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LOCAL GOVERNMENT ACT 1995

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SHIRE OF BUSSELTON

PARKING LOCAL LAW 2011

LOCAL GOVERNMENT ACT 1995

SHIRE OF BUSSELTON

PARKING LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995

SHIRE OF BUSSELTON

PARKING LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the Shire of Busselton resolved on 9 November 2011 to make the following local law.

PART 1 — DEFINITIONS AND OPERATION

1.1 Title

This local law is the *Shire of Busselton Parking Local Law 2011*.

1.2 Commencement

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

1.3 Repeal

The *Shire of Busselton Parking Facilities By-Laws*, published in the *Government Gazette* on 24 June 1994, is repealed.

1.4 Definitions

In this local law—

ACROD sticker has the meaning given in the *Local Government (Parking for Disabled Persons) Regulations 1988*;

Act means the *Local Government Act 1995*;

authorised person means a person appointed by the Council or the CEO, 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 under any written law, to be parked on a thoroughfare or parking facility;

bicycle has the meaning given to it by the Code;

bicycle path has the meaning given to it by the Code;

bus has the meaning given to it by the Code;

bus embayment has the meaning given to it by the Code;

bus stop has the meaning given to it by the Code;

bus zone has the meaning given to it by the Code;

caravan has the meaning given by the *Caravans Parks and Camping Grounds Act 1995*;

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, the expression means each of those portions, separately;

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

- (a) for a 2-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 to it by the Code;

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

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 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;

district means the district of the local government;

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

edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

emergency vehicle has the meaning given to it by the Code;

footpath has the meaning given to it by the Code;

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

loading zone means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'loading zone';

local government means the Shire of Busselton;

mail zone has the meaning given to it by the Code;

median strip has the meaning given to it by the Code;

motor cycle has the meaning given to it by the Code;

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

no parking area has the meaning given to it by 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 to it by 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 to it by the Act;

owner—

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

parking area has the meaning given to it by the Code;

parking facilities—

- (a) means land, buildings, shelters, parking stations, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) includes signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area described in Schedule 1;

parking stall means a section or part of a thoroughfare or parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking station means any land, or structure provided for the purpose of accommodating vehicles with or without charge;

pedestrian crossing has the meaning given to it by 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 the meaning of section 3.53 of the Act;

Road Traffic Act means the *Road Traffic Act 1974*;

Schedule means a Schedule to this local law;

shared zone has the meaning given to it by the Code;

Shire means the Shire of Busselton;

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 CEO or an authorised person; 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 and stopping of vehicles;

special purpose vehicle has the meaning given to it by the Code;

stop has the meaning given to it by the Code;

symbol includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law also is to be deemed to include a reference to the corresponding symbol;

taxi means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

taxi zone has the meaning given to it by the Code;

thoroughfare has the meaning given to it by the Act;

traffic island has the meaning given to it by the Code;

trailer has the meaning given to it by the Code;

vehicle has the meaning given to it by the Road Traffic Act; and

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.

1.5 Application of particular definitions

(1) For the purposes of the application of the definitions of '**no parking area**' and '**parking area**', an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

(2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term is to have the meaning given to it in that Act or the Code.

1.6 Application

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

(2) 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 will apply to that facility or station.

(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

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 deemed 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 relates to the stopping of vehicles, it is deemed to operate and have effect as if it related to the parking of vehicles.

(4) Parts 2, 3, 4 and 5 of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.8 Classes of vehicles

For the purposes of this local law, vehicles are divided into classes as follows—

(a) buses;

(b) commercial vehicles;

(c) motorcycles and bicycles;

(d) taxis; and

(e) all other vehicles.

1.9 Part of thoroughfare to which sign applies

Where under this local law the parking 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) lies beyond the sign;

(b) lies between the sign and the next sign beyond that sign; and

(c) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the Council

The Council may, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

PART 2 — PARKING STALLS, PARKING STATIONS AND PARKING AREAS

2.1 Determination of parking stalls, parking stations and parking areas

- (1) The Council may, constitute, determine or vary—
 - (a) parking stalls;
 - (b) parking stations;
 - (c) parking areas;
 - (d) no parking areas;
 - (e) no stopping areas;
 - (f) permitted time and conditions of parking in parking stalls, parking stations and parking areas which may vary with the locality;
 - (g) permitted classes of vehicles which may park in parking stalls, parking areas and parking stations;
 - (h) permitted classes of persons who may park in specified parking stalls, parking stations and parking areas; and
 - (i) the manner of parking in parking stalls, parking stations and parking areas.
- (2) Where the Council makes a determination under subclause (1), the CEO must give local public notice of, and erect signs to give effect to, the determination.

2.2 Vehicles to be within parking stall

- (1) Subject to subclauses (2), (3) and (4), a person must not park a vehicle in a parking stall otherwise than—
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) if in a thoroughfare, headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3), where a parking stall is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle must do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person must not park a vehicle partly within and partly outside a parking area.

2.3 Parking prohibitions and restrictions

- (1) A person must not—
 - (a) park a vehicle so as to obstruct an entrance to or an exit from a parking station, or an access way within a parking station;
 - (b) except with the permission of the CEO or an authorised person, park a vehicle on any part of a parking station contrary to a sign referable to that part;
 - (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
 - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked, but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) A person must not park a bicycle in a parking stall unless—
 - (a) the stall is marked 'M/C'; and
 - (b) the bicycle is parked against the kerb.
- (3) Despite subclause (1)(b), a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—
 - (a) the driver's vehicle displays a current ACROD sticker; and
 - (b) a disabled person to which that ACROD sticker relates is either the driver or a passenger in the vehicle.

PART 3 — PARKING GENERALLY

3.1 Restrictions on parking in particular areas

- (1) Subject to subclause (3), a person must not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.

- (2) Subclause (3) applies to a driver if—
 - (a) the driver's vehicle displays a current ACROD sticker; and
 - (b) a person with a disability to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
- (3) The driver may park a vehicle in a thoroughfare, part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.
- (4) A person must not park a vehicle—
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law; or
 - (c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (5) A person must not park a bicycle, or a motorcycle without a sidecar or a trailer, in a parking stall unless the stall is marked 'M/C'.
- (6) A person must not, without the prior permission of the CEO or an authorised person, park a vehicle in an area designated by a sign stating 'authorised vehicles only'.

3.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking stall must 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 thoroughfare on which the vehicle is 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 thoroughfare on which the vehicle is parked;
 - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a bicycle, or a motorcycle without a trailer, parked in accordance with this local law; and
 - (e) so that it does not obstruct any vehicle on the carriageway,
 unless otherwise indicated on a sign or by marks on the carriageway.

- (2) In this clause, 'continuous dividing line' means—

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) 2 parallel continuous dividing lines.

3.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area must park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area must park it at approximately right angles to the centre of the carriageway.

3.4 When angle parking applies

- (1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
- (b) a person parking either a motor cycle without a trailer, or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

3.5 General prohibitions on parking

- (1) This clause does not apply to a vehicle that is permitted to be parked in a parking stall or to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle that is permitted to be parked in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals, a person must not park a vehicle so that any portion of the vehicle is—
 - (a) between any other stationary vehicles and the centre of the carriageway;
 - (b) on or adjacent to a median strip;

- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between 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 double longitudinal line;
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (i) 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;
- (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.

(4) A person must not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
- (b) a children's crossing or pedestrian crossing.

(5) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a children's crossing or pedestrian crossing.

(6) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

3.6 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle must not park, or continue to park, that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

3.7 Authorised person may mark tyres

(1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

(2) A person must not remove a mark made by an authorised person so that the purpose of the affixing of the mark is defeated or likely to be defeated.

3.8 No movement of vehicles to avoid time limitation

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.

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

3.9 No parking of vehicles exposed for sale and in other circumstances

A person must not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan 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 a thoroughfare.

3.10 Parking on private land

(1) In this clause a reference to 'land' does not include land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*;
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or
- (d) which is the subject of an agreement referred to in clause 1.6(2).

(2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.

(3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.

3.11 Parking on reserves

A person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, must not drive or park a vehicle on or over any portion of a reserve other than on an area specifically set aside for that purpose.

3.12 Suspension of parking limitations for urgent, essential or official duties

(1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time to enable the person to carry out urgent, essential or official duties.

(2) Where permission is granted under subclause (1) the CEO or an authorised person may, for the duration of that permission, prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates.

PART 4—STOPPING GENERALLY

4.1 No stopping and no parking signs, and yellow edge lines

(1) In this clause, 'unattended', in relation to a vehicle, means that the driver of the vehicle has left the vehicle and the driver is more than 3 metres from the closest point to the vehicle.

(2) A driver must not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.

(3) A driver must not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver is—

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

(4) A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

A person must not stop a vehicle in a loading zone unless it is—

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers,

but, in any event, must not remain in that loading zone—

- (c) for longer than a time indicated on the 'loading zone' sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

5.2 Stopping in a taxi zone or a bus zone

(1) A driver must not stop in a taxi zone, unless the driver is driving a taxi.

(2) A driver must not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

5.3 Stopping in a mail zone

A person must not stop a vehicle in a mail zone.

5.4 Other limitations in zones

A person must not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to the sign, including any limitation on the sign in respect of classes of persons or vehicles, or specific activities allowed.

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver must not stop in a shared zone unless—

- (a) the driver 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 this local law;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;

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

6.2 Double parking

- (1) A driver must not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to—
 - (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

6.3 Stopping near an obstruction

A driver must not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.4 Stopping on a bridge or in a tunnel, etc.

- (1) A driver must not stop a vehicle on a bridge, causeway, ramp or similar structure unless—
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver 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 this local law.
- (2) A driver must not stop a vehicle in a tunnel or underpass unless—
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

6.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver must not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.

6.6 Stopping near a fire hydrant etc

- (1) A driver must not stop a vehicle 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 driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

6.7 Stopping at or near a bus stop

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—
 - (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver 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 this local law.
- (2) In this clause—
 - (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

6.8 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) must not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver—

- (a) stops in an area to which a sign applies; and
- (b) the driver is permitted to stop at that place under this local law.

6.9 Stopping on verge

- (1) A person must not—
 - (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,
- so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.

(3) Subclause (1)(b) does not apply to 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 adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

6.10 Obstructing access to and from a path, driveway, etc.

(1) A driver must not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

(2) A driver must not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

6.11 Stopping near a letter box

A driver must not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver—

- (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 sign applies and the driver is permitted to stop at that place under this local law.

6.12 Stopping on a carriageway—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 7.5 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 one hour, 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 goods vehicles.

(2) Nothing in this clause affects the limitations or condition imposed by any other clause or by any local law or sign relating to the parking or stopping of vehicles.

6.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) must not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

6.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle must not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless—

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

6.15 Stopping in a parking area for people with disabilities

(1) A driver must not stop a vehicle in a parking area for people with disabilities unless—

- (a) the driver's vehicle displays a current ACROD sticker; and
- (b) either the driver or the passenger in that vehicle is a person with a disability.

(2) In this clause a 'parking area for people with disabilities' means a length of carriageway or area—

- (a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies;
- (b) to which a 'people with disabilities parking' sign applies;
- (c) indicated by a road marking that consists of, or includes, a person with a disability symbol; or
- (d) set aside within a parking region as a 'parking stall for use of a disabled person' under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

PART 7—MISCELLANEOUS

7.1 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.

7.2 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, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write on any part of a sign set up or exhibited by the local government under this local law.

7.3 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 under this local law.

7.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary, presumed to be a sign marked, erected, set up, established or displayed under the authority of 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.

7.5 Special purpose and emergency vehicles

Despite anything to the contrary in this local law—

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

7.6 Vehicles not to obstruct a public place

- (1) A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the CEO or an authorised person, or unless authorised under any written law.
- (2) A person does not contravene subclause (1) if the vehicle is left for a period not exceeding 24 hours.

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 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 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

Schedule 1

PARKING REGION

[Clause 1.6]

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; and
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
PARKING LOCAL LAW

[Clause 8.2]

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to park wholly within parking stall	50
2	2.2(4)	Failure to park wholly within parking area	50
3	2.3(1)(a)	Causing obstruction in parking station	60
4	2.3(1)(b)	Parking contrary to sign in parking station	60
5	2.3(1)(c)	Parking contrary to directions of authorised person	60
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	50
7	3.1(1)(a)	Parking wrong class of vehicle	50
8	3.1(1)(b)	Parking by persons of a different class	55
9	3.1(1)(c)	Parking during prohibited period	55
10	3.1(4)(a)	Parking in no parking area	60
11	3.1(4)(b)	Parking contrary to signs or limitations	50
12	3.1(4)(c)	Parking vehicle in motor cycle only area	50
13	3.1(5)	Parking motor cycle in stall not marked 'M/C'	50
14	3.1(6)	Parking without permission in an area designated for 'Authorised Vehicles Only'	55
15	3.2(1)(a)	Failure to park on the left of two-way carriageway	50
16	3.2(1)(b)	Failure to park on boundary of one-way carriageway	50
17	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	55
18	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	55
19	3.2(1)(d)	Parking closer than 1 metre from another vehicle	50
20	3.2(1)(e)	Causing obstruction	60
21	3.3(b)	Failure to park at approximate right angle	50
22	3.4(2)	Failure to park at an appropriate angle	50
23	3.5(3)(a) and 6.2	Double parking	55
24	3.5(3)(b)	Parking on or adjacent to a median strip	50
25	3.5(3)(c)	Denying access to private drive or right of way	55
26	3.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	60
27	3.5(3)(e)	Parking within 10 metres of traffic island	55
28	3.5(3)(f)	Parking on footpath/pedestrian crossing	60
29	3.5(3)(g)	Parking contrary to continuous line markings	55
30	3.5(3)(h)	Parking on intersection	55
31	3.5(3)(i)	Parking within 1 metre of fire hydrant or fire plug	60
32	3.5(3)(j)	Parking within 3 metres of public letter box	55
33	3.5(3)(k)	Parking within 10 metres of intersection	55
34	3.5(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	60
35	3.5(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	60
36	3.5(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	60
37	3.6	Parking contrary to direction of authorised person	60
38	3.7(2)	Removing mark of authorised person	65
39	3.8	Moving vehicle to avoid time limitation	50
40	3.9(a)	Parking in thoroughfare for purpose of sale	50
41	3.9(b)	Parking unlicensed vehicle in thoroughfare	50
42	3.9(c)	Parking a trailer/caravan on a thoroughfare	50

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
43	3.9(d)	Parking in thoroughfare for purpose of repairs	50
44	3.10 (2)	Parking on land that is not a parking facility without consent	65
45	3.10(3)	Parking on land not in accordance with consent	50
46	3.11	Driving or parking on reserve	50
47	4.1(2)	Stopping contrary to a 'no stopping' sign	50
48	4.1(3)	Parking contrary to a 'no parking' sign	50
49	4.1(4)	Stopping within continuous yellow lines	50
50	5.1	Stopping unlawfully in a loading zone	50
51	5.2	Stopping unlawfully in a taxi zone or bus zone	50
52	5.3	Stopping unlawfully in a mail zone	50
53	5.4	Stopping in a zone contrary to a sign	50
54	6.1	Stopping in a shared zone	50
55	6.3	Stopping near an obstruction	55
56	6.4	Stopping on a bridge or tunnel	50
57	6.5	Stopping on crests/curves etc	65
58	6.6	Stopping near fire hydrant	65
59	6.7	Stopping near bus stop	55
60	6.8	Stopping on path, median strip or traffic island	50
61	6.9	Stopping on verge	50
62	6.10	Obstructing path, a driveway etc	50
63	6.11	Stopping near letter box	50
64	6.12	Stopping heavy or long vehicles on carriageway	55
65	6.13	Stopping in bicycle parking area	50
66	6.14	Stopping in motorcycle parking area	50
67	6.15	Stopping in disabled parking area	120
68	7.6	Leaving vehicle so as to obstruct a public place	60
69	8.2(1)	All other offences not specified	45

Dated: 10 November 2011.

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

IAN WILLIAM STUBBS, President.
MICHAEL STEPHEN LEE ARCHER, Chief Executive Officer.

LG301*

LOCAL GOVERNMENT ACT 1995

City of Rockingham

EXTRACTIVE INDUSTRIES AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Rockingham resolved on 22 November 2011 to make the following local law.

1. Citation

This local law may be cited as the *City of Rockingham Extractive Industries 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 *City of Rockingham Extractive Industries Local Law 2000* published in the *Government Gazette* on 21 March 2001, is referred to as the principal local law. The principal local law is amended.

4. Clause 1.1 amended

In clause 1.1 insert in alphabetical order—

occupier has the meaning given to it in the Act;

owner has the meaning given to it in the Act;

person does not include the local government;

5. Clause 2.3 amended

In clause 2.3(1)—

(a) after “of the land” insert “and any occupier of the land”;

(b) in paragraph (c)—

(i) in subparagraph (v) delete “and”

(ii) at the end of subparagraph (vi) insert “and”

(iii) after subparagraph (vi) insert—

(vii) how any face is to be made safe and batters sloped;

(c) in paragraph (i) delete “and”;

(d) in paragraph (j) delete “time.” and insert “time; and”

(e) after paragraph (j) insert—

(k) copies of any geotechnical information relating to the excavation site;
and

(l) written notification from the local government of planning approval to conduct the extractive industry.

6. Clause 3.1 amended

(1) In clause 3.1(1) delete “may refuse to consider” and insert “will not consider”.

(2) In clause 3.1(4)—

(a) in paragraph (a) delete “31st December” and insert “30 June”;

(b) in paragraph (b) delete “and”;

(c) in paragraph (c) delete “CEO,” and insert “CEO; and”;

(d) after paragraph (c) insert—

(d) a copy of the public liability insurance policy required under clause 7.1(1).

(3) In subclause (5) delete paragraphs (q) and (r) and insert—

(q) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;

(r) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law; and

(s) any other matter for properly regulating the carrying on of an extractive industry.

7. Clause 3.2 amended

In clause 3.2 delete “31 December” and insert, “30 June”.

8. Clause 5.2 amended

In clause 5.2(1) delete “then” and insert—

then subject to the local government giving the licensee 14 days notice of its intention to do so—

9. Clause 6.1 amended

In clause 6.1—

- (a) in paragraph (c) delete “or”
- (b) in paragraph (d) delete “watercourse.” and insert “watercourse;”
- (c) after paragraph (d) insert—
- (e) the minimum clearance to the estimated water table stipulated by the Department of Water or otherwise as adopted by the local government.

10. Clause 6.2 amended

Delete clause 6.2 and insert—

6.2 Obligations of the licensee

A licensee shall—

- (a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign—
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words “DANGER EXCAVATIONS KEEP OUT”;
- (c) except where the local government approves otherwise, drain and keep drained to the local government’s satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;
- (e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (f) otherwise comply with conditions imposed by the local government in accordance with clause 3.1.

Penalty \$5,000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

11. Clause 6.3 amended

Renumber clause 6.3 as clause 6.4

12. Clause 6.3 inserted

After clause 6.2 insert—

6.3 Prohibitions

A licensee shall not—

- (a) remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any thoroughfare on land in respect of which a licence has been granted, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 3.1;
- (b) store, or permit to be stored, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Minerals and Energy; or
- (c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government.

Penalty \$5,000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

13. Clause 7.1 amended

In clause 7.1(1) delete “\$10,000,000” and insert, “\$20,000,000”.

14. Clause 8.1 amended

In clause 8.1 delete “regulations 33 and 34” and insert, “regulation 33”.

15. Part 9 inserted

After clause 8.1 insert—

Part 9—Modified Penalties

9.1 Modified penalties

- (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

9.2 Forms

For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

16. Schedule inserted

After clause 9.2 insert—

Schedule—Prescribed Offences

Clause	Description	Modified Daily Penalty (\$)
2.1(a)	Excavate without a licence	500.00
2.1(b)	Carry on Extractive Industry without a licence or in breach of terms and conditions	500.00
6.1	Excavate not within boundary limits	500.00
6.2(a)	Gateways not kept locked where required	500.00
6.2(b)	Warning signs not erected or maintained as required	500.00
6.2(c)	Excavation area not drained of water adequately	500.00
6.2(d)	In breach of terms and conditions of licence	500.00
6.2(e)	Did not take reasonable steps to prevent the emission of dust , noise, vibration and other forms of nuisance on excavation site	500.00
6.2(f)	Did not comply with conditions in accordance to clause 3.1	500.00
6.3(a)	Remove trees or shrubs near boundary without approval	500.00
6.3(b)	Store without required approval explosive or explosive devices	500.00
6.3(c)	Fill or excavate in breach of licence	500.00
6.4(1)(a)	Blasting without approval of the local government	500.00
6.4(1)(b)	Blasting outside times authorised	500.00
6.4(1)(c)	Blasting in breach of AS2187 SAA Explosives Code, the <i>Mines Safety and Inspection Act 1994</i> , the <i>Environmental Protection Act 1986</i> and all relevant local laws of the local government	500.00
6.4(1)(d)	Blasting in breach of conditions imposed by the local government	500.00
6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	200.00
7.4(a)	Does not restore and reinstate excavated site in accordance with the local government or a manner local government may agree in writing	500.00
7.4(b)	Any face permitted to remain on excavation site is not left safe with all loose materials removed	500.00
7.4(c)	Agreed floor level of the excavation site is not graded to an even surface as approved by the local government	500.00
7.4(d)	Stockpiles of materials are left so that portions of material can escape onto other land, stream, watercourse or drain	500.00

Clause	Description	Modified Daily Penalty (\$)
7.4(e)	Retaining walls not erected where necessary to prevent subsidence of land	500.00
7.4(f)	Buildings, plant, equipment erected, installed or used and all holes remaining from the site are not removed or filled.	500.00
7.4(g)	Does not break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment erected or installed and all areas of site which were used for stockpiling	500.00

Dated: 28 November 2011.

The Common Seal of the City of Rockingham was affixed by authority of a resolution of the Council in the presence of—

BARRY SAMMELS, Mayor.

ANDREW HAMMOND, Chief Executive Officer.

LG301*

LOCAL GOVERNMENT ACT 1995

City of South Perth

REPEAL LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of South Perth resolved on 22 November 2011 to adopt the following local law—

PART 1 — PRELIMINARY

1.1 Citation

This local law is cited as the *City of South Perth Repeal Local Law 2011*.

1.2 Commencement

This local law comes into effect 14 days after publication in the *Government Gazette*.

1.3 Various Repeals

In this local law, various principal local laws of the City of South Perth are repealed.

PART 2 — CITY OF SOUTH PERTH LOCAL LAWS REPEALED

2.1 Principal local laws repealed

The following local laws are repealed—

- (i) The City of South Perth By-Law No. 9 Relating to Bee Keeping published in the *Government Gazette* on 1 March 1985; and
- (ii) The City of South Perth By-Law No. 7 Nuisances published in the *Government Gazette* on 30 August 1985.

Dated: 22 November 2011.

The Common Seal of the City of South Perth was affixed by authority of a Council resolution in the presence of—

SUE DOHERTY, Mayor.
CLIFF FREWING, Chief Executive Officer.

LG302*

LOCAL GOVERNMENT ACT 1995

City of Armadale

LOCAL GOVERNMENT ACTIVITIES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the City of Armadale resolved on 28 November 2011 to adopt the following local law.

1. Citation

This Local Law may be cited as the *City of Armadale Local Government Activities and Trading in Thoroughfares and Public Places Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law

In this local law, the *City of Armadale Local Government Activities and Trading in Thoroughfares and Public Places Local Law* published in the *Government Gazette* on 24 July 2001 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.2 amended

Clause 1.2 is amended as follows—

- (a) In the definition for **liquor** delete “*Licensing*” and insert “*Control*”;
- (b) In the definition for **lot** delete “*Town Planning and Development Act 1928*” and insert “*Planning and Development Act 2005*”;
- (c) In the definition for **town planning scheme** delete “*Town Planning and Development Act 1928*” and insert “*Planning and Development Act 2005*”;
- (d) Delete the definition for **public place** and insert—
public place includes—
 - (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
 - (b) local government property,
but does not include premises on private property from which trading is lawfully conducted under a written law;
- (e) In the definition of **thoroughfare** delete “Act” and insert “Act, but does not include a private thoroughfare which is not under the management or control of the local government”;
- (f) In the definition of **vehicle** after “for use by a” insert “physically impaired”;
and
- (g) In the definition for **verge** delete “the thoroughfare” and insert “the thoroughfare, but does not include any footpath”.

5. Clause 2.3 amended

In clause 2.3 delete “*Licensing*” and insert “*Control*”.

6. Clause 2.4 amended

Clause 2.4 is amended as follows—

- (a) Delete the words “Crossings to be constructed by the local government”; and
- (b) Delete clause 2.4(1) and insert—
 - (1) A concrete, brick paved or asphalt crossing is only to be constructed under regulation 12(1) of the *Local Government (Uniform Local Provisions) Regulations 1996*, if the work is undertaken by—
 - (a) the local government using its own day labourers or contractors;
or
 - (b) a contractor experienced in the type of work being undertaken.

7. Clause 2.9 amended

Clause 2.9 is amended as follows—

- (a) In clause 2.9(b)—
 - (i) after “no wider than” delete “6” and insert “8”; and
 - (ii) delete “10.7” and insert “12”;
- (b) In clause 2.9(d)(i) after “adjoining lot” insert “or 800 millimetres from any side entry gully, street light/power poles, verge tree or pram ramp”; and

- (c) In clause 2.9(d)(ii) after “intersection” insert “or closer than 2 metres from the truncation”.

8. Clause 3.5 inserted

After clause 3.4 insert—

3.5 Conditions on election signs

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign—

- (a) being erected at least 30 metres from any intersection;
- (b) being free standing and not affixed to any existing sign, post, power pole, light pole or similar structure;
- (c) being placed so as not to obstruct or impede—
 - (i) the reasonable use of a thoroughfare, or access to a place by any person; or
 - (ii) the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (d) being maintained in good condition;
- (e) not being erected until the election to which it relates has been officially announced;
- (f) being removed within 24 hours of the close of polls on voting day;
- (g) not being placed within 100 metres of any works on the thoroughfare;
- (h) not being securely installed;
- (i) not being an illuminated sign;
- (j) not incorporating reflective or fluorescent materials; and
- (k) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

9. Clause 4.1 heading amended

The heading of clause 4.1 is amended as follows—

- (a) delete the heading to clause 4.1 and insert “Leaving animals or vehicles in a public place or on local government property”; and
- (b) delete “Permit required to leave animals or vehicle in public place or on local government property”.

10. Clause 4.1 amended

Clause 4.1 is amended as follows—

- (a) in subclause (1) delete “leave” and insert “allow”;
- (b) delete subclause (2); and
- (c) delete subclause (3).

11. Clause 4.6 amended

Clause 4.6 is amended as follows—

- (a) in subclause (1) after “notice” insert “either verbally or”;
- (b) delete subclause (3); and
- (c) delete subclause (4) and insert—
 - (4) If a retailer, having received a notice under subclause (1), does not remove the abandoned shopping trolley, then the local government may remove and impound the abandoned shopping trolley in accordance with section 3.39 of the Act.

12. Clause 5.16 amended

In clause 5.16 delete subclause (b).

13. Clause 6.1 amended

Clause 6.1 is amended as follows—

- (a) delete the definition for *public place*, and
- (b) in the definition for *stall* delete “goods or services are sold, hired or offered for sale or hire” and insert “trading is conducted;”.

14. Clause 6.3 amended

In clause 6.3 delete subclause (3).

15. Clause 6.7 amended

After clause 6.7(3) insert—

- (4) Notwithstanding any other provisions of this local law, a requirement to obtain a permit under this local law does not apply to—

- (a) a special event or trading authorised by the local government under another written law or agreement; or
- (b) a person trading in a street market authorised by the local government.

16. Clause 6.8 amended

Clause 6.8 is amended as follows—

- (a) in subclause (1)(c) delete “*Weights and Measures Act 1915*” and inserting “*Trade Measurement Act 2006*”; and
- (b) in subclause (2)(b) insert “or cause a nuisance” after the word “manner”.

17. Clause 6.14 amended

In subparagraph (b) insert “or create a nuisance” after the word “manner”.

18. Clause 6.15 amended

Clause 6.15 is amended as follows—

- (a) In the definition for **permit holder** delete “; and” and insert “.”; and
- (b) Delete the definition for **public place**.

19. Clause 6.17 amended

- (a) In clause 6.17(b) delete “*Health Act 1911*” and insert “*Food Act 2008*”; and
- (b) In clause 6.17(c) delete “under section 172 of the *Health Act 1911*” and insert “under the *Food Act 2008*”.

20. Clause 6.18 amended

In clause 6.18(a) delete “under section 172 of the *Health Act 1911*” and insert “under the *Food Act 2008*”.

21. Schedule 1 amended

Delete Schedule 1 and insert—

Schedule 1 — Offences and Modified Penalties

(Clause 10.4)

Clause	Description	Modified Penalty \$
2.1(a)	Planting a plant of 0.75m in height on thoroughfare within 6m of intersection	125
2.1(c)	Installing paving on thoroughfare within 15 metres of intersection	125
2.1(d)	Positioning crossing within the truncated corner of lot at intersection	500
2.1(f)	Watering lawn or garden so that it causes inconvenience to persons using thoroughfare	125
2.1(g)	Installing impervious membrane, loosely placed materials or steel stakes on thoroughfare	125
2.1(h)	Driving vehicle on, or otherwise damaging lawn or garden	250
2.1(i)	Planting a plant (except lawn), erecting temporary enclosure, placing rocks or installing retaining feature on thoroughfare within 2 metres of carriageway	125
2.1(k)	Placing hazardous substance on path	125
2.1(1)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(m)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1(n)	Riding of skateboard or similar device on mall or verandah of shopping centre	125
2.2(a)	Digging a trench through a carriageway or path without a permit	125
2.2(b)	Throwing or placing any thing on a verge without a permit	125
2.2(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
2.2(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(g)	Making alterations to carriageway without a permit	250
2.2(h)	Lighting a fire on a thoroughfare without a permit	350

Clause	Description	Modified Penalty \$
2.2(1)	Placing rocks on a verge without a permit	125
2.2(m)	Installing retaining feature or structure on verge without a permit	125
2.2(n)	Felling tree onto thoroughfare without a permit	125
2.2(o)	Installing pipes on thoroughfare without a permit	125
2.2(p)	Installing connection to stormwater drainage system without a permit	350
2.2(q)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(r)	Creating a nuisance on a thoroughfare without a permit	125
2.2(s)	Clear the vegetation or interfering with the soil or take any thing in a thoroughfare without a permit	350
2.2(t)	Other than on Crossing driving over or across verge without a permit	250
2.4(1)	Constructing a crossing by persons other than those specified	250
2.9(b)	Installing crossing wider than allowed	125
2.11(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.13(1)	Installation of verge treatment other than permissible verge treatment	250
2.13(2)	Failure to maintain permissible verge treatment	125
2.16	Failure to comply with notice to rectify breach of Division 3-Verge Treatments	125
2.22(2)	Failure to comply with sign on public place	125
2.24(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2	Erecting or placing of advertising sign in or on a thoroughfare	125
4.1(1)	Animal, vehicle or material obstructing a public place or local government property	125
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
4.2(2)(b)	Animal on public place with infectious disease	125
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
4.5	Person leaving shopping trolley in public place other than trolley bay	125
4.6(2)	Failure to remove shopping trolley upon being advised of location	125
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250
5.9	Planting in thoroughfare without a permit	250
5.11	Failure to obtain permit to clear thoroughfare	500
5.13	Burning of thoroughfare without a permit	500
5.17	Construction of firebreak on thoroughfare without a permit	500
5.20	Commercial harvesting of native flora on thoroughfare	500
5.21(1)	Collecting seed from native flora on thoroughfare without a permit	350
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	125
6.8(1)(b)	Stallholder or trader not displaying valid permit	125
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
6.8(2)	Stallholder or trader engaged in prohibited conduct	125
6.10	Performing in a public place without a permit	125
6.11(2)	Failure of performer to move onto another area when directed	125

Clause	Description	Modified Penalty \$
6.14	Failure of performer to comply with obligations	125
6.16	Establishment or conduct of outdoor eating facility without a permit	350
6.18	Failure of permit holder of outdoor eating facility to comply with obligations	125
6.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	60
6.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	60
7.5	Failure to comply with a condition of a permit	125
7.9	Failure to produce permit on request of authorised person	125
10.1	Failure to comply with notice given under local law	125

Dated: 1 December 2011.

The common seal of the City of Armadale was affixed by the authority of a resolution of the Council in the presence of—

H. A. ZELONES JP, Mayor.
R. S. TAME, Chief Executive Officer.

LG301*

LOCAL GOVERNMENT ACT 1995

City of Cockburn

(LOCAL GOVERNMENT ACT) AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and the *Dog Act 1976* and all other powers enabling it, the City of Cockburn resolved on 10 November 2011 to adopt the following local law.

1. Citation

This local law may be cited as the *City of Cockburn (Local Government Act) Amendment Local Law 2011*.

2. Commencement

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

3. Principal Local Laws

The *City of Cockburn (Local Government Act) local laws 2000* published in the *Government Gazette* on 9 October 2000, as amended and published in the *Government Gazette* on 13 November 2001, 15 November 2002, 26 September 2003, 25 November 2003, 27 July 2004, 17 May 2005 and 10 December 2010, are referred to as the principal local laws. The principal local laws are amended.

4. Clause 2.6 amended

After sub-clause (d) insert—

- (e) Part Lot 2161 McTaggart Cove, North Coogee and Reserve 43701 Robb Road, North Coogee, being the area of reclaimed beach extending approximately 400 metres northwards from Caledonia Loop.

5. Schedule 1 amended

Schedule 1 is amended by inserting—

Part Lot 2161 McTaggart Cove, North Coogee extending approximately 250 metres southwards from Reserve 24787 (Catherine Point Reserve).

Part Reserve 49218 Jervoise Bay Cove, Munster being the beach area extending eastwards from the car park for approximately 150 metres.

Part Reserve 49220R Woodman Point View, Munster being the beach area extending westwards from the breakwater for approximately 700 metres.

Reserve 48290, Reserve 49069 and Part Reserve 2054 corner Hammond Road and Russell Road, Success (known as Purslane Park).

Reserve 45990 and Reserve 44875 Brenchley Drive, Atwell (Pipeline Reserve).

Dated: 12 December 2011.

The Common Seal of the City of Cockburn was affixed under the authority of a resolution of Council in the presence of—

LOGAN K. HOWLETT, Mayor.
DON GREEN, Acting Chief Executive Officer.
