prior specifying the purpose for which entry is required with such entry made at a reasonable time.
 - (b) Where Council undertakes or causes to be undertaken any work pursuant to section 7, it shall give to the owner or occupier of the land written notice of the amount expended by the Council in carrying out that work.
 - (c) The amount specified in the notice must be paid to Council within 14 days of the service of the notice.
 - (d) If the amount specified is not paid to the Council within 14 days from the giving of the notice, the Council may recover it, as well as the costs of proceedings, and interest thereof, in a court of competent jurisdiction.

PART 4 – MISCELLANEOUS

9. Where a notice is given to the owner or occupier of any land and the owner or occupier satisfies the Council within 14 days from the date of the giving of the notice that:
 - (a) it was not responsible for the conduct in respect of which the notice was given pursuant to section 5, or the activity in respect of which conditions were imposed pursuant to section 6 as the case may be; and
 - (b) it took all reasonable precautions to prevent the conduct or all reasonable steps to comply with, or cause the conditions to be complied with, as the case may be; and

- (c) where another person was responsible for the conduct, it identifies the person responsible for the conduct sufficiently to enable the notice to be issued to that person;
- the Council may cancel the notice.
10. The Council may delegate any of its powers, functions and duties under this Local Law to an authorised person.
11. (a) A person who:
- (i) fails to comply with a notice given under section 5, or;
 - (ii) carries on an activity without complying with a notice given under section 6,
- commits an offence, in respect of which the Council may issue an infringement notice.
- (b) A person who commits an offence under sub-section 11(a) is liable to:
- (i) a penalty which is not more than \$5,000.00 and not less than:
 - (a) in the case of a first such offence, \$500.00;
 - (b) in the case of a second such offence, \$2,500.00; and
 - (c) in the case of a third or subsequent such offence, \$5,000.00, and
 - (ii) if the offence is of a continuing nature, a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day for which the offence continues.
12. (a) An offence against any provision of this Local Law is a prescribed offence for the purposes of Section 9.16(1) of the Act.
- (b) The amount of the modified penalty for an offence against any provision of this Local Law is \$200.00.

PART 5 – INFRINGEMENT NOTICES

13. An infringement notice in respect of an offence prescribed in this Local Law may be given under Section 9.16 of the Act and shall be in or to the effect of Form 1 of the Schedule provided that no error or misdescription will invalidate the notice if its meaning is otherwise clear.
- (1) Name of owner or occupier.
 - (2) Address of owner or occupier.
 - (3) Date when offence committed. If the offence relates to a failure to take remedial action within the time specified, a notice will be sufficient if the final time for compliance is specified.



Local Law – Prevention and Abatement of Sand Drift

- (4) Specify land or premises.
- (5) Give details of the offence. If insufficient space provide details by way of an annexure.
- (6) Insert relevant section.
- (7) The authorised person for the purpose of (7) must be a different person to the person authorised by the City of Fremantle to receive payment.

Dated this 18th day of October 2002.

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

P. Tagliaferri
Mayor

R. Glickman
Chief Executive Officer



Local Law – Prevention and Abatement of Sand Drift

Schedule

Form 1

Local Government Act 1995

INFRINGEMENT NOTICE

Serial No: _____

Date: ____/____/____

City of Fremantle

To: (1) _____

(2) _____

It is alleged that on or about _____ (3) _____

at (4) _____

you committed the following offence (5):

- _____
- _____
- _____
- _____
- _____

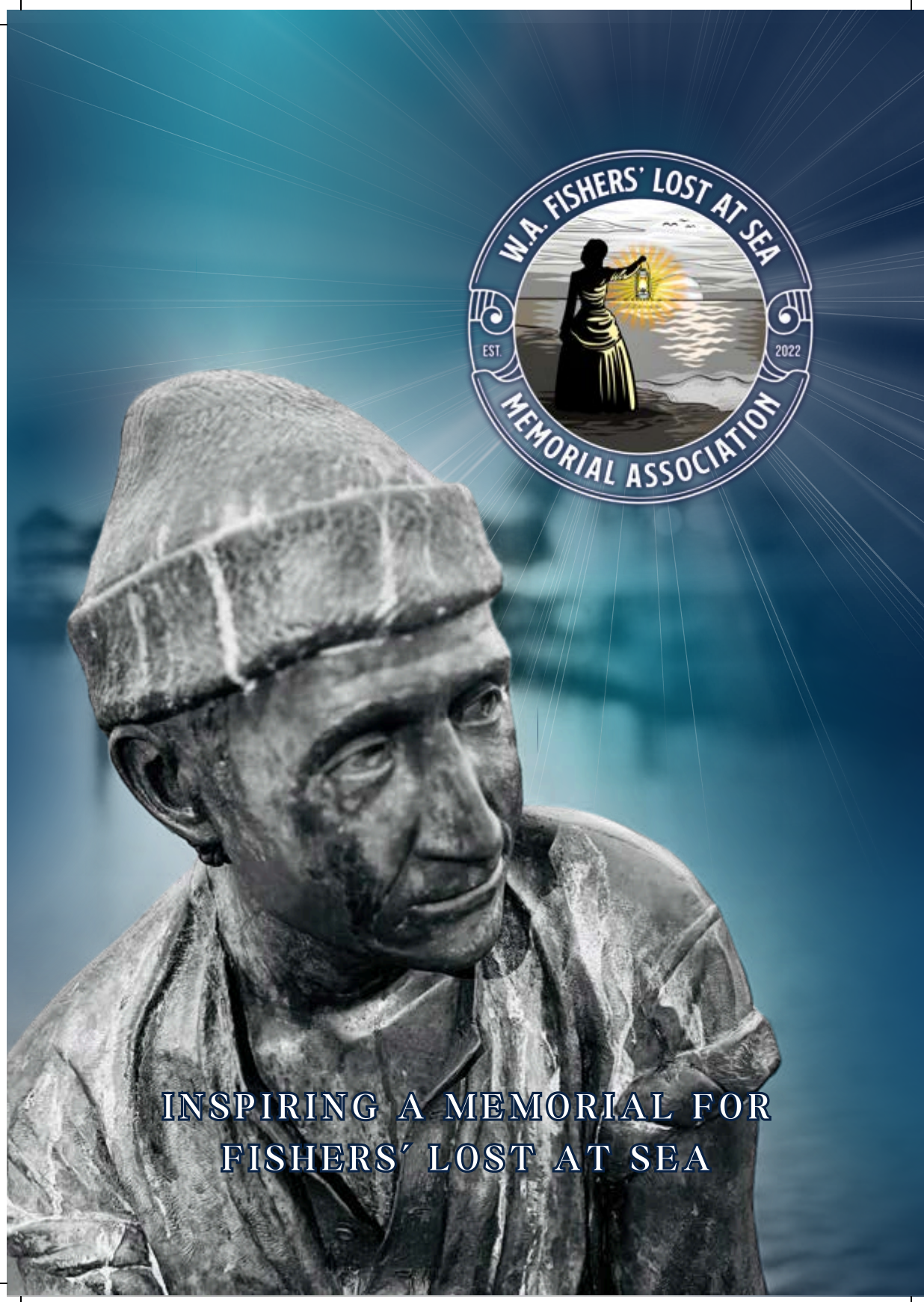
contrary to section (6) _____ of the Prevention and Abatement of Sand Drift Local Law. The modified penalty for the offence is \$200.00. If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid to the City of Fremantle at 8 William Street, Fremantle, Western Australia 6160 or by mail to the City of Fremantle, PO Box 807, Fremantle WA 6959 within a period of 28 days after the giving of this notice.


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

City of Fremantle  **Local Law – Prevention and Abatement of Sand Drift**

—

Signature —

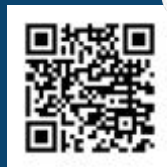




DEDICATED TO THE RECOGNITION OF ALL THE
FISHERS' WHO HAVE LOST THEIR LIVES IN PURSUIT
OF THE DEVELOPMENT AND OPERATION OF
COMMERCIAL FISHING IN
WESTERN AUSTRALIA

For more information on our work and the stories we have
published, visit our website and Facebook page.

www.flatsea.org



For membership, donations or to volunteer, get in touch
via email or phone.



flatseamemorial@gmail.com



0472 786 492

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“The fishermen know that the sea is dangerous and the storm terrible but they have never found these dangers sufficient reason for remaining ashore.”

- VINCENT VAN GOGH

ABOUT

Commercial fishing has been described as the most dangerous profession on Earth. It has a long and rich history in Western Australia, dating back to the early 1800s.

Throughout this time, the industry has played a significant role in the state's economy, providing employment opportunities contributing to the local and national food supply, and to the regional development of most of our coastal towns.

Providing fresh seafood for our local communities has come at a considerable cost. There have been more than 350 documented lives lost to Commercial Fishing off WA, with many more lost to Pearling endeavours in our State's far north.

We are small group of passionate volunteers who formed the W.A. Fishers' Lost at Sea (FLatSea) Memorial Association in 2021, with the intention of collecting, researching and documenting every tragedy that has befallen the WA Commercial Fishing, Pearling and Whaling Industries.

We are dedicated to the recognition of the hundreds of fisher women and men who have lost their lives in pursuit of the development and operation of Commercial Fishing in Western Australia since early settlement.



OUR OBJECTIVES

RESEARCH

Research, document and collate details of the lives of all WA Commercial Fishers who have died whilst engaged in the act of their profession.

Preserve & promote the history of the WA Commercial Fishing Industries.

AWARNNESS

Raise awareness of all Commercial Fishing Industries in Western Australia, and promote the historical, cultural and social significance of Commercial Fisheries in the state, nation and abroad.

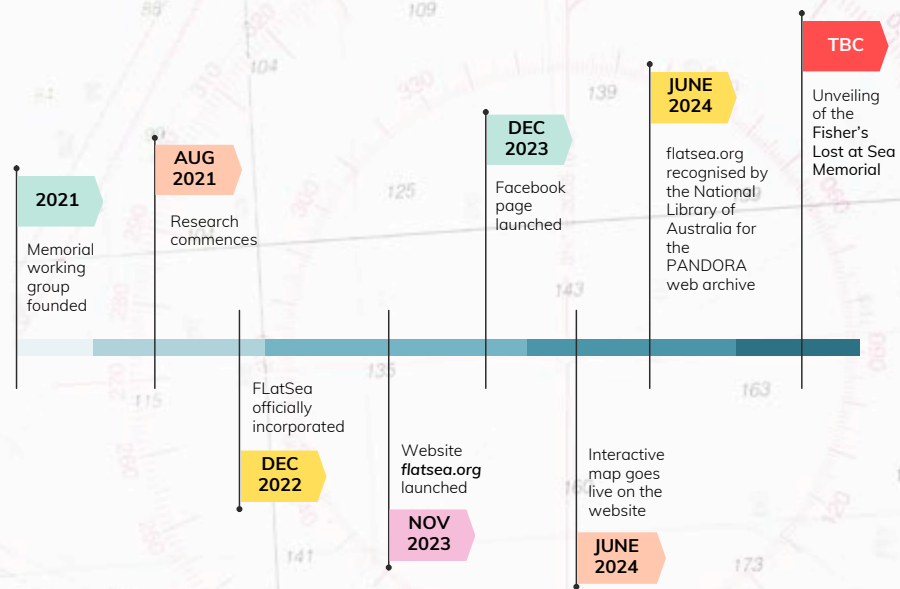
EDUCATION

Provide and share information with the community and government organisations that will aid education and cultural awareness.

MEMORIAL

Provide a final resting place in the form of a physical and virtual memorial to honour the Fishers' who have died, and provide a place of remembrance for the family and friends connected to each tragedy.

KEY MILESTONES



OVER **350** FISHERS' HAVE BEEN IDENTIFIED AS **LOST AT SEA**

180 STORIES RESEARCHED, WRITTEN AND PUBLISHED TO DATE

W.A. FISHERS' LOST AT SEA MEMORIAL ASSOCIATION

3

PROPOSAL

CREATING A SEA ORGAN MEMORIAL FOR THE WESTERN AUSTRALIAN FISHERS' LOST AT SEA

In a tribute to the fishers' who have lost their lives at sea, we propose the creation of a memorial, inspired by the renowned Sea Organ in Zadar, Croatia. This innovative installation, powered by the natural movement of the waves, will produce hauntingly beautiful melodies that serve as a symbolic connection to the souls lost to the depths. The sound of the sea organ, reminiscent of voices carried by the wind and water, will provide a poignant and continuous reminder of those who perished, offering solace and a place for reflection to their families, friends, and the community.

Beyond its role as a memorial, the sea organ will serve as a unique tourist attraction, drawing visitors to experience its serene beauty. Additionally, it will offer cultural and educational opportunities, teaching visitors about the historical significance of the fishing industry, the integration of art and engineering, and the importance of renewable energy, thereby enriching the community and promoting sustainable tourism.

To further enhance this initiative, we propose creating an encompassing space with additional renewable art installations, such as solar-powered sculptures, to complement the sea organ. These installations can tell the story of our culture and heritage in a modern way, from the First Nations people custodianship of the sea to current sustainable fishing practices. By integrating these elements, the project will not only honour the past but also celebrate contemporary advancements and ongoing commitments to environmental stewardship, offering a holistic narrative that bridges history, art, and sustainability.

OBJECTIVES

Memorialisation: Honour the lives of commercial fishers' who have died in Western Australian waters, providing a place for reflection and remembrance.

Enhance Visitor Experience: Offer a unique sensory experience that combines natural sounds with artistic design, enhancing the cultural and emotional landscape of the area.

Promote Eco-friendly Tourism: Attract tourists with an environmentally sustainable installation that requires no power and blends seamlessly with the natural environment.

Harness Renewable Energy: Integrate renewable energy solutions, such as solar and wave energy, to power the installation and nearby facilities.

Educational Opportunities: Provide educational programs and materials about the history and significance of the fishing industry, alongside the intersection of art, engineering, nature and renewable energy technologies.



BENEFITS

Cultural Enrichment: The sea organ will serve as a meaningful landmark, enhancing the cultural and artistic appeal of the proposed waterfront site.

Economic Boost: Increased tourism will provide economic benefits to the local community, from hospitality to retail sectors.

Environmental Stewardship: By emphasising sustainability and natural harmony, the project will promote environmental awareness and conservation efforts.

Renewable Energy: Demonstrating the practical application of renewable energy technologies to inspire and educate visitors on sustainable practices.

Memorial Significance: Providing a place of remembrance for lost fishers' to offer solace to their families and the community, preserving their legacy.

Educational Value: The sea organ will be a living classroom, offering lessons in our maritime heritage, physics, engineering, art, environmental science and renewable energy.

TECHNICAL

The sea organ uses the natural energy of the sea and wind to produce musical sounds creating the sea's own symphony. The entire architecture of the organ is hidden beneath wide steps that meet at the water's edge, creating a harmonious meeting point between land and sea.

Wave Energy: The sea organ harnesses the kinetic energy generated by the movement of waves. As waves approach the shore, they push water into a series of submerged pipes and chambers built into the structure of the organ.

Pipes and Resonators: These submerged pipes are tuned to musically cognate chords and are connected to a network of resonant chambers.

Air Movement: As the waves lap against the steps and push water into the pipes, air is forced through the system, into the chambers. The movement of the water displaces the air, forcing it to escape through openings on the surface of the steps.

Sound Production: As the air exits through the openings, it creates a unique sound. The specific pitch and tone of each note are determined by the size and shape of the pipes and chambers.

Harmonious Melody: The intensity and rhythm of the music vary with the strength and frequency of the waves, resulting in a unique and continuous symphony that reflects the dynamic nature of the sea.

Interactive Experience: Visitors can walk along the structure, listening to the natural music created by the interaction of the waves with the organ. The design allows for a multi-sensory experience, combining the visual beauty of the ocean and sunset, with the soothing sounds produced by the sea organ.



FUNDING

Potential funding sources include:

- Government grants and subsidies for cultural, heritage, tourism and environmental projects
- Private sector sponsorships and partnerships
- Donations from fishing industry stakeholders and related organisations
- Grants and incentives for the promotion of renewable energy projects
- Community fundraising initiatives

Creating this sea organ as a memorial to WA Fishers' Lost at Sea is a visionary project that not only serves as a beautiful and poignant place of remembrance, but creates meaningful art by blending engineering and nature in a sustainable and innovative way. Inspired by the success of Zadar's Sea Organ, this initiative will offer a unique and enriching experience for visitors while promoting sustainable tourism, environmental awareness, historical remembrance, and renewable energy. By engaging local communities and leveraging innovative design, we aim to create an installation that resonates with both the natural world and the human spirit to respectfully honour those who have lost their lives.



STORIES FROM THE SEA

The following pages contain a sample of the many inspiring, heart-wrenching and cautionary stories we have been privileged to capture and share. Many more stories like these can be found at our virtual memorial; www.flatsea.org

THE OCEAN

The Ocean has its silent caves,
Deep, quiet, and alone;
Though there be fury on the waves,
Beneath them there is none.

The awful spirits of the deep
Hold their communion there;
And there are those for whom we weep,
The young, the bright, the fair.

Calmly the wearied seamen rest
Beneath their own blue sea.
The ocean solitudes are blest,
For there is purity.

The earth has guilt, the earth has care,
Unquiet are its graves;
But peaceful sleep is ever there,
Beneath the dark blue waves.

NATHANIEL HAWTHORNE

BONZNER

*Albert Henry Money
Theodore James
Money
Lost at Sea; Never
Found
3 February 1916*

This story is folklore in the Dongara/Port Denison community. As the family story goes, Albert and Theodore Money's Mother wouldn't allow them to join the Australian Imperial Forces and go to war until they were both 19, so they both decided to go fishing and wait until they reached the age their mother had stipulated for overseas service.

On Thursday 3 February 1916, two fishing vessels left Port Denison to fish as this was their livelihood. Henry James the father and young son Francis in one boat, with elder sons Theodore and Albert in the other. They intended to fish some thirty miles down the coast between Irwin and Leander Reef.

By mid-afternoon with the breeze freshening Henry James and young Francis (b. 1904) returned to port, leaving brothers Theodore (b. 1900) and Albert (b. 1899) to do one more drift before heading home. The Father had left them about a mile further out to sea in the vicinity of the reefs and apparently safe. They were expected back the same afternoon.

At first it was thought they had sought shelter at Freshwater Bay owing to a strong wind springing up, and were unable to return. It was not until the Friday afternoon that the worst was feared, when three Fremantle boats entered the bay stating they had not seen the missing men. The local Police were away so Mr. T. Hughes reported the occurrence to Geraldton and Police Constable Fanning arrived to assist with the search. With the help of others they began patrolling the north beach for some distance, and Henry James Money started at daylight southward.

Constable L.H. Thompson of Greenough, on patrolling the beach towards Dongara, saw a portion of a boat painted blue drifting towards the shore about 12 or 14 miles north of Dongara. At night he reported his discovery and by Sunday morning, he was accompanied by Henry James Money to identify the wreckage as belonging to the missing boat. The Newspaper's reported that the two brothers

"The strongest person in the world is a grieving Mother that wakes up and keeps going every morning" - TARA WATKINS ANDERSON

practically lived on the water, and were perfectly acquainted with every inch of the coast and reefs. They were also highly capable of managing the boat.

During his search, Constable Thompson unexpectedly came across a water hole containing beautiful fresh water only a few yards from the sea between Greenough and Dongara. He suggested that finger posts should be erected at various points on the sand ridges abutting the sea, indicating the position of water holes to aid survival.

For more than 20 years, their grieving mother Annie would walk to Point Leander each evening and as the sun went down over the horizon, she would light her hurricane lamp in the hope this would one day guide her boys home.



Pictured - Annie (Elizabeth) Money: The Lady with the Hurricane Lamp

Other family stories indicate Annie would put this same lamp near a window of their house located at the top of Point Leander as a beacon for their journey home. The home was located on the corner of Kailis Drive and Point Leander Drive - approximately 100 metres away from the Point Denison Point (Fishermen's Lookout). Both men's names now appear on a memorial plaque at the top of Point Leander, Port Denison. The memorial was unveiled in 1979. The original stone obelisk was erected after Captain W. D. Moore lost his small sailing ship **Swan** on the Irwin Reef in 1869. Moore requested a lighthouse, but the obelisk was built instead.

Henry James Money married Annie (Elizabeth) Frances Payne in Dongara in 1897. Henry was born in Essex, England in 1863 and died in Geraldton in 1931. He was the secretary of the Irwin Roads Board in Dongara. Annie was born in WA in 1878 and died in Mount Lawley in 1956. They had 7 children, losing 2 in the 1916 tragedy.

*Domenico Cappelluti
Mauro Caputo
Giovanni Germinario
Salvatore (Silvio) Marchese
Antonio Marino
Luigi Pittorino
Drowned at Sea; Never
Found
1 October 1946*

MARY

The tragic story of the **Mary**, recounted by Rolando (Ron) Lo Presti, was the catalyst to research and document all the lives lost in the beautiful but unforgiving Western Australian seas. Ron's father, Stefano Saverio Lo Presti and his crew, had shared a meal with the perished men the evening prior to the fateful incident. The following day, Stefano's vessel, the **Capo D'Orlando** would be involved in the search rescue of his friends.

The **Mary** capsized approximately 3 miles off Cervantes (Approximately 12 miles South of Jurien Bay) at 7:30am on 1 October 1946. The **Mary** was owned by Gaetano Tomba and his brother Bartolo Tomba, as well as Luigi Pittorino, all of whom lived on Suffolk Steet, Fremantle.

In September 1946, the **Mary** skippered by Domenico Cappellutti and a crew of 4, was returning from Shark Bay. In those days boats would make the long journey to the northern fishing grounds to chase the schools of snapper during the winter period, and head back to Fremantle for the summer. They were in a happy mood, for the season had been good, so good in fact that they were running late. Heading into a storm they ran for shelter and moored off Cervantes Island which was very isolated at the time. During a heavy gale on the night of 10 September, the **Mary** dragged her moorings and went aground at Cervantes Island. One of the crew of the **Mary** walked on the Beach from Cervantes to Jurien Bay to notify others of their predicament.

Initial reports were that the **Mary** had been lost, but with the arrival of Antonio Marino, that was soon dispelled. The remaining members of the crew were safe and the 1.5 tonnes of fish on board the **Mary** at the time it dragged its moorings, along with it's cargo was loaded onto the **Sea Queen** to assist in the sale once it reached Fremantle.

On the 17 September at 8:40pm Bartolo Tomba (a part-owner of the vessel and Carpenter) left Fremantle in the small fishing boat **Stella** for the purpose of repairing and re-floating the **Mary**. Onboard the **Stella** were also Luigi Pittorino, Silvio Marchese, Mauro Caputo, Stefano Taranto, Antonio Marino and Leonard James Back – a shipwright. They arrived at Cervantes Island at about 3pm on the 18th. They were also assisted by the crew of the 45 foot lugger fishing boat **Lapwing** in repairing her. The repair work was completed on the 29 September, and she was rigged up the next day.

The **Stella** with brothers Giuseppe and Umberto Pittorino onboard made its way back safely to Fremantle. Giuseppe had left his brother Luigi in high spirits expecting to see him a day or so after his return. The **Lapwing** and the **Mary** began their return journey at 6:15am on 1 October with 7 persons onboard the **Mary**. Everybody was anxious to get home as the crew of the **Mary** had been away for 40 days.



Pictured - The Lapwing

During the night a 4 to 6 metre swell developed. It had been arranged that the **Lapwing** would tow the **Mary** through the passage because, unlike the **Mary**, she was fitted with an engine and was much faster and could safely navigate through the passage which was very treacherous for sailing boats like the **Mary**. The **Mary** was attached to the **Lapwing** by about 150 feet of tarred manila rope. After about 3 miles the **Lapwing** had just cleared a sand bar and reef when she encountered a huge wave, about 50 feet high. At the time, the crew of the **Lapwing** reported that the water inside the reef was fairly quiet, but heavy waves were

breaking over the **Mary** which was then crossing the bar and the vessel shipped much water and turned the vessel off to one side towards the south. All of the crew of the **Mary** were on deck, one member was washed overboard, and the Skipper (Domenico Cappellutti) was hanging onto the bulwark at the stern of the ship. Another big wave then struck the **Mary's** side and overturned her. At the time the **Mary** also had full sail on and it is likely the second wave filled her sails with water, forcing her over. Leonard Back had been clinging to the cabin top at the aft end of the boat, he let go as the boat turned and when he broke surface saw the keel of the **Mary**. The remainder of the crew, including Back, were swept in the sea and the **Mary** sank.

Under the orders of the **Lapwing's** Skipper, Antonino La Cava, the tow-line was promptly cut when the waves struck the **Mary**. This unenviable task was left to Joe Pittorino - his father Luigi was onboard the **Mary**. A heart-breaking act that ultimately saved the **Lapwing** and its crew from also being lost. Leonard Back described the moment the boat turned over;

"I felt her going over, but the sea dragged me clear. As soon as I could I took off my coat. Ten minutes later I noticed an upturned dinghy. An Italian was not far away and I yelled to him, but he disappeared by the time I reached the dinghy. I never saw any of the Italians again. I then took off my pullover and had a gruelling 2 hour battle against the seas. Every time I saw a wave approaching I took a deep breath and clung to the dinghy. The Lapwing made two unsuccessful attempts to get through the passage to rescue me. At the third try she tore through and, skilfully handled by her skipper, Antonino (Tony) La Cava, came right alongside the dinghy. Two other Italians on the Lapwing then dragged me out of the water."

Back was picked up at about 9:45am. The **Mary** could be seen lying in about 40 feet of water with her mast still visible. The dinghy was not retrieved as the sea was too rough. Back was given a change of clothes and a hot drink. Despite not being a strong swimmer, Back was the only person aboard the **Mary** who was not wearing seaboots or heavy clothing to impede him when he was swept in the water, and he credits this with his survival.

The next day, Back and another Italian searched the beach for 8 miles north of the scene of the wreck, in the direction of the prevailing current and wind, without any result. The **Capo D'Orlando** arrived on the 1 October to assist the **Lapwing** with the search efforts. On the 5 October 1946 the search was called off - they found no trace of the missing men.

The **Lapwing** returned to Fremantle on 6 October 1946, where she was later put on a slipway to repair some minor damage she sustained in the heavy seas. Days later, Sgt. R. N. Broun of the Moora Police Department searched the beach north and south of Cervantes Island point and received reports from fishing boats **Ida Lloyd** and **Princess Mafalda** returning from Geraldton that they had sighted flotsam drifting northwards. It was never confirmed if the floating wreckage was part of the **Mary**.

The loss of the **Mary** in 1946 near Cervantes represents one of the largest loss of life, off a Commercial fishing vessel in Western Australia. The six men who drowned were;



Luigi Pittorino (pictured top), age 47, married to Emma La Cava with 6 children, residing in Fremantle. He was born 15 March 1898 in Filicudi, Messina, Italy. Luigi was part-owner of the **Mary**. His Son, Joseph (Joe) Pittorino was onboard the **Lapwing** at the time of the tragedy. Emma La Cava's brother, Antonino skippered the **Lapwing**. Luigi's brother Giuseppe had also assisted in the repairs onboard the boat **Stella**.



Giovanni Germinario (pictured middle), age 43, married to Maria Samarelli with 5 children, residing in Fremantle. He was born 10 January 1902 in Molfetta, Bari, Italy. His children were Angela Maria, Francesca (Frances), Antonio (Anthony), Mauro (Maurice) and Michele (Michael).



Salvatore Anthony (Silvio) Marchese, (pictured bottom), age 24, single, residing in Fremantle. He was born 28 June 1922 in Geraldton. Salvatore had just seen service for Australia in New Guinea and the Islands and had only just been discharged from the army after receiving various commendations. Salvatore was part of the crew that worked with Umberto Pittorino, but he had volunteered to help his stricken mates to repair the **Mary**.

Domenico Cappelluti, age 53, married to Lauretta Bernardi with 4 children (wife resided in Italy). He was born 3 September 1892 in Molfetta, Bari, Italy. He left a brother, Cosmo Cappelluti in Australia.

Antonio Marino, age 31, single, residing in Fremantle. He was born 15 July 1915 in Molfetta, Bari, Italy. He left behind a brother, Domenico Marino in Australia.

Mauro Caputo (Caputi), age 21, single, residing in Fremantle. He was born 21 March 1925 in Molfetta, Bari, Italy. His parents were Domenico Caputo and Pasqua, and his siblings included Maddalena, Angela and Pasqualina.

MARY

The lone survivor was **Leonard (Len) James Back** (pictured right), age 24, a ship-wright of Fremantle. Len was born on 25 October 1921 to Aubrey Hubert Back and Edith Louisa West. He married Florence Rose Della Bosca in 1944 and they had 5 children together. Leonard died on 27 August 1970, in North Fremantle at the age of 48.



To this day, the sinking of the **Mary** remains one of the largest losses of life in a single day ever recorded in the WA Commercial Fishing Industry. Six families were left without a husband, father, brother and son - fifteen children were left fatherless. It devastated the Fremantle fishing families and had a profound affect on the community. It is thought that this loss was the catalyst for the inception of Fremantle's **Blessing of the Fleet Festival** in 1948, a tradition that continues to this day to bless the fishing fleet for their safe return home.

CHLOE

On Sunday 20 March 1960 the 36ft crayboat **Chloe** was crayfishing at sea off the Greenough River mouth. On board that day were Geraldton locals:

Reginald (Reg) Ernest Dew, (38)
Richard (Dick) William Featch, (38)
Brian Featch, son of Richard, (13)
Maureen Dew, daughter of Reg, (14)

The **Chloe** was hit by a freak wave, capsized and subsequently sank. The following story of the heart wrenching decision they were faced with and Maureen's survival instincts, as told by Reg Dew appeared on the front page of The Geraldton Guardian dated Tuesday 22 March 1960 under the heading 'Survivor Tells of Sea Drama'

"I told the boy to let his father go lest he go under himself. It was a terrible decision to make but there was no alternative. I feel very bad about it because Dick was a particularly close friend of mine."

He added,
"Dick's loss is a tragedy for his wife and young family. We were returning from setting ten additional cray pots about sixteen miles south of Geraldton. I was in the wheelhouse, my daughter (Maureen) was asleep on a bench behind me as she had been a little seasick, the boy was sitting in front of the wheelhouse and Dick was standing nearby me talking about our catch that day of two and a half bags of crays."

Then the wave struck on the port side. The whole boat turned over within seconds and I seemed to get sucked out of the wheelhouse. I found myself in the water and when I came to the surface the Chloe was floating upside down. Dick and Brian were in the water about twenty yards away and Brian was supporting his father. Then Maureen bobbed up. She had been trapped in the wheelhouse but had smashed her way through the glass. She had cut her nose (four stitches were later inserted) and her hand. All I could see was blood coming from her nose. My seaboots were pulling me down so I swam to the overturned boat, helped Maureen up and removed my boots and most of my clothing. We then swam to the aid of Dick and Brian and helped them to the floating wheelhouse. Dick was bleeding from the mouth and was deeply unconscious. He died a few minutes later. I know he died because I saw many people in the last war. Brian shouted 'he's dead, my Dad is dead. What's my Mum going to do'. I calmed him and told him to let his father go. We couldn't do anymore as we were three or four miles from the shore and had no chance of bringing the body in."

"The three of us clung to the wheelhouse," he proceeded. "If we tried to get up on it the whole thing would roll over. Maureen was the only good swimmer among us. She learned to swim when she came to Australia from Scotland four years ago. Maureen was willing to attempt the swim for the shore then but I would not let her go. We clung to

Richard (Dick) William
Featch
Drowned at sea;
Never found
20 March 1960



Pictured: Richard W. Featch

the wheelhouse and drifted shoreward for about two hours. We got to within half or three-quarters of a mile and then the wheelhouse began drifting along the coast. I asked both children if they could make the shore. They were both confident but I was not; I had never swum more than a hundred yards in my life. Maureen told us to swim breaststroke and take it calmly. We had not gone far when Brian shouted that he could not make it. Maureen calmed him down, told him to take off his long trousers which were hampering him and he was alright then. About a hundred yards from the shore I thought I had 'had the bomb' and told Maureen that I did not think I could make it. She called for me to take it slower and keep my head up because we were almost there.

Maureen urged me on until I reached the beach and there collapsed. She turned me on my chest and commenced resuscitation to get the sea water out. I was shaking like a leaf all over. About twenty minutes later Jim Nicolakis came along the beach and found us."

Jim Nicolakis, a local of Geraldton, had been for a run along the beach from the mouth of the Greenough River. In the distance, half a mile south of Southgates, he saw three people lying in the sand when the girl sat up and waved to attract his attention. After learning of their plight he ran back to his car and with the help of a friend, Brian Dobbie, he carried a tracksuit, towels and clothing back to the three exhausted people and helped them to safety. All three were rushed to the Victoria District Hospital where Maureen was admitted overnight for her lacerations and Reg Dew remained for a number of days to receive treatment for shock and immersion.

Although hurt herself, 14 year old Maureen Dew, had the wherewithal and equanimity to spur on her father and Brian each time they were ready to give up. Due to her efforts all three of them managed to make it to shore and survive the terrifying ordeal.

JARROD

*Vessel: Paspaley II
Jarrod Arthur Hampton
Death by drowning
from an uncontrolled
ascent.
14 April 2012*

Jarrod Arthur Hampton grew up in the eastern suburbs of Melbourne. He was a popular young man from a close-knit family, with two younger brothers. He played all manner of sports, finally settling on beach volleyball, in which he competed at the highest level, the Australian National Championships for five years.

Jarrod was a young, fit and very experienced SCUBA diver who acquired qualifications in dive instruction, emergency first aid instruction and resort management. He worked as a dive instructor and deckhand on a charter boat, including tall ship sailing vessels in Queensland.

In 2012, at the age of 22 years, Jarrod travelled to Darwin to start induction training after obtaining work as a pearl shell drift diver with Paspaley Pearling Company. This specialised form of diving uses a surface supplied breathing apparatus (SSBA), or hookah. Air-lines are attached to a purpose-built vessel and divers are towed behind the vessel on ropes, known as work-lines at approximately one knot of speed. While keeping a hold on the work-line, divers collect pearl oysters along the sea bed, which are placed in a net bag that hangs around the diver's neck.

For Jarrod, the job was an alluring opportunity of adventure and a means to accumulate sea hours towards earning his Skippers licence. It could also pay well. During his time in Darwin he talked about earning as much as he could in the four-month drift season, in hopes of not having to work for the rest of the year.

The **Paspaley II** departed Broome on the 12th April 2012. Onboard with Jarrod was Skipper Ron Watson, head diver Sam Morton, engineer Jamie Hulme, divers Shane Stanford, Jayde Theodore, Anthony Thiel, Joe Sinclair, deckhand Alex Evans and the vessel's domestic crew member, Julia Wiebe.

From Broome they travelled 160km's south to Eighty Mile Beach, to collect live pearl shell for 8 days. During this time, it was expected that divers complete eight, or nine, dives per day, with each dive lasting 45 to 60 minutes, followed with a rest period of 20 minutes. Divers are paid by the shell, and Skipper Ron Watson made sure to tell the new divers 'to take it slow, don't worry about how much shell is caught and to make sure that everything is done correctly.'

On 13 April 2012, the divers carried out nine dives without incident. Each dive lasted approximately 50 minutes and Jarrod was on the second starboard line (Line Two) to allow head diver Sam Morton who was on Line One, to observe him. Sam told Ron he was impressed with Jarrod's diving and confidence in the water. The work of pearl shell drift diving is physically demanding. The long time spent in the water, holding the work-line without a buoyancy compensation device left experienced drift divers like Sam, exhausted by the end of the day.

On the second day of diving, Jarrod was moved to Line Three to allow Sam to keep an eye on another new diver. Some inconsistencies in witness accounts exist, however, the second or fourth dive of the day was called off early due to a 'mud monster' (when the silt is stirred up and significantly reduces visibility).



Jarrod Hampton

*"He went to work one day and lost his life,
his potential, his future, his soul."*

Tony Hampton, father of Jarrod

As Jarrod was taking his pearl shells to Line One, he became disoriented in the poor visibility, but managed to regain his way back by swimming up his air-line and eventually landing on work Line Four. His comment to Sam was that it was 'hard work' doing so. Later onboard, Jarrod told Jayde he had almost drowned, however he was composed and was happy to dive again.

The eighth dive of the day started at 3.25pm and 25 minutes into the dive, Jarrod was seen working without any apparent problems. Five minutes later, crew onboard **Paspaley II** alerted the Skipper that a diver had surfaced, signalled with his hands and called for help. He re-surfaced and shouted again and then resubmerged, without his compressed air regulator in his mouth. The Skipper slowed the boat and the divers were recalled. All the divers returned to Line One for decompression, except Jarrod.

Deckhand Alex, pulled-in the air-line until he could see Jarrod on the surface about 10 metres away. Jarrod still had his neck bag on, his air-line was tangled around one leg and one of his fins was missing. After a lengthy struggle, they managed to drag Jarrod aboard. He had foam at his mouth and was lifeless. Resuscitation commenced, but after their best attempts to revive Jarrod, Paspaley's medical doctor advised to cease resuscitation. A body bag was delivered from the nearby **Clare** and the **Paspaley II** began the seven-hour trip back to Broome.

Post mortem examination and forensic pathology from expert witnesses resulted in various possible scenarios for Jarrod's death. His depth gauge showed two rapid ascent alarms for that day, one on dive three and one on the final dive. For unknown reason(s), Jarrod came up too quickly and experienced barotrauma ('the bends'). He had an air embolism (air bubble that caused a stroke), which caused him to inhale salt water while unconscious and he subsequently drowned. The Coroner of the inquest into Jarrod's death ruled his death was by way of misadventure.

In 2015, WorkSafe and Police investigations determined that Paspaley failed to 'train and practice its personnel in emergency and rescue procedures covering the search, recovery and retrieval of injured divers.' The Coroner's findings state that "as a result of that failure, the deceased was submerged for at least 12 and possibly 20 minutes after he first surfaced and cried out for help." However, he concluded that "the lack of appropriate procedure to retrieve Jarrod from the water was highly unlikely to have caused or contributed to his death." Paspaley pleaded guilty to the WorkSafe charges and was ordered to pay a \$60,000 fine.

In July 2012, Paspaley implemented various procedural changes in response to a set of safety recommendations provided by the WA Police Dive Squad. One of these changes was a new signalling system that meant a diver can alert all crew if they require assistance and if incapacitated, rescue swimmers can reach the diver within 90 seconds.

At the time of Jarrod's death, the WA pearling industry only had a voluntary code of practice. Jarrod's parents, Tony and Robyn Hampton fervently campaigned for a legally enforceable pearling industry code of practice, bound by commercial diving regulations which require more stringent safety standards, rather than the general diving classification. New codes of practice have been developed across the industry, including installation of Oxy-viva and defibrillation equipment onboard dive vessels.

CAPTAIN A. E. TRIVETT

*Judy Kathleen Webster
Drowned at Sea;
Body never recovered
13 June 1975*

The **M.V. Captain A. E. Trivett** was named after a former Fremantle harbour master, Captain Albert Ernest Trivett who passed away in August 1971.

The vessel **Captain A. E. Trivett** had been in Fremantle at the end of 1974 for a major refit. It left Fremantle in December with the intention of fishing in the Gulf of Carpentaria. All crew members for this trip had been recruited in Perth and Fremantle, but some crew had later disembarked in Darwin. The Skipper, Harcourt (Hark) Waller had been working on trawlers for 11 years and had skippered them for the last 8 years without any mishap.

John Adams had just arrived back in Perth in November 1975 after spending 12 months in Europe. Part of that time he had spent working on a Grimsby Trawler named the **Ross Leopard**, Cod fishing in the North Sea. He came from a long-line of sea-farers, and his family were no strangers to the perils of the sea. One uncle, Cecil Adams, was the Skipper (and sole survivor) of a deep-sea trawler called the **Bluff**, which sank in the Atlantic. Adams was in need of a job so he answered an advert for a 1st Mate position on a 23 Prawn Trawler licensed to fish the Northern Waters of Australia, including the Gulf of Carpentaria.

By December 1974, the vessel was ready for departure. Mrs Gwendoline Trivett came to the Fremantle Fishing Boat Harbour to wish the crew farewell and a safe and prosperous voyage. Her departing words were, 'Please look after this vessel as it bears my husband's name'. A Portrait of Captain Trivett displayed proudly in the wheelhouse kept a watchful eye on everyone onboard.

On the morning of the 13 June 1975, the vessel capsized and sank. It was not trawling when it capsized but some reports state it was proceeding with its booms extended. The sea conditions were reported as moderate abaft the port beam, with 50 km/hr winds and 6 foot waves.

This is John Adams (1st Mate) account of what happened, written 48 years later, on the 25 April 2023;

The Captain Trivett departed Fremantle in December 1974 enroute to the Gulf of Carpentaria in Queensland. The voyage to the Gulf was fairly uneventful, except for a few minor occurrences. During the night our course sometimes crossed the paths of Taiwanese fishing boats, it was tricky navigating through the long lines they set covering long distances across the ocean surface, requiring extra look-outs at night, the risk of fouling the vessels propeller or getting tangled up in these lines was never far from one's mind.

During the voyage out from Broome the vessel encountered massive following seas; I was astounded at the size of the swells and waves behind us. The swells were bigger than any other I had ever experienced before. I had fished in the North Sea and Skipped vessels in the Bass Strait off the Victorian Coast but never can I remember seeing swells and waves that big.

It was common for trawlers traveling from Fremantle to the Gulf of Carpentaria to take a short pass through the Kimberly's to save time and fuel. Skipper Hark Waller decide to take the short cut, navigating at night using radar, we passed through Voltaire passage during an ebbing spring tide which uncovered and exposed many of the surrounding reefs. This created a large amount of clutter on the radar screen, making it difficult to accurately fix the vessels position. The Skipper decided it was too dangerous to proceed, the vessel was stopped and anchored, we patiently waited for the tide to rise over the exposed reefs, before fixing the vessels position and proceeding to Troughton Island, through a maze of reefs and Islands. Once at Troughton Island it was a nice clear run across Joseph Bonaparte Gulf to Darwin.

The voyage to the Gulf of Carpentaria took 20 days. On arrival, the Captain Trivet immediately started fishing for Banana prawns. Unfortunately there was not a lot of prawns to be had, many of the other vessels in the fleet where experiencing low catch rates.

A meeting then took place between Burt Griggs, Skipper of the 23 metre Gemini, Ken Leech Skipper of the 23 metre Kaigel and Hark Waller Skipper of the 23 metre Captain Trivett. The outcome of the meeting was that all three trawlers would proceed to Admiralty Gulf in the Kimberley, where a moon phase was going to occur that could result in the aggregations of large schools of Banana prawns. All three crews were very excited about the trip and the prospect of earning some money. At the time there was a lot of pressure on the Skippers to return a profit.

The three trawlers silently departed the Gulf of Carpentaria in somewhat secrecy; the three Skippers did not want the other trawler Skippers to know what they were up to. The Captain Trivett was one of the very few trawlers to be fitted with a Gyro Compass. It also had a state of the art auto pilot steering system, the distance to be travelled between the Gulf of Carpentaria to Admiralty Gulf was approximately 1000 nautical miles. It was decided that Captain Trivett would lead the way, followed by Gemini and Kaigel which both used magnetic steering compasses to navigate.

Before departing the Gulf of Carpentaria three crew members left the vessel, which was a blessing for them because on Black Friday 13th June 1975 the Captain Trivett capsized half way across Joseph Bonaparte Gulf off the coast of Western Australia.



M.V. Captain A. E. Trivett

At the time of the capsizing the Captain Trivett crew consisted of: Harkcourt (Hark) Allan Keith Waller (Skipper), 29 - John Adams (First Mate), 23 - Nikica (Nick) Cimirko (Engineer), 44 - Cynthia Martin (Crew), and Judy Kathleen Webster (Cook), 18.

The navigation watches were split between the Skipper and the 1st Mate. The vessel's position was approximately Latitude 13° 10' S, Longitude 128° 20' E, steering a course towards Troughton Island. I had been on watch most of the night, when Skipper Hark Waller relieved me about 4:30 am. It was still dark, and I was very tired and was looking forward to some undisturbed sleep. Whilst asleep at approximately 7:30 in the morning I heard the engine revs change, my first thought was - why had the Skipper dropped the engine revs - maybe there were Taiwanese long liners ahead. I decided to get up and see what was going on.

As I was making my way through the crews sleeping quarters I could feel the vessel listing and I knew something was wrong. I climbed up the accommodation ladder and entered the main Galley area. Cynthia Martin must have also been alarmed as she was right behind me. Nick the engineer was in the galley I could see his hands in the air and he was saying 'what the F#@k is going on!'

I immediately felt something was very wrong. The vessel was now listing to starboard, within seconds the list increased. I knew I had to get out of the galley quickly and on to the aft deck. When I got out on deck I could see the starboard gunnel was close to the water line, I could not stand on the deck as the angle was too steep. I then ran along the top of the Port gunnel towards the stern and dived over the side, when I landed in the water I thought - I hope the Skipper does not put the engine astern as I could get caught up in the propeller.

Wearing just my jocks, I dived over the stern into the water. I swam around to the leeward side of the vessel

and could see the port trawl boom was now reaching towards the sky at a 90 degree angle. Within seconds the boom fell to the water line and the vessel was fully capsized. I saw Nick the Engineer trying to get up onto the overturned hull. I could not see anyone else, then suddenly Skipper Hark Waller popped up from underneath the capsized vessel like a cork. There was no time to grab life jackets, it was a crash abandonment. I found a floating half empty Freon 12 gas cylinder. Nick then appeared along side of me, he did not look good - his face was completely grey, he did not have anything to keep himself afloat so I gave Nick the gas bottle, and found a floating piece of marine plywood to lie on. I looked at the capsized vessel and the thought that came to my mind was how quickly life can change, it was a mess - debris floating everywhere. The water surface was covered in diesel oil - you could not see it but you could taste it in your mouth. The upturned wheelhouse was still half submerged, the water level inside the wheelhouse was about half way up the window's.

It was then I saw Judy Webster's face inside the wheelhouse looking out at me, we both looked at each other, until the water level rose above the windows when I lost sight of her, and I knew she was trapped in an air pocket.

The hydrostatic release securing the life rafts released them. They both immediately inflated, bobbing like two corks alongside the upturned hull - the painter lines where still attached to the vessel's side rails preventing them from floating away from the vessel. Skipper Hark Waller yelled out "I am going to get the life rafts" I yelled out to Hark, "Hark Hark I will come and help you, everyone in the water thought I was yelling out "Shark Shark!" I will come and help you. My thoughts were, we would spend at least two days in the life raft before being rescued. Then behold, the Gemini appeared, I now realised why Gemini had seen us! They were traveling directly behind.

CAPTAIN A. E. TRIVETT

Later during a conversation with Skipper Burt Griggs he said, "whilst sitting comfortably in the wheelhouse I noticed a trawl boom 90 degrees in the air and thought I had better take a closer look at that", only to discover the boom belonged to the Captain Trivett.

Gemini immediately heaved to alongside the stricken Trivett, she laid beam onto the sea, and at times was rolling dangerously, from side to side. Abandoning the Trivett in gale force winds was the easy part, I knew being rescued and getting on-board the Gemini was not going to be easy. I thought it was far too dangerous to try and get back on board Gemini via the lower deck, I thought my best bet would be to wait until Gemini rolled to starboard grab the top part of the stabiliser chain on the boom and pull myself up onto the boom, then work my way along the boom back onto the main deck. This proved to be a serious mistake. When the Gemini rolled heavily to starboard, I grabbed the stabiliser chain, when it then rolled back to port I was immediately catapulted up into the air, the chain ran through my wet hands and along the side of my head nearly knocking me out, I quickly let go of the chain and dropped back into the water narrowly missing the metal stabiliser on the way down. If any part of my body had hit the stabiliser I would have suffered a serious injury.

Back in the water I noticed Garry Ray (the Engineer) on the back deck, I swam close to the side of the Gemini's hull, waited until the vessel rolled to starboard, then swam directly alongside the hull and put both hands into the air. Gary grabbed me at the precise moment and lifted me out of the water and onto the main deck - it was his split second timing and strength that saved my life, because if he had not grabbed me the next time the vessel rolled over to starboard it would have come crashing down on my head.

Skipper (Hark Waller), Engineer (Nick Cicmirko) and

Crew (Cynthia Martin) were rescued from the bow with a rope. It would have required an enormous amount of strength and determination to lift a person up 6 metres from the water line up onto the bow with a rope. I did not think it was possible that is why I did not attempt it. The crew from the Gemini later told me they watched in horror as I attempted to get on board via the starboard booms stabiliser chain.

The Gemini returned all four survivors to the Port of Broome where they were repatriated to Perth."

When the vessel capsized, the nearby **Kaigel** put out a MAYDAY call over the radio but it took some time before emergency response answered. Peter Wales, the Engineer from the **Kaigel** managed to swim to the stern of the capsized vessel. He tied a large Dan Buoy fitted with an aluminium radar reflector and a flashing light to a piece of prawn net trailing behind the submerged surging stern. With both booms now out and the vessel surging up and down in heavy seas, a lot of the rigging wire and floating debris were still attached to the vessel. The **Kaigel** then stood off a distance to avoid striking it because of the high seas. The blinking light that was attached went out shortly before dawn when the hull disappeared below the ocean. The Lloyd's of London Marine Insurer Report of June 1975 has the location at approximately 13 50. S, 128. 30 E. It was 160km (100 miles) north of Wyndham.

Navy and air force units from Darwin, Broome and Dampier were involved in the rescue attempt. **HMAS Adroit**, a Darwin gunboat was expected to arrive at the scene at 2:30pm that same day but was delayed. It would act as the

search and rescue co-ordinator. Marine Operations Centre in Canberra was responsible for the communication. One of the criticisms of the search and rescue efforts, was that all radio communications with the Navy had to go through Canberra. There was a call to have a direct radio link between boats and aircraft involved in sea rescue operations. There were other criticisms, for the "noticeable lack of organisation in rescue efforts of the Royal Australian Navy". Dick Verboon, operator of two trawlers in Northern waters also criticised the lack of air sea rescue equipment on the coast, noting the rescuers arrived 24 hours after the tragedy occurred.

Navy Grumman tracker aircraft from Broome flew to Dampier to pick up six divers from the mine sweeper **HMAS Ibis**, who were doing survey work in that area. Attempts to get navy divers to the scene on the same day had to be abandoned because a vital link in the transport chain, a helicopter, could not

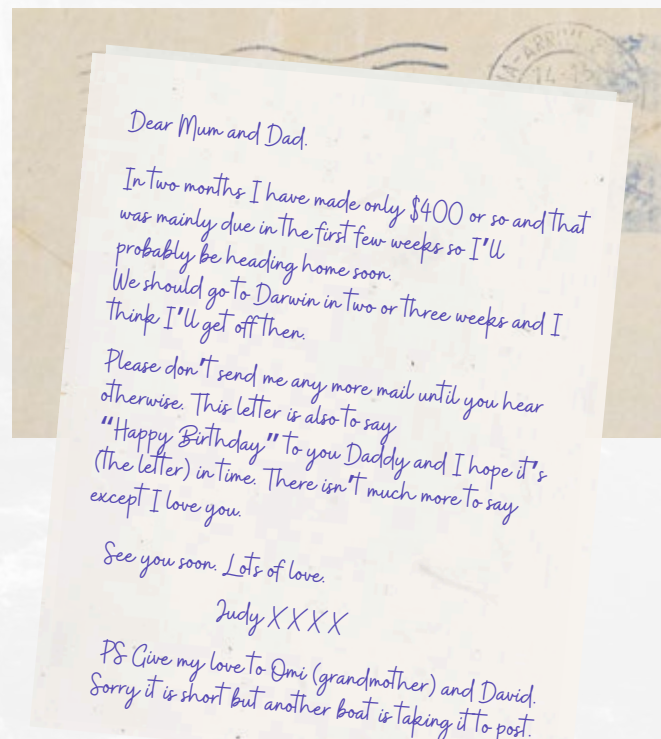
fly at night. A RAN Grumman Tracker anti-submarine bomber searched from the air but three search flights failed to locate any trace of the vessel and the search was called off two days later.

In 1976, the Commonwealth Department of Transport published Parliamentary Paper No. 375/1976 concluded that the most probable cause of the capsizing was a loss of stability brought about by a number of partially filled fuel and water tanks, and the ship's course related to the prevailing wave pattern.



Judy Kathleen Webster was from Prahran in Melbourne. She was the only child of Holocaust survivor Ruth and Harold Webster. The last letter she wrote to her parents was published in the Sunday Times of the 15 June 1975. Many years later, her mother Ruth, details her life and tells her story of surviving the Holocaust. In this she says of Judy's death;

"She was full of life, she is no more (...). She was not saved, she went down with the boat (...). The government and police were very supportive and tried everything to locate the boat and to save her, but it didn't work, she's on the bottom of the Indian Ocean. So she didn't pass away, she's lost to me."



NOR 6

Barry Royce Allen
Ronald Poole
Antonio (Tony)
Romasanta-Bazarra
Lost at Sea; Never
Found
26 April 1963

By Aiyana Wright

Excerpts taken from
the book *Shark Bay:
Through Four
Centuries 1616 to
2000* by Hugh
Edwards

*"What lies behind you and what lies in front of you, pales
in comparison to what lies inside of you."*

- RALPH WALDO EMERSON

The **Nor 6's** maiden voyage was supposed to be an uneventful journey, to begin what was hoped to be the newly built prawn trawler's long and prosperous addition to the Nor West Whaling Company's current fleet.

For Jack Drinan (38) of Morton Bay, Queensland, it began as many other trips he had skippered during his previous experiences on the East Coast.

However, at 5:20am on April 25th 1963 disaster struck.

Jack was traveling with 3 other crewmen; Barry Allen, Ronald Poole, and Antonio (Tony) Romasanta-Bazarra. Poole, also from Queensland was at the wheel, Drinan and the others were asleep. With dawn nearly breaking after a long haul through the night, it is believed Poole was drowsy at the wheel, never noticing the dark shape looming on the starboard side.

Drinan was thrown from his wheelhouse bunk with the jolting force of impact, racing onto the deck he knew immediately what had happened. Poole was staggering back from the wheel wide eyed with horror.

'What happened? What happened', he cried

Drinan knew exactly what the disastrous crunch and screech of groaning metal against rock meant.

'MY GOD!' he shouted, **'WE'VE HIT THE CLIFFS!'**

Here is the story in his own words.

"I heard the props screaming out of the water, then she lurched like a shot bullock, and a huge wave green and cold smashed through the wheelhouse taking me with it. I had one glimpse of white, startled faces. It was the last time I was to see any of them.

Then I was in black water going down, down. There was a crazy sound of propellers chopping into rocks and I thought: "She's going to come on top of me". But I slid down her side towards the bow, cleared her by some miracle and the next minute was on the rocks. They cut into me like knives and I opened my mouth to cry out, but was pommelled and sucked under by the surf.

I remember thinking: I'd rather drown than be smashed to death on the rocks, and I kicked myself away from them back into the deep water. This was the first time experience saved my life. I knew all about those cliffs. I knew there was no safety on them - even if a man could gain a temporary refuge on the ledges at their foot, he would be swept off on the next tide. The only hope was floating wreckage and when the brine tank bobbed up in front of me it looked the biggest and most beautiful thing I had ever seen.

The brine tanks or ice-boxes on the prawn trawlers are not fastened to the deck, but are seated in wooden rails. Built of bondwood, 8ft by 7ft by 3ft deep and lined with foam plastic, they will float until doomsday. I knew, that at least for the moment, I would be safe. Struggling to burst out of my overalls - borrowed overalls much too small - I struck out for its white shape in the darkness as the lights of the Nor 6 turned over and were swallowed by the waves.



The Zuytdorp Cliffs on W.A.'s northwest coast

As I dragged myself gasping and exhausted on to the lid of the ice-box, I heard a voice calling "Ahoy there!..." I could still hear that voice calling all the time I was out on the raft. Maybe from the cliffs: I will hear it for the rest of my life.

Dawn came, the most dismal dawn I have ever seen. I strained my eyes to the cliffs hoping against hope to see tiny figures silhouetted against the skyline. There was nothing but spray and seabirds and a broken section of the Nor 6's dinghy drifting closer to the shore. Wave scuds broke over the raft and as it increased it's distance seawards from the cliffs, I realised that if the wind strengthened I might be washed off.

Inside the icebox was food, ice, and safety. I had to break through the lid-but how? A twisted iron bar on the outside provided the answer. I wrenched it off and with its sharp end I began to pick at the lid. By noon I could get my hand in and get out some of the ice to chew (my mouth and throat were raw dry with salt) and by dusk I had made a hole big enough to squeeze my body through and had managed to stop up the drain holes in the compartment (one of four in the box) and bail out the sea water. For the moment I was safe, if not exactly comfortable.

But I was half crazy with worry - I knew that if the other fellows were on the rocks, rescue boats would have to reach them within 24 hours before their strength failed and they would not be able to hang on any longer. Their lives depended on my being found early enough to alert searchers. But now the wind was strengthening to a half gale, and I was being blown further and further out to sea. About 9p.m. I lost sight of the South Passage lighthouse. I knew that put me at 16 miles out, and the rate of drift was rapidly increasing in the worst possible direction. Out to sea.

I knew the search aircraft would be out by next morning. Our own Nor-West Whaling Company had whale spotter aircraft at Carnarvon. But they would be looking up and down the coast for survivors while I drifted out to sea. I must have drifted 50 miles that first night. Curse the wind - it still blew! There was a shark trailing me. A big fellow, about 10 or 12 feet in length and a greenish colour. I think he was a tiger shark but he never came close enough for me to have a really good look.

NOR 6

The icebox floated well. I had no worries about it sinking because it was lined with plastic foam and would float forever. When I had bailed it out it drifted with only three inches submerged bowling along like a big cardboard box on top of the water.

There were 22 oranges and, most valuable of all-nine eggs, some raw meat and sausages, some bacon, a cabbage, and a big tin of dripping which I smeared over my clothes and body to keep the cold out, I didn't have much appetite those first days. I was too sick with worry about my companions on the Nor 6 and how my wife and kids would be feeling when we were posted missing. I wondered how long it would be before Jean told them... Jacquelyn (10), Patricia (7), Rosemary (6), and Michael (5)... that would be the hardest part telling the kids."

On Tuesday, April 30th, the pilot of the Nor West Whaling Company aircraft caught a glimpse of something under water along the cliffs. He circled and recognised the shape of the sunken trawler. Police divers were flown north and went down on the wreck in the turbulent water. They identified the **Nor 6** and reported that there were no bodies in the wreck. Conditions were very rough, they said. Tracks seen on a beach on Dirk Hartog Island raised hopes momentarily, but police investigating found that they had been made by a station hand.

On May 4th, nine days after being posted missing newspaper headlines in The West Australian read: 'HOPE FOR NOR 6 MEN FADES'.

Jack Drinan still drifting helpless and alone out at sea had long ago lost sight of the land, and he could only guess how far he had drifted.

On the Sunday he had heard the sound of an aircraft far to the east, but it was too distant to see. Drinan goes on to recount;

"Why did the search aircraft miss me? I had really expected to be picked up within 24 hours, perhaps 48 hours at the outside. But obviously the ice-box floated further and faster than anyone could have expected. I estimated that I was probably 200 miles off-shore by the Sunday when the air search was at its height. None of the searchers thought of the ice-box, and still the wind blew me further out.

For four days those damn easterlies blew, and my icebox bucked and dipped further and further out to sea. During this time, I crouched in my compartment like a man in a cave, huddled in misery and despair. At dawn I licked the dew from the icebox woodwork, and felt little hunger. My days were tortured by thoughts of my lost crew and that voice calling "Ahoy there!", from a cliff cave from which was no escape. I worried about my family ashore. The shark continued following the icebox.

When I emerged blinking in the sunlight of the fifth day to find the ocean blue and calm, I had been travelling at from two to five miles an hour for four days. It is possible I was even further out to sea than my estimate. The sun brought me a return to cheerfulness. I had lived this long. I still had most of my 22 oranges and nine eggs left, if the wind backed to the south (and, after all, sou'westers were the prevailing wind at this time of the year) there was no reason why I shouldn't blow right back the way I'd come.

I set to work to solve my two principal problems-to control the drift of the raft, and to provide some way of getting ashore once it was within reasonable distance of land. "If I only had a sail or rudder", I thought. I looked at my empty raft and thought again "Why not?" I asked myself. With the iron bar and the ice-shovel-standard equipment in all prawn boats - I started to hack and chip at the lid, to sweat and strain at the bolts. At the same time I started on what I called my "dinghy".

Since I couldn't paddle the icebox itself because it was far too big, I reasoned I would have to cut a section of the lid, shaped roughly like a surf ski, for the last stretch to the shore. Here luck was with me again for the icebox was built of marine bondwood and lined with aquaplas (a plastic foam) which floats 60lb deadweight to every square foot of its bulk. They were ideal materials for my purpose.

In a surprisingly short time I had a narrow section ready to try out. Paddles were improvised and trembling with excitement I launched it while the icebox raft bobbed benignly in the sunshine of the calm ocean. I regret to say this first effort was a complete and utter failure.

The section was too narrow. It capsized continually. I just couldn't control it. I climbed back on the icebox and began to cut a bigger section. Chip, chip, chip with the shovel blade. It was a slow process. The new ski took much longer to make but it was a better effort. When it was completed, I looked at it with satisfaction. I was certain it would do the job. Now for navigating the icebox. Sails presented no problem. In the icebox were a number of bondwood slats used for dividing it up into prawn compartments. Jammed with bits of stick, so they caught the wind, and made fine sails.

The ninth day was a black one for me, on the water, and Jean ashore. Out on the icebox raft I saw lights approaching in the night. I rubbed my eyes, then jumped up yelling with delight - it was a tanker. I thought it was heading straight for me! But it passed by 200 yards away without stopping.

It was so close I could hear the rumble of propellers, see the cabin lights, and the chart-room on the bridge. But none of the men on that snug warm ship saw me weeping and waving on my raft. I shouted until I felt my lungs would burst. The tanker rumbled on into the night unknowing.

I used to carve my diary in the woodwork on the icebox. At first I used a bit of metal strip, but it kept breaking. Then I got the wooden screw and that was pretty good. Before I set off on this my first attempt to reach land on the ski, I carved this message and it should be still on the raft if it is ever found.

THIS BRINE TANK SUPPORTED J.DRINAN AS A LIFE RAFT FOR TEN DAYS FOLLOWING THE WRECK OF THE VESSEL NOR 6... AT 4PM ON THE TENTH DAY I SET OUT FOR SHORE ON A RAFT MADE FROM THE LID.

MAY GOD HAVE MERCY ON MY SOUL.

I decided to chance my luck and leave the ice-box, to try to reach land on the raft or ski, taking with me two eggs and an orange in holes I had dug under the seat. It could have been a fatal decision. But once again luck was on my side.

I kept looking back at the icebox as I was not very confident. After a short distance I was amazed to see a storm bearing down from the seaward side. It was just what I had waited so long for. I made it back to the icebox just as the wind started in earnest from the south west. When it started to rain it was an exciting moment. It came down in torrents and it was no problem to drink out of cupped hands.

I had been licking the dew off the icebox lid and drinking small amounts of sea water, and trying to make the oranges and eggs last as long as possible. I used to swim nearly every day and this helped slow down the dehydration!



DAILY NEWS maps follows Drinan's circular drift, far out to sea.

NOR 6

I had scratched 13 marks on the icebox and crossed one off every day. There was no rational reason why I thought it was a critical number. But when the 13th day dawned and there was no land I became very despondent. I said to Our Lady of Fatima, Lady you've let me down! But the sou'west was blowing hard, the icebox was almost surfing on giant swells and at last, I was travelling the right direction. On the 14th day I woke, and there it was. Land, big, brown and beautiful. I knew then that I was going to make it."

Looking toward the land Drinan caught sight of a lighthouse, counting the flashes with some shock, he realised he had drifted back to where he had started from. Knowing if he didn't act now before the conditions changed, he would lose his chance of surviving. Loading his pitiful provisions aboard his roughhewn raft Drinan paddled hard, away from what was his salvation, toward the land unsure if he would make it.



Drinan with his makeshift raft after being rescued.

Paddling all night he finally rounded Steep Point and Monkey Rock familiar landmarks beckoning him to known safety. Drinan made his way to the lighthouse and was unable to find provisions. In a desperate attempt to find food and help, Drinan decided to attempt the relatively safe crossing to Dirk Hartog Island on his raft.

"Halfway across I heard the sound of diesel motors. I looked around over my shoulder and saw the crayfish freezer boat 'Sonoma' bearing down on me. At first, they thought I was a tourist on a surf ski!"

There followed one of the more dramatic radio reports in recent Western Australian maritime history. One of the crew was giving a routine radio report confirming **Sonoma's** safe arrival in South Passage. Suddenly he interrupted his broadcast "Hang on a minute!" There was a silence and the sound of the handset being put down with the usual statics and crackles. Then the operator resumed with a new excited note in his voice. "Hey! There's a bloke here on a raft! He says he's from the **Nor 6!**" When Jack got on board the first thing he saw in the **Sonoma's** wheelhouse was a statue of Our Lady of Fatima.

"I went down on my knees and thanked her for my deliverance."

The news was a sensation, on front pages all around Australia. Then came the hard questions, how had Drinan managed to survive 14 days at sea? Where was this brine tank he talked about? What had really happened to the **Nor 6**?

In 1963 Hugh Edwards was a young journalist with the Perth Daily News.

"I first heard the seemingly miraculous story of Jack Drinan's survival over the car radio driving back from diving on the Gilt Dragon wreck at Ledge Point. When I reached home there was an urgent message to ring my editor. 'Pack your bags, son' Stuart Joynt said 'And get to Carnarvon as quick as you can. Find out whether this fellow's the genuine article or whether there's more to it all than meets the eye. There was a pause and I could imagine him taking a puff on one of the cigarettes which seemed permanently in place under his neatly-trimmed grey moustache. 'Either way' he concluded, exhaling the smoke. 'It's a good story!'

It took only a few minutes with Jack Drinan to convince me that he was sincere. His hands shook, he cried easily, he was a man who had been through a dreadful time. Though it was clear that the loss of the Nor 6 was an unfortunate accident he felt a savage guilt about the loss of his crew. Even though it was a steerman's human error he was the Skipper. He found it especially hard to forgive himself for being the only survivor. 'Why not one of the others?' he asked, and the question was addressed not to me but to himself.

The story did not come out easily, but I never doubted his sincerity. The resultant newspaper articles filled a full page of the Daily News every day for five days. The words in the stories were Jack Drinan's exactly as he spoke them to me. I hardly had to alter a line. The account in this book (Shark Bay: Through Four Centuries 1616 to 2000 by Hugh Edwards) is Jack's too, just the way he told it all to me 26 years ago, passed on again to the reader.

As I left Carnarvon, he shook my hand and apologised for his shaky condition. Then he looked me in the eye and said "The icebox will prove it one day."

The ice-box?

"Yes" he said, "One day it will prove me right. One day it will turn up some place, somewhere and it will be just as I told you. The evidence, if you like. Then you'll know I told the truth." I told him that I didn't need the icebox to convince me. He thanked me and I never saw him again.

Jack, after a long and successful sea going career, died of cancer aged 61. In 1988, a few years after his death, the icebox was washed ashore on the Bellefin Prong during Cyclone Herbie, proving Drinan's unbelievable story. The icebox was eventually collected and is held by the Shire of Shark Bay.

The stone cairn erected in the Edel Land National Park (4WD access only) is a beautiful memorial to Barry Allen, Ron Poole, and Tony Romasanta-Bazarra. It is a place to stand on the stark and rugged cliffs, and gaze out into the capricious majesty that is the Indian Ocean, wondering at the ability of one human able to survive in such savage and endless waters.



Remains of the icebox washed up by Cyclone Herbie in 1988



Remnants of the icebox held by the Shire of Shark Bay.



Nor 6 memorial, south of Steep Point.

Francesco Olivari, Giorgio Lombardi, Marcello Prioli, Jamie Todd Stewart, Luke Anthony Murray, Harry Redout, Carlton Scott Tittums, Judy Kathleen Webster, Frank Travia, John Campbell, George Alfred Campbell, Ernest Victor Campbell, Alfred Elders, William Skillan, Keith Raymon "Digby" Milner, Richard Owen Williams, Henry Benjamin "Harry" Halliday, Hans Rasmussen, James Henry Morris, Ah Ming, Karlis Dambitis, William Watson, Charles Gill, Dennis Connor, E. Shadwell, Peter Andreas Gundersen, Frederick Benjamin Beaglehole, Kevin Edward Williams, Arsad Saleh, Salman Kawak Jalanting, Safarudin Jalating, Harno Acing, Muhammad Yamin, Puling, Rendi, Junias Laifoy, Juven Rissi, Alex Forbes, Thomas Liadel, Edmund Christoffersen, Robert John Gray, Roger Nunn William Bligh, Bror Emanuel Ericson, David Alan Weir, Isaac Doust, Wasyl "Victor" Muran, George Frederick Cant, Luigi Senni, Julius Valandis, Vasilio Valandis, Henry McPherson, Michael Lawson, George Shenton, Mr. Teede, Arthur Granlund, Edward Charles Ryles, Pemberton Walcott, Hugh Cameron Gill, Symond Bevan Hahn, Henry Courtenay, John Callaghan, Sam, Broer Soolsma, Frederick Erickson, Nirba, Ballemerda, Barry Roy Beale, William Brooker, Martti Tolonen, Leon Vincent Liedle, Frederick Davis, Stephen Johnson, Carl Gustav Evert Berg, Alfred Okamoto, Kristian Flagstad, Stephen Ernest Tuckey, Ernest (William) Bartley Tuckey, Henry Charles Evans, Leslie Hubert John Miller, Francesco Migliori, Giuseppe (Joseph) Basile, Frank Casparson, Martin Martinsen, Robert Sharpen, Karl Karlissen, Norman Frederickson, Michael John Small, George Gellin, Pietro (Peter) Vinci, Hugh William Strain, Gunnar "Teddy" Olsen (Oldusen), Harold Thomas Shaw, Leo Kampe, Charles Jones, Herbert Knowles Tounay, Arthur Nelson Blake, Thomas Knudsen, Charles Doggett, Jesse Ward, Toolum, Thomas Katnic, Antun (Anthony) Yanko (Jack) Kotic, Tony Sardelic, Jean Baptist Le Taul, Barry Royce Allen, Ronald Poole, Antonio (Tony) Romasanta-Bazarrar, Matteo Cipriani, Yohanis Balu, Ibrahim Loe, Yanus Modakh, Pice Nalukh, Denis Busu, Panji Balu, Benyamin Pah, Rifan Balu, Ari Arbet Giri, Roy Percival Cuthbert, Domenico Cappuluti, Mauro Caputa, Giovanni Germinario, Salvatore (Silvio) Marchese, Antonio Marino, Luigi Pittorino, Martin Petersen, Paul, John James Smith, George Greenhalgh, Alexander Young Smart, Toshiyuki Hatakeyama, Daniel Da Silva Garces, George Barbarich, Mate Parentich, Richard Arthur Hancock, Vito Spodavecchia, Thomas (Hakawila) Kanaka "Kakanita", Emil Hellgren, Jarrod Arthur Hampton, Howard Foale, Antony (Ante) Garbin, Andrew (Andrija) Barbich, Rudolf Ernest Gustav Holtz, Cono Tripi, George Raymond Houston, Richard (Dick) Johnson, (George) William Frederick Douglas Nelson, Alto, Houssein, Daniel Goodall, Frederick "Fred" Henry Tetlow, Lars Larsen, James Brent Bickers, Alistair Bowes Williams, Pieter Weltevreden, Hans Christian Koldbro Yder, James Tomoto, Herbertus Jacobus Franciscus Ackermans, Jeffrey Ross Champion, Jura (George) Zurinich (Zurinich), Barry Parker, William Arthur North, Eero Juhani Tolonen, Genj, Peter "Gus" Johnson, Nicholas Constantine, Axel Johansen, Antonio Cavalea, Leonard Arthur Farmer, Charles Oliver Lyons, Alfred Roy Bromfield, Ronald Frederick Stott, Albert Henry Money, Theodore James Money, Mariano Indelicato, Sverre Nilsen, Herbert Percival Willis, Ah Soor, John Arthur Reddell, Leslie Jack Reddell, James (Jim) Taylor, Jimmy, Ando, John Moran, Robert Thomas Allen, Edward Joseph Foster, William George Roser, George Henry Alder, William Francis George Hedge-Thomson, Tatao Hiyomori, Richard Peter Bisley, Thrasyvalos Eustration, John (Jack) S. Andrews, Carl Johansen (Jensen), Fred Matterson, Charles Swanson, Toby William Jamieson, Attanasio Farinola, Andrew John Tresise, Gordon Ambrose Willis, Paolo Carbonaro, Giuseppe Monastra, Salvatore Monastra, Petar Bozidar Butko, Axel Hansen, Albert Anderson, Oscar Anderson, James Gray, Colin Boot, Frederick Lindsay Hunt, Brian Sharp, Gustave Heel/Hill, Eldon Stuart Pink, Rose May Pink (nee Arthur Upjohn), Herman Ahrens, Henry Ferhman, Winston "Peter" Llewelyn Sweeting, George Wear, Ellen Elderly, One-arm Dick, Barry Ray Jessen, Frederick Anderson, Frank Thomas Mohr, Claudius Buchanan Ker, John Berger (Jack) Akerstrom, Francis Michael (Frank) Linthorne, Kichinosuka (Kich) Minami, Mary Swan and daughters, Charles Goodwin, Henry Gerald F. Parker, P. Berthelsen, Edward Tuckett, Francis Joseph Newby, Andrew Scott, William Roddick, Richard (Dick) William Featch, Joseph Ingonaoe, Laeloe Kintoe, Bire Mahoe, Thimotioes Nali, Mezak Fek, George Long, Henry Wood, Captain O'Neil, Andrew Farmer, Captain John Vincent, Matē John Beaty, George Fisher, Robert Ramsay, Thomas (Tom) Ralston, Henry Palmér, Harley Landor, M.A. Fogalstrom, Constable Bogue his wife and three children, Henry (Harry) James Ball, Charles Aslesen, Thomas Atkins, Alec Klassen, Arthur Hay, John Matthews, Fida, Albert, Peter, Sampi, Guiseppe Benvenuto, Patrick John Sullivan, George Nicholson, Mason Laurence Carter, Chad Alan Fairley, Murray Allan Turner, William Reuben Gibson, Stanley Ernest Gibson, Leonard Brigham, William Sullivan, Clements Kaylor, Gustav Pontus Axell, Jalmar Saarenpaa, Arthur (John) Roberts, Phillip Everatt Hind, William Garrard, John Bryan, William Adams, William Woodman, Thomas Aaron, Moke, Nabra, Margaret Allender, William Canalli (Connelly), Alfio Romeo, Ian Robert Collins, Ian Crawford, John Patrick Maher, Fuh Jing Yang, William W. Miles, John Taylor, George Matthew Vladich, Gordan Redford Truscott, Jose Gonclaves Faria, Frederick Martin, Robert Edwin Green, (Hugh) James Hatch, Daniel Brennan, Scott Clark, Janine Callow, Gavin Wayne Elliott, (Errol) Ian Jennings, Richard Mariu, George Papa Nicholas, Yartosai Tomioka, Sulo Eerik Mahonen, Raymond Doneo, Kimberley James Lambert and the many more unknown, unnamed and First Nations people who perished at sea.

LOSING ONES LIFE IN THE PURSUIT OF PROVIDING FOR
YOUR FAMILY IS INTRINSICALLY
TRAGIC AND SAD.

IT'S A HELL OF A PRICE TO PAY.

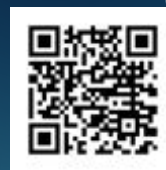
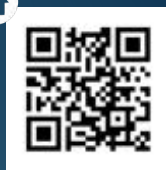


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