

LOCAL GOVERNMENT ACT 1995

Shire of Roebourne

PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling the local government, the Council of the Shire of Roebourne resolved on 21 March 2011 to adopt the following local law.

1. Citation

This local law is cited as *the Shire of Roebourne Parking and Parking Facilities Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law

In this local law, the *Shire of Roebourne Parking and Parking Facilities Local Law 2010* published in the *Government Gazette* on 30 July 2010 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.5 amended

4.1 In clause 1.5(1) delete the definitions “*attended parking station*”, “*currency*”, “*keep clear marking*”, “*loading zone*”, “*parents with prams*”, “*seniors parking sign*”, “*sign*” and “*thoroughfare*” and insert the following definitions in alphabetical order—

“*attended parking station*” means a parking station attended by a person appointed by the local government and in respect of which fees for the parking of a vehicle are payable immediately prior to the removal of the vehicle from the station;

“*currency*” means any notes and coins which are legal tender pursuant to the *Currency Act 1965 (Commonwealth)*;

“*disability parking bay*” means a portion of the carriageway or parking area set aside for the use of persons with disabilities and identified by and in accordance with *Local Government (Parking for Disabled Persons) Regulations 1988*;

“*keep clear marking*” means the words “keep clear” marked across all or part of a carriageway, with or without continuous lines marked across all or part of the carriageway;

“*loading zone*” means a length of carriageway, parking stall or parking area to which a “loading zone” sign applies;

“*parents with prams*” means a parking facility set aside for the use of people accompanied by a young child or children using a pram at the time to transport the child or children and identified in accordance with a permit issued by the local government;

“*path*” includes bicycle path, footpath, separated footpath and shared path;

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

“*seniors parking*” means a parking facility set aside for use by a senior person and identified in accordance with a permit issued by the local government;

“*senior person*” means a person aged 60 years or more;

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

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

“*verge*” means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath; and

“*yellow edge line*” has the same meaning as given to it by the Code.

4.2 In clause 1.5(5), delete paragraph (b) and insert—

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

5. Clause 3.3 amended

In clause 3.3, after subclause (2), insert new subclause (3)—

(3) A person shall not stop or park a vehicle, other than a vehicle displaying a current ACROD sticker, on any land which has been set aside within a parking region as a parking bay marked for the use of people with disabilities.

6. Clause 4.1 amended

6.1 In clause 4.1, delete subclause (2) and re-number subclauses “(3)”, “(4)”, “(5)” and “(6)” to “(2)”, “(3)”, “(4)” and “(5)” respectively.

6.2 In clause 4.1(1), delete “Subject to subclause (2), a person” and insert “A person”.

7. Clause 4.5 amended

In clause 4.5(3), delete paragraph (f) and insert—

(f) on, over or across any footpath or pedestrian crossing or where there is no constructive footpath;

8. Clause 4.8 amended

In clause 4.8 delete paragraph (b) and insert—

(b) if that vehicle is not licensed under the Road Traffic Act;

9. Clause 4.10 amended

In clause 4.10, delete “upon” and insert “upon, across”.

10. Clause 4.12 amended

In clause 4.12, after subclause (2), insert new subclause (3)—

(3) Where permission is granted under subclause (1), the local government, the CEO or authorised person may withdraw permission at any time and that person and the vehicle to which permission was given to, must leave the thoroughfare or parking facility without delay.

11. Clause 4.13 amended

Delete clause 4.13 and its heading and insert—

4.13 Parking for persons with disabilities

(1) In this clause—

“AS1428.1-2001” means the standard called “Signs indicating access for people with disabilities” published by the Standards Association of Australia;

“disability parking area” is a length or area of a road—

(a) set aside for the use of people with disabilities under the Local Government (Parking for Disabled Persons) Regulations 1988;

(b) indicated by the words “Disabled Parking Only” clearly written on the ground or marked with a symbol indicating it is solely for use of persons with disabilities, and an elevated parking sign bearing the “international symbol for access for the disabled”.

“disability vehicle” means—

(a) a vehicle displaying a current ACROD sticker; and

(b) the ACROD sticker relates to the “driver” of that vehicle.

“driver” means—

(a) the driver of a “disability vehicle” or the passenger in that vehicle; and

(b) displays a current ACROD sticker; and

(c) who must disembark from that parked vehicle;

“international symbol for access for the disabled” means the symbol described in AS1428.1-2001.

(2) A driver shall not stop and park in a parking facility, parking area or parking bay that is marked for the sole use of people with disabilities unless he or she is using a disability vehicle.

(3) A driver of a disability vehicle may park that vehicle in a parking bay, parking facility or parking area other than in a parking stall marked solely for the use of people with disabilities, for twice the period of time permitted by the sign referable to that facility or area or bay.

12. Clause 4.16 amended

In clause 4.16, delete “shoeing” and insert “showing”.

13. Clause 4.17 amended

Delete “Division 3—Special events parking” and the entire clause 4.17.

14. Clause 5.13 amended

Delete clause 5.13 and its heading, and insert—

5.13 Stopping or driving on a path, median strip, or traffic island

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

15. Clause 5.16 amended

In clause 5.16, delete paragraphs (a) and (b) and insert—

- (a) on a carriageway or thoroughfare in a built-up area for any period exceeding 1 hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway or thoroughfare outside a built-up area, except on the shoulder of the carriageway, thoroughfare or in a truck bay or other area set aside for the parking of such vehicles.

16. Part 9 amended

16.1 Delete Part 9 heading and replace with—

PART 10—PENALTIES

16.2 Re-number clauses “9.1” and “9.2” to “10.1” and “10.2” respectively.

16.3 After Part 8 insert new Part 9—

PART 9—RESIDENTIAL PARKING PERMITS

9.1 Definitions

In this Part, unless the context otherwise requires—

“dwelling unit” means premises lawfully used for self-contained living quarters;

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

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

“residential parking permit” means a permit issued to a resident by the local government pursuant to clause 9.3(1);

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

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

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

“single house occupier” means an occupier of a single house;

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

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

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

“visitor’s parking permit” means a permit issued by the local government pursuant to clause 9.3(2).

9.2 Exemption for permit holders

(1) Where on any part of a thoroughfare the stopping or parking of vehicles is prohibited by a sign for more than a specified period or

where any part of a thoroughfare is a metered space, the holder of a valid permit is exempted from such prohibition.

(2) The local government may also issue a permit which exempts the holder from compliance with the requirements of clauses 9.3(1) and 9.3(2).

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

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

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

9.3 Issue of permits

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

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

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

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

9.4 Discretionary authority

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

9.5 Validity of permit

(1) Every residential parking permit or visitor's parking permit as the case may be shall cease to be valid upon—

- (a) the expiry of a period of 12 months from and including the date on which it is issued;
- (b) the holder of the permit ceasing to be an eligible person;
- (c) the revocation of the permit by the local government pursuant to clause 9.6;
- (d) the replacement of any permit by a new permit issued by the local government pursuant to clause 9.3.

9.6 Revocation of a permit

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

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

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

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

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

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

9.7 Removal of a permit from a vehicle

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

9.8 Replacement of permit

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

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

(3) Notwithstanding subclause (2), no fee shall be payable for the issue of a replacement permit if evidence is produced in writing to the satisfaction of the local government—

(a) that the vehicle in which the permit is displayed has been disposed of;

(b) that the vehicle's windscreen in which the permit is displayed has been replaced; or

(c) which the local government considers warrants the waiving of the fee.

9.9 Display of residential or visitor's parking permits

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

17. Schedule 2 amended

17.1 In the table in Schedule 2, delete items 17, 37, 55 and 62 (under the same column heading) and replace with—

Item No.	Clause No.	Description of Offence	Modified Penalty \$
17	4.2(1)(e)	Causing obstruction on carriageway	100
37	4.10	Driving or parking on reserve	250
55	5.23	Stopping in parents with prams parking area	120
62	7.10	Leaving vehicle so as to obstruct a public place	200

17.2 Re-number items "65" and "66" to "66" and "67" respectively.

17.3 After item 64 (under the same column heading) insert—

Item No.	Clause No.	Description of Offence	Modified Penalty \$
65	9.9	Failure to display a valid permit	100

Dated: 4 April 2011.

The Common Seal of the Shire of Roebourne was affixed by authority of a resolution of the Council in the presence of—

NICOLE LOCKWOOD, President.
COLLENE LONGMORE, Chief Executive Officer.