

CCS475: PARKING AND PARKING FACILITIES LOCAL LAW – DETERMINATION

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|---|---|---|
| Land Description | : | City of Albany |
| Attachments | : | <ul style="list-style-type: none">Proposed Electric Vehicle (EV) charging locations. |
| Supplementary Information & Councillor Workstation | : | City's website: <ul style="list-style-type: none">Parking & Parking Facilities Local Law 2012Delegations & Authorisations Register |
| Report Prepared By | : | Manager Governance & Risk (S Jamieson) |
| Authorising Officer: | : | A/Executive Director Corporate & Commercial Services (L Harding) |

STRATEGIC IMPLICATIONS

- This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - Pillars:** Leadership & Planet.
 - Outcomes:**
 - A well-informed and engaged community.
 - Work towards net zero greenhouse gas emissions.

Maps and Diagrams: Refer to Parking Schedules detailed within the report.

In Brief:

- Consideration be given to the establishment of designated parking spaces for Electric Vehicle (EV) Charging; and the establishment of new parking stations under the City's *Parking and Parking Facilities Local Law 2012*.

Purpose & Effect:

- Purpose:** The establishment of designated time limited parking spaces reserved for charging Electric Vehicles (EVs) only.
- Effect:** Only vehicles of the determine class will be permitted to stop or park in designated EV charging spaces and they must be plugged in to the designated approved power source.

RECOMMENDATION

**CCS475: RESOLUTION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR STOCKS**

THAT Council:

1. **APPROVE** the following determination, **NOTING** enforcement of the deemed parking stations can only occur post prescribed public notice and the installation of signage and line markings:

City of Albany
Parking and Parking Facilities Local Law 2012 (as amended)
Determination: Designate Parking Spaces for
Electric Vehicle Charging Use Only

For the purpose of this local law:

Definition: "*Electric Vehicle (EV)* means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle.

Determination:

- (1) **A person is prohibited from stopping or parking a motor vehicle not classified as an Electric Vehicle (EV) in a designated Electrical Vehicle (EV) charging space.**
- (2) **A person who stops or parks in a designated EV charging space, must also comply with the following rules:**
 - **Use of the Designated EV charging spaces is limited to a maximum of 1 hour duration; and**
 - **The parked/stopped EV must be plugged in and have a live connection to the City approved recharging facility.**
- (3) **This determination will come into effect 14 days after that date of public notice and publication on the City's website: www.albany.wa.gov.au**

2. **AUTHORISES** the Chief Executive Officer to authorise persons to administer the Designated Electric Vehicle (EV) Charging Spaces and immediate surrounds under the Parking and Parking Facilities Local Law 2012.

**CARRIED 11-0
ABSOLUTE MAJORITY**

CCS475: RESOLUTION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR STOCKS

THAT Council:

- 1. APPROVE the establishment of Designated Electric Vehicle (EV) Charging Spaces, at the location detailed in the layout plan, titled: “Old Gaol Car Park - Concept EV Charging Station Layout”, attached to this report.**
- 2. NOTE that Authorised Persons will approve future Designated Electric Vehicle Charging Spaces, under Delegation 044 – Public Traffic Management Treatments.**
- 3. NOTE that the Parking and Parking Facilities Local Law will be appended with the following condition:**

Schedule 1

Designated Electric Vehicle (EV) Plug In Charging Spaces

(1) Designated EV Plug In Charging Spaces will be designated by signage that states, as a minimum:

- Electric Vehicle Parking**
- Only while charging**
- 1P (1 Hour Limit)**
- Example: Electric-powered vehicle signage:**



CARRIED 11-0
ABSOLUTE MAJORITY

CCS475: COMMITTEE RECOMMENDATION 1

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS475: COMMITTEE RECOMMENDATION 2

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS475: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council:

1. APPROVE the following determination, NOTING enforcement of the deemed parking stations can only occur post prescribed public notice and the installation of signage and line markings:

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Parking and Parking Facilities Local Law 2012 (as amended)
Determination: Designate Parking Spaces for
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For the purpose of this local law:

Definition: "*Electric Vehicle (EV)* means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via 'plug in' connection to an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle.

Determination:

- (1) A person is prohibited from stopping or parking a motor vehicle not classified as an Electric Vehicle (EV) in a designated Electrical Vehicle (EV) charging space.
- (2) A person who stops or parks in a designated EV charging space, must also comply with the following rules:
 - Use of the Designated EV charging spaces is limited to a maximum of 1 hour duration; and
 - The parked/stopped EV must be plugged in and have a live connection to the City approved recharging facility.
- (3) This determination will come into effect 14 days after that date of public notice and publication on the City's website: www.albany.wa.gov.au

2. AUTHORISES the Chief Executive Officer to authorise persons to administer the Designated Electric Vehicle (EV) Charging Spaces and immediate surrounds under the Parking and Parking Facilities Local Law 2012.

CCS475: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council:

1. APPROVE the establishment of Designated Electric Vehicle (EV) Charging Spaces, at the location detailed in the layout plan, titled: *“Old Gaol Car Park - Concept EV Charging Station Layout”*, attached to this report.
2. NOTE that Authorised Persons will approve future Designated Electric Vehicle Charging Spaces, under Delegation 044 – Public Traffic Management Treatments.
3. NOTE that the Parking and Parking Facilities Local Law will be appended with the following condition:

Schedule 1

Designated Electric Vehicle (EV) Plug In Charging Spaces

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- Electric Vehicle Parking
- Only while charging
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- Example: Electric-powered vehicle signage:



BACKGROUND

2. In August 2021, the Western Australian Government announced the establishment of the longest electric highway in Australia.
3. To enable this, an infrastructure network of fast charging stations was proposed to connect Perth and regional Western Australia.
4. Locations for the EV Charging Stations have been determined by energy providers in consultation with the City and are addressed in a separate report.
5. The purpose of this report is to consider the establishment of parking spaces reserved for Electric Vehicle (EV) Charging Use Only.
6. It is also proposed that penalties will apply to persons who park internal combustion engine (ICE) vehicles, including hybrid EVs that are not required to be plugged in and charged, in the designated parking bays (spaces).

DISCUSSION

7. The City’s Parking & Parking Facilities Local Law, allows for Council to determine the specific classes of vehicle that are permitted to park in designated parking stations.

Power to prohibit and regulate

8. 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 the City’s Parking & Parking Facilities Local Law.

Designate Parking Spaces for Electric Vehicle Charging Use Only

9. There are two elements that must be completed to allow for the proposed electric vehicle (EV) charging stations to be administered under the City’s local law:
 - a. Firstly Council must determine the associated class of vehicle. Therefore, it is proposed that the class of vehicle will be described as follows for the purpose of determination under the local law:

“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 an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle.
 - b. The above vehicle type classification is modelled off an existing classification that has been reviewed and accepted by the Joint Standing Committee on Delegated Legislation in 2022.
 - c. Secondly Council must approve the “Deemed Parking Stations” as described in the proposed Schedule, noting enforcement of the deemed parking stations can only occur post the installation of signage / line marking and prescribed public notification.

GOVERNMENT & PUBLIC CONSULTATION

10. As at the time of writing this report, August 2022, it is only an offence under state law in the states of Victoria and Queensland for a driver to stop or park in a designated EV charging space unless they are driving an EV and it's plugged into a power source.
11. However, the *Local Government Act 1995* enables Western Australian local governments to make local laws considered necessary for the good government of their districts.
12. Recently the Joint Standing Committee on Delegated Legislation approved Parking Local Laws that categorised (defined) Electric Vehicles (EVs) for the purpose of reserving parking spaces for Electric Vehicles (EVs) charging.
13. Community consultation, specifically with the Museum for the proposed charging station sites was conducted as part of project feasibility process prior to presentation.

Community Engagement:

| Type of Engagement | Engagement Dates | Participation (Number) | Statutory Consultation |
|--------------------|--|------------------------|--|
| Inform | From the date of the published Committee agenda to the designated closing date for the prescribed public notice. | Not applicable. | Proposed public consultation subject to separate report. Public notice, as prescribed. |

STATUTORY IMPLICATIONS

14. The determination process is prescribed in the local law. Clause 6.1 of the City’s Local Government Parking & Parking Facilities Local Law 2012 (as amended) stipulates inter alia:

“6.1 Determination of metered zones

- (1) *The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones.*
- (2) *In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs—*
 - (a) *permitted times and conditions of parking depending on and varying with the locality;*
 - (b) *classes of vehicles which are permitted to park;*
 - (c) *the amount payable for parking; and*
 - (d) *the manner of parking.”*

15. Local Government Act 1995, section 5.42 states, in part:

“5.42. Delegation of some powers and duties to CEO (1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under — (a) this Act other than those referred to in section 5.43; or (b) the Planning and Development Act 2005 section 214(2), (3) or (5).”*

16. Voting Requirement: **Absolute Majority.**

POLICY IMPLICATIONS

17. A new classification of vehicle will be established in accordance with the City’s Parking & Parking Facilities Local Law 2012 (as amended).

Purpose & Effect:

- **Purpose:** The establishment of designated time limited parking space, reserved for charging Electric Vehicles (EVs).
- **Effect:** Only vehicles of the determine class will be permitted to stop or park in designated EV charging spaces and they must be plugged in to the designated approved power source.

RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|---------------|-----------------|---------------|--|
| Business Operation: <i>Indiscriminate parking at EV charging points.</i> | <i>Likely</i> | <i>Moderate</i> | <i>High</i> | <i>Proceed with recommended determination under the City’s Local Law, to allow Council Officers to provide enforcement if necessary.</i> |
| Opportunity: <i>Encourage EV driving tourism to Albany and promote the establishment of EV charging stations.</i> | | | | |

FINANCIAL IMPLICATIONS

19. There are no direct financial implications related to this report.

20. An appropriate modified penalty exists under the current local law, being:

- a. Offence: Parking in a parking station space set aside for a different class of vehicle or driver.
- b. Modified Penalty: \$45.00.

21. In addition if the modified penalty is not paid and the infringement is referred to the Fines, Enforcement Registry (FER), the following additional costs will also be borne by the infringed person:

- a. Final Demand Notice Fee: \$25.00
- b. Enforcement Certificate Fee: \$21.50
- c. FER Registration Fee: \$81.00

Regulatory Cost Implications:

22. Complaints that are straightforward can often be resolved on first contact. If this is not the case and enforcement action is required, the following details estimated costs per transaction.
23. In general the cost for Rangers to undertake routine patrols and responding to complaints are \$42/hour (which includes overheads of 20% for Superannuation, Workers Compensation, Annual Leave, etc.).
24. The cost of Ranger Administration staff time for processing infringements and refereeing to Fines Enforcements Registry (FER) are \$38/hour (which includes overheads of 20% for Superannuation, Workers Compensation, Annual Leave, etc.).
25. It is difficult to forecast additional costs specific to this situation, however it would be reasonable to assume that with appropriate signage and line marking, there should be minimal compliance issues.
26. The proposed parking station, will be included as part of routine patrols, totally approximately 1 to 2 hours per week.

| Education, Investigation, Enforcement, Follow Up Transaction | |
|---|-------------------------------------|
| Element | Cost |
| Modified penalty for breach of local law | \$45.00 |
| Administration Costs (i.e. Referral to Fines, Enforcement Registry etc.). | Approximately \$38 per transaction. |

LEGAL IMPLICATIONS

27. Future enforcement action will be administered under the Parking and Parking Facilities Local Law and the proposed determination.

ENVIRONMENTAL CONSIDERATIONS

28. There are no direct environmental considerations related to this report. However, the promotion of EV vehicles and the facilitation of charging stations, supports the City’s adopted Community Strategic Plan 2032 and the State Government Electric Vehicle (EV) initiatives.

ALTERNATE OPTIONS

29. Council may resolve to:
- a. Not support the determination; or
 - b. Support the determination with modification.

CONCLUSION

30. It is recommended that the proposed determinations are adopted to facilitate compliance action.

| | | |
|-----------------------------------|---|---|
| Consulted References | : | <ul style="list-style-type: none"> • Local Government Act 1995 • Parking & Parking Facilities Local Law 2012 • Delegations & Authorisations Register • Joint Standing Committee on Delegated Legislation Findings sourced from: www.parliament.wa.gov.au • AS/NZS Regulations and Standards for EV Charging • https://nationalsafetysigns.com.au/ |
| File Number (Name of Ward) | : | Frederickstown Ward |
| Previous Reference | : | <ul style="list-style-type: none"> • OCM 13/12/2016 Resolution ED044 (Parking Determination) • OCM 24/09/2019 Resolution DIS175 (Parking Determination) • Elected Member Briefing, held post DIS Committee held on 13 July 2022 • CCS Committee 13/09/2022 Report CCS473. |