

**LOCAL GOVERNMENT ACT 1995**

***Town of Kwinana***

**PARKING AND PARKING FACILITIES LOCAL LAW 2010**

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Town of Kwinana resolved on 15 December 2010 to adopt the following local law.

**Preamble**

The principal local law *Town of Vincent Parking and Parking Facilities Local Law 2007* as published in the *Government Gazette* on 21 November 2007, including the amendments as published in the *Government Gazette* on 5 August 2008 and on 27 February 2009, is adopted as the local law of the Town of Kwinana with the modifications as set out below.

**1. Preliminary**

Delete the words “Town of Vincent” wherever they appear in this local law and insert “Town of Kwinana” instead.

**2. Part 1 amended**

**2.1 Delete clause 1.1 and insert—**

**1.1 Citation**

This local law is the *Town of Kwinana Parking and Parking Facilities Local Law 2010*.

**2.2 In clause 1.2(1) delete “objective” and insert “purpose”, and delete clause 1.2 heading and insert—**

**1.2 Purpose and effect**

**2.3 Delete clause 1.4 and insert—**

The Town of Kwinana Parking Local Law 2000 published in the *Government Gazette* on 29 November 2000 is repealed.

**2.4 In clause 1.5 delete subclauses (1) and (4) and insert respectively—**

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

(4) Where a parking facility or a parking station is identified in Schedule 6, the facility or station shall be deemed to be a facility or station to which this local law applies.

**2.5 In clause 1.6 delete the definitions “authorised person” and “parking region”, and insert the following definitions in alphabetical order—**

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

“parking region” means the whole of the district except for those areas, roads, bridges and subways under the control and direction of the Commissioner of Main Roads;

“costs” of the local government include its administrative costs;

“residential zone” means land within the residential zone specified within the Town of Kwinana’s local planning scheme dealing with zoning;

“special residential zone” means land within the special residential zone specified within the Town of Kwinana’s local planning scheme dealing with zoning;

**3. Part 3 amended**

**3.1 In clause 3.1 designate the first subclause “(1)” and insert new subclause (2)—**

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

**4. Part 4 amended**

**4.1 In clause 4.1 delete subclause (4).**

**4.2 In clause 4.1 re-designate subclause “(5)” to “(4)”.**

**4.3 In clause 4.9(1)(e) delete “Schedule 7” and insert “Schedule 6”.**

**4.4 Delete clause 4.14 and its heading and insert—**

**4.14 Vehicles prohibited in the residential and special residential zones**

(1) No person shall park for more than 4 hours consecutively within the residential and special residential zones—

- (a) more than one commercial vehicle;
  - (b) any vehicle which, due to its size or load, is not capable of being completely housed within a garage or building approved by council; or
  - (c) a vehicle which, together with its load, exceeds 3 metres in height.
- (2) No person shall, within the residential and special residential zones—
- (a) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is completely housed within a garage or building approved by council; or
  - (b) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes or allow the vehicle to remain stationary.
- (3) Subclauses (1) and (2) do not apply to—
- (a) a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises; or
  - (b) a commercial vehicle associated with building works being carried out on the premises.

#### **5. Part 5 amended**

##### **5.1 Delete clause 5.17 and its heading and insert—**

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

Subject to any clause to the contrary or sign referable to the carriageway, a person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is eight metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding 2 hours, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of such vehicles.

#### **6. Part 7 amended**

##### **6.1 In clauses 7.3(1) and 7.3(2) delete “Schedule 8” and insert “Schedule 7”.**

##### **6.2 In clause 7.6 delete subclauses (2) and (5) and insert respectively—**

- (2) The local government shall give notice referred to in subclause (1) in the form of Item 3(a) of Schedule 8 by serving the notice on the eligible person to whom the permit was issued.
- (5) The local government shall give notice of the revocation in the form of Item 3(b) of Schedule 8 by serving the notice on the eligible person to whom the permit was issued.

#### **7. Part 9 amended**

##### **7.1 In clause 9.2 delete paragraphs (a) and (c) and insert respectively—**

- (a) notice to the owner of a vehicle involved in an offence referred to in section 9.13 of the Act is that of the form in Schedule 3;
- (c) withdrawal of infringement notice referred to in section 9.20 of the Act is that of the form in Schedule 5.

#### **8. Schedules amended**

##### **8.1 Delete Schedules 1 to 9 and insert—**

##### ***Schedule 1—Parking region***

[cl. 1.5(1)]

##### **LOCAL GOVERNMENT ACT 1995**

##### **Town of Kwinana Parking and Parking Facilities Local Law 2010**

##### **PARKING REGION**

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

1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;

2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads;
3. any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

***Schedule 2—Prescribed offences***

[cl.9.1(4)]

**LOCAL GOVERNMENT ACT 1995**

**Town of Kwinana Parking and Parking Facilities Local Law 2010**

**OFFENCES AND MODIFIED PENALTIES**

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1.	2.2(1), (2)	Failure to comply with signs	50
2.	2.3(a)	Unauthorised display, marking, setting up, exhibiting of a sign	125
3.	2.3(b)	Unauthorised removal, defacing or misuse of a sign	70
4.	2.3(c)	Unauthorised affixing anything to a sign	60
5.	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	60
6.	3.2(1)(b)	Failure to park wholly within parking stall	60
7.	3.2(1)(C)	Failure to park in the direction of the movement of traffic in a parking stall	60
8.	3.2(4)	Failure to park wholly within parking area	50
9.	3.3(1)(a)	Causing obstruction in parking station	125
10.	3.3(1)(b)	Parking contrary to sign in parking station	50
11.	3.3(1)(C)	Parking contrary to directions of authorised person	150
12.	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	50
13.	4.1(1)(a)	Parking by vehicles of a different class	85
14.	4.1(1)(b)	Parking by persons of a different class	85
15.	4.1(1)(C)	Parking during prohibited period	85
16.	4.1(3)(a)	Parking in no parking area	85
17.	4.1(3)(b)	Parking contrary to signs or limitations	50
18.	4.1(3)(C)	Parking vehicle in motorcycle only area	50
19.	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	85
20.	4.2(1)(a)	Failure to park on the left of two-way carriageway	60
21.	4.2(1)(b)	Failure to park on boundary of one-way carriageway	60
22.	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	60
23.	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
24.	4.2(1)(d)	Parking closer than 1 metre from another vehicle	50
25.	4.2(1)(e)	Causing obstruction	125
26.	4.3(b)	Failure to park at approximate right angle	50
27.	4.4(2)	Failure to park at an appropriate angle	50
28.	4.5(2)(a)	Double parking	125

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
29.	4.5(2)(b)	Parking on or adjacent to a median strip	60
30.	4.5(2)(c)	Denying access to private drive or right of way	125
31.	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	125
32.	4.5(2)(e)	Parking within 10 metres of traffic island	60
33.	4.5(2)(f)	Parking on footpath/pedestrian crossing	150
34.	4.5(2)(g)	Parking closer than 3 metres to double longitudinal lines	125
35.	4.5(2)(h)	Parking on intersection	150
36.	4.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	50
37.	4.5(2)(j)	Parking within 3 metres of public letter box	50
38.	4.5(2)(k)	Parking within 10 metres of intersection	60
39.	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	50
40.	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	50
41.	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	50
42.	4.6	Parking contrary to direction of authorised person	150
43.	4.7(1), (2) or (3)	Moving vehicle to avoid time limitation	85
44.	4.8(a)	Parking in thoroughfare for purpose of sale	125
45.	4.8(b)	Parking unlicensed vehicle in thoroughfare	100
46.	4.8(C)	Parking a trailer/caravan on a thoroughfare	100
47.	4.8(d)	Parking in thoroughfare for purpose of repairs	125
48.	4.9(2)	Parking on land that is not a parking facility without consent	125
49.	4.9(3)	Parking on land not in accordance with consent	125
50.	4.10	Driving or parking on a reserve	125
51.	4.11	Parking on a verge	60
52.	4.13(1)	Failure to display an unexpired parking ticket	60
53.	4.13(2)(a)	Deface, alter, add to, erase, obliterate or otherwise interfere with a parking ticket	150
54.	4.13(2)(b)	Display a defaced, altered obliterated or otherwise interfered with parking ticket	150
55.	4.13(2)(c)	Produce a defaced, altered obliterated or otherwise interfered with parking ticket	150
56.	4.14(1)(a)	Parking more than one commercial vehicle in excess of 4 hours in a Residential or Special Residential Zone	60
57.	4.14(1)(b)	Parking oversize vehicle in excess of 4 hours in a Residential or Special Residential Zone	85
58.	4.14(1)(c)	Parking vehicle over 3m in height in excess of 4 hours in a Residential or Special Residential Zone	85

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
59.	4.14(2)	Repairing, servicing or cleaning commercial vehicle other than in a garage or building in a Residential or Special Residential Zone	85
60.	4.14(3)	Parking commercial vehicle exceeding 2 tonnes load capacity in a Residential or Special Residential Zone.	125
61.	5.1(1)	Stopping contrary to a no stopping sign	125
62.	5.1(2)	Parking contrary to a no parking sign	85
63.	5.1(3)	Stopping within continuous yellow lines	125
64.	5.2	Stopping unlawfully in a loading zone	85
65.	5.3	Stopping unlawfully in a taxi zone or bus zone	100
66.	5.4	Stopping unlawfully in a mail zone	70
67.	5.5	Stopping in a zone contrary to a sign	50
68.	5.6	Stopping in a shared zone	50
69.	5.7(1)	Double parking	125
70.	5.8	Stopping near an obstruction	125
71.	5.9	Stopping on a bridge or tunnel	100
72.	5.10	Stopping on crests/curves etc	100
73.	5.11	Stopping near fire hydrant	70
74.	5.12(1)	Stopping near bus stop	85
75.	5.13	Stopping on path, median strip or traffic island	125
76.	5.14(1)	Stopping on verge	60
77.	5.15	Obstructing path, a driveway etc	125
78.	5.16	Stopping near letter box	50
79.	5.17	Stopping heavy or long vehicles on carriageway	85
80.	5.18	Stopping in bicycle parking area	60
81.	5.19	Stopping in motorcycle parking area	60
82.	5.20	Stopping or parking in a stall set up as an eating area	85
83.	5.21	Stopping or parking contrary to requirements of a permit	60
84.	5.22	Stopping or parking a vehicle (other than a bicycle or motorcycle) in a parking stall approved for motorcycles	60
85.	6.1(1)	Damaging or interfering with ticket issuing machine	150
86.	6.1(2)	Affixing a board, sign, placard or notice or marking any ticket issuing machine	60
87.	6.1(3)	Inserting other than a coin in a ticket issuing machine	50
88.	6.1(4)	Operating a ticket issuing machine contrary to instructions	50
89.	6.2(2)	Failure to pay appropriate fee	60
90.	6.3(1)(a)	Failure to display an unexpired parking ticket	60
91.	6.3(1)(b)	Failure to display a valid parking ticket	60
92.	6.4(1)	Stopping or parking for longer than the maximum period	60
93.	6.5(1)(a)	Failure to stop or park parallel to the kerb in a ticket machine zone	60
94.	6.5(1)(b)	Failure to stop or park as close to the kerb as practicable in a ticket machine zone	60
95.	6.5(1)(c)	Failure to stop or park wholly within a parking stall in a ticket machine zone	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
96.	6.5(1)(d)	Failure to stop or park in direction of movement of traffic in a ticket machine zone	50
97.	7.9	Failure to display a valid permit	85
98.	8.3	Failure to comply with a lawful direction of an authorised person	150
99.	8.4	Failure to leave local government property when lawfully directed to do so by an authorised person	150
100.	8.5(2)	Removing or interfering with a lawful mark on a tyre	150
101.	8.6	Removing a notice on a vehicle	125
102.	8.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	125
103.	8.9	Attempting to or removing, damaging, defacing, misusing or interfering with any part of a parking station or parking facility	150
104.		All other offences not specified	85

***Schedule 3—Notice to vehicle owner***

[cl. 9.2(a)]

**LOCAL GOVERNMENT ACT 1995**

**Town of Kwinana Parking and Parking Facilities Local Law 2010**

**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 *Town of Kwinana Parking and Parking Facilities Local Law 2010*.

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; or

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

or

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

[5] .....

[6] .....

Insert—

- [1] Name of owner or 'the owner'
  - [2] Address of owner (not required if owner not named)
  - [3] Time of alleged offence
  - [4] Location of alleged offence
  - [5] Signature of authorised person
  - [6] Name and title of authorised person giving notice
- \_\_\_\_\_

***Schedule 4—Infringement notice***

[cl 9.2(b)]

**LOCAL GOVERNMENT ACT 1995**

**Town of Kwinana Parking and Parking Facilities Local Law 2010**

**NOTICE OF INFRINGEMENT**

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 *Town of Kwinana Parking and Parking Facilities Local Law 2010*.

The modified penalty for the offence is \$ .....

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

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable by you.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

[6] .....

[7] .....

Insert—

- [1] Name of alleged offender or 'the owner'
- [2] Address of alleged offender
- [3] Time of alleged offence
- [4] Location of alleged offence
- [5] Place where modified penalty may be paid
- [6] Signature of authorised person
- [7] Name and title of authorised person giving notice

***Schedule 5—Infringement withdrawal notice***

[cl. 9.2(c)]

**LOCAL GOVERNMENT ACT 1995**

**Town of Kwinana Parking and Parking Facilities Local Law 2010**

**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 whichever is inapplicable***

**[3]** .....

**[4]** .....

**Insert—**

**[1]** Name of alleged offender to whom infringement notice was given or 'the owner'

**[2]** Address of alleged offender.

**[3]** Signature of authorised person

**[4]** Name and title of authorised person giving notice

***Schedule 6—Parking Stations***

[cl. 1.5(4) & 4.9(1)(e)]

**LOCAL GOVERNMENT ACT 1995**

**Town of Kwinana Parking and Parking Facilities Local Law 2010**

**PARKING STATIONS UNDER CARE, CONTROL AND MANAGEMENT  
OF THE TOWN OF KWINANA**

<b>No.</b>	<b>Description</b>	<b>Night/Day Parking</b>	<b>Days and Hours of Operation</b>
<b>1</b>	<b>Kwinana Hub Shopping Centre being part lot 3 bounded by Gilmore, Chisham and Challenger Avenues, Town Centre, Kwinana.</b>	<b>Day Parking</b>	<b>Monday to Sunday, 8.00am to 8.00pm inclusive</b>




***Schedule 7—Parking Permits***


[cl. 7.3(1) & (2)]

**LOCAL GOVERNMENT ACT 1995  
Town of Kwinana Parking and Parking Facilities Local Law 2010**

**ITEM 1—RESIDENTIAL PARKING PERMIT**

	<b>Local Government Act 1995 Town of Kwinana Parking and Parking Facilities Local Law 2010 RESIDENTIAL PARKING PERMIT</b>
<b>PERMIT No.</b>	
<b>Vehicle Make/Type: .....Registration No:.....</b>	
<b>Exempted Road/Metered Space:</b> .....	

**ITEM 2—VISITOR'S PARKING PERMIT**

	<b>Local Government Act 1995 Town of Kwinana Parking and Parking Facilities Local Law 2010 RESIDENTIAL PARKING PERMIT VISITOR'S PARKING PERMIT</b>
<b>PERMIT No.</b>	
<b>Exempted Road: .....</b>	
<b>Name of Person to Whom Exemption Issued: .....</b>	
<b>..... Expiry Date: .....</b>	
<b>For the Town of Kwinana</b>	

***Schedule 8—Revoking of permits***

[cl. 7.6(2) & (5)]

**LOCAL GOVERNMENT ACT 1995  
Town of Kwinana Parking and Parking Facilities Local Law 2010**

**ITEM 3(a) NOTICE OF INTENT TO REVOKE PERMIT**

**Notice of Intention to Revoke Permit**

Take notice that within seven days from the ..... day of ..... the person to whom (Residential Parking Permit/Visitors Parking Permit)\* No ..... was issued is required to give the local government notice in writing of any reason why that permit should not be revoked. If no written notice is received by the local government within that time, local government may revoke that permit.

.....  
for Town of Kwinana

.....  
**Date of Service**

**\* Delete whichever is inapplicable**

---

**LOCAL GOVERNMENT ACT 1995**  
**Town of Kwinana Parking and Parking Facilities Local Law 2010**  
**ITEM 3(b) NOTICE OF REVOCATION OF PERMIT**

**ITEM 3(b)**

**Notice of Revocation of Permit**

**Take notice that from and including the ..... day of  
..... (Residential Parking Permit/Visitor's Parking Permit)\* No  
..... is revoked and invalid.**

**.....**

**for Town of Kwinana**

**\* Delete whichever is inapplicable**

---

**Dated: 15 December 2010.**

**The common seal of the Town of Kwinana was affixed by the authority of a  
resolution of the Council in the presence of—**

**CAROL ADAMS, Mayor.**  
**NEIL HARTLEY, Chief Executive Officer.**

---