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G WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, WEDNESDAY, 3 OCTOBER 2012 No. 173 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

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LOCAL GOVERNMENT ACT 1995

SHIRE OF KELLERBERRIN

**PARKING AND PARKING
FACILITIES LOCAL LAW 2012**

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PARKING AND PARKING FACILITIES LOCAL LAW 2012

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LOCAL GOVERNMENT ACT 1995

SHIRE OF KELLERBERRIN

PARKING AND PARKING FACILITIES LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kellerberrin resolved on 18 September 2012 to make the following local law.

PART 1 — DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the *Shire of Kellerberrin Parking and Parking Facilities Local Law 2012*.

1.2 Commencement

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

1.3 Interpretation

In this local law unless the context otherwise requires—

ACROD sticker has the meaning given to it by the Code;

Act means the *Local Government Act 1995*;

authorised person means a person appointed by the local government 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 local government, CEO, authorised persons or by any written law to park 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 portion of road 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 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 two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

(b) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

children's crossing has the meaning given to it by the Code;

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle 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 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;

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 Kellerberrin;

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

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

motorcycle 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 the words “no parking” in red letters on a white background, or 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 the words “no stopping” or “no standing” in red letters on a white background or 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 Road Traffic 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 in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);

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

parking facilities includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and 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 of a 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;

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 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;

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 of vehicles;

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

stop in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

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 shall be also 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 means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

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

1.4 Application of particular definitions

(1) For the purposes of the application of the definitions “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 shall have the meaning given to it in that Act or the Code.

1.5 Application and pre-existing signs

(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.

(4) A sign that—

(a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and

(b) relates to the parking of vehicles within the parking region,

(c) shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(5) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

(6) The provisions of Parts 2, 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.6 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.

1.7 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 shall 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.

1.8 Powers of the local government

The local government may, by resolution, 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 AND PARKING STATIONS

2.1 Determination of parking stalls and parking stations

- (1) The local government may by resolution constitute, determine and vary—
 - (a) parking stalls;
 - (b) parking stations;
 - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
 - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
 - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
 - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.

2.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) 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 in a thoroughfare 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 shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.

2.3 Parking prohibitions and restrictions

- (1) A person shall 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 local government 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) No person shall park any bicycle—
 - (a) in a parking stall other than in a stall marked “M/C”; and
 - (b) in such stall other than against the kerb.
- (3) Notwithstanding the provisions of 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 an ACROD sticker; and
 - (b) a person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

PART 3—PARKING GENERALLY

3.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall 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) (a) This subclause applies to a driver if—
 - (i) the driver’s vehicle displays an ACROD sticker; and
 - (ii) the person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
- (b) The driver may park a vehicle in a thoroughfare or a 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.

- (3) A person shall 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.
- (4) A person shall not park a scooter, motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C” or there are no stalls marked “M/C” available within 200 metres.
- (5) A person shall not, without the prior permission of the local government, 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 shall 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 motorcycle without a trailer, or a bicycle 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 parking regulation sign or markings on the roadway.

- (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 shall 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 shall 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 shall 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 parked in a parking stall nor to a bicycle in a bicycle rack.
- (2) Subclauses (3) (c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals a person shall 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 shall 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 shall 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; or
- (b) a children’s crossing or pedestrian crossing.

(6) A person shall 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 persons may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not 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 shall not remove a mark made by an authorised person so that the purpose of the affixing of such a 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 shall 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 shall 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 shall 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;
- (d) which is the subject of an agreement referred to in clause 1.6(2); or

(2) A person shall 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 shall not park a vehicle on the land otherwise than in accordance with the consent.

3.11 Parking on reserves

No 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 shall drive or park a vehicle upon or over any portion of a reserve other than upon 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 local government, 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 in order that the person may carry out urgent, essential or official duties.

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

PART 4—PARKING AND STOPPING GENERALLY

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

(1) A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.

(2) A driver shall 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.

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

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

(2) a driver shall 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 shall not stop a vehicle in a mail zone.

5.4 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 parking control 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 shall 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.

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

6.7 Stopping at or near a bus stop

- (1) A driver shall 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) shall not stop so that any portion of the vehicle is on 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 under this local law.

6.9 Stopping on verge

- (1) A person shall 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 shall 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 shall 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 shall 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 parking control 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 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 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 1 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 mitigates the limitations or condition imposed by any other clause or by any local law or traffic 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) shall 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 shall 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 stall for people with disabilities

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

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

(2) In this clause a “parking area for people with disabilities” is a length 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 (a “people with disabilities road marking”) that consists of, or includes, a people with disabilities 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, shall 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 shall not without the authority of the local government—

- (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 upon 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

Notwithstanding anything to the contrary in this local law, the driver of—

- (a) 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) 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 shall 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 local government or unless authorised under any written law.

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

PART 8—PENALTIES

8.1 Offences and penalties

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, 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) Any person who commits an offence under this local law shall be liable, upon 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.

8.2 Form of notices

For the purposes of this local law—

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

Schedule 1

PARKING REGION

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

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) 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

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2(1)	Failure to park wholly within parking stall	40
2	2.2(4)	Failure to park wholly within parking area	40
3	2.3(1)(a)	Causing obstruction in parking station	50
4	2.3(1)(b)	Parking contrary to sign in parking station	50
5	2.3(1)(c)	Parking contrary to directions of authorised person	50
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	40
7	3.1(1)(a)	Parking wrong class of vehicle	40
8	3.1(1)(b)	Parking by persons of a different class	45
9	3.1(1)(c)	Parking during prohibited period	45
10	3.1(3)(a)	Parking in no parking area	50
11	3.1(3)(b)	Parking contrary to signs or limitations	40
12	3.1(3)(c)	Parking vehicle in motor cycle only area	40
13	3.1(4)	Parking motor cycle in stall not marked "M/C"	40
14	3.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	45
15	3.2(1)(a)	Failure to park on the left of two-way carriageway	40
16	3.2(1)(b)	Failure to park on boundary of one-way carriageway	40
17	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	45
18	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	45
19	3.2(1)(d)	Parking closer than 1 metre from another vehicle	40
20	3.2(1)(e)	Causing obstruction	50
21	3.3(b)	Failure to park at approximate right angle	40
22	3.4(2)	Failure to park at an appropriate angle	40
23	3.5(3)(a) and 6.2	Double parking	45
24	3.5(3)(g)	Parking on or adjacent to a median strip	40
25	3.5(3)(c)	Denying access to private drive or right of way	45
26	3.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	50
27	3.5(3)(e)	Parking within 10 metres of traffic island	45
28	3.5(3)(f)	Parking on footpath/pedestrian crossing	50
29	3.5(3)(g)	Parking contrary to continuous line markings	45
30	3.5(3)(h)	Parking on intersection	45
31	3.5(3)(i)	Parking within 1 metre of fire hydrant or fire plug	50
32	3.5(3)(j)	Parking within 3 metres of public letter box	45
33	3.5(3)(k)	Parking within 10 metres of intersection	45
34	3.5(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	50
35	3.5(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	50
36	3.5(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	50
37	3.6	Parking contrary to direction of authorised person	50
38	3.7(2)	Removing mark of authorised person	55
39	3.8	Moving vehicle to avoid time limitation	40
40	3.9(a)	Parking in thoroughfare for purpose of sale	40
41	3.9(b)	Parking unlicensed vehicle in thoroughfare	40
42	3.9(c)	Parking a trailer/caravan on a thoroughfare	40
43	3.9(d)	Parking in thoroughfare for purpose of repairs	40
44	3.10(1) or (2)	Parking on land that is not a parking facility without consent	55

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
45	3.10(3)	Parking on land not in accordance with consent	40
46	3.11	Driving or parking on reserve	40
47	4.1(1)	Stopping contrary to a "no stopping" sign	40
48	4.1(2)	Parking contrary to a "no parking" sign	40
49	4.1(3)	Stopping within continuous yellow lines	40
50	5.1	Stopping unlawfully in a loading zone	40
51	5.2	Stopping unlawfully in a taxi zone or bus zone	40
52	5.3	Stopping unlawfully in a mail zone	40
53	5.4	Stopping in a zone contrary to a sign	40
54	6.1	Stopping in a shared zone	40
55	6.3	Stopping near an obstruction	45
56	6.4	Stopping on a bridge or tunnel	40
57	6.5	Stopping on crests/curves etc	55
58	6.6	Stopping near fire hydrant	55
59	6.7	Stopping near bus stop	45
60	6.8	Stopping on path, median strip or traffic island	40
61	6.9	Stopping on verge	40
62	6.10	Obstructing path, a driveway etc	40
63	6.11	Stopping near letter box	40
64	6.12	Stopping heavy or long vehicles on carriageway	45
65	6.13	Stopping in bicycle parking area	40
66	6.14	Stopping in motorcycle parking area	40
67	7.6	Leaving vehicle so as to obstruct a public place	50
68		All other offences not specified	35
70	6.15 (1)	Stand/Park a vehicle in a parking bay for the disabled	120
71	6.15(1)(a)	Failure to display ACROD permit—No permit/sticker visible	120
72	6.15(1)(b)	Unauthorised use of an ACROD permit/sticker	140

Schedule 3

FORMS

Form 1

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To— ⁽¹⁾

of— ⁽²⁾

It is alleged that on / / at ⁽³⁾
at ⁽⁴⁾ your vehicle—

make— ;

model— ;

registration— ,

was involved in the commission of the following offence—

.....

.....

.....

contrary to clause of the **Parking and Parking Facilities Local Law 2011**.

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

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

(a) within 28 days after being served with this notice—

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

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

or

(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

Form 2
INFRINGEMENT NOTICE

Serial No

Date / /

To— ⁽¹⁾

of— ⁽²⁾

It is alleged that on / / at ⁽³⁾

at ⁽⁴⁾

in respect of vehicle—

make— ;

model— ;

registration— ,

you committed the following offence—

.....

.....

.....

contrary to clause of the **Parking and Parking Facilities Local Law 2011**.

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.

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.

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Form 3
INFRINGEMENT NOTICE

Serial No
Date / /
To— ⁽¹⁾
of— ⁽²⁾
It is alleged that on / / at ⁽³⁾
at ⁽⁴⁾
in respect of vehicle—
make— ; model— ;
registration— , you committed the following offence—

.....
contrary to clause of the **Parking and Parking Facilities Local Law 2011**.
The modified penalty for the offence is \$

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

- Unless within 28 days after being served with this notice—
- (a) you pay the modified penalty; or
 - (b) you—
 - (i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
 - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,
- you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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.

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 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⁾ Place where modified penalty may be paid
 - ⁽⁶⁾ Signature of authorised person
 - ⁽⁷⁾ Name and title of authorised person giving notice

Form 4
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No
Date / /
To— ⁽¹⁾
of— ⁽²⁾
.....
Infringement Notice No. dated / /
in respect of vehicle—
make— ;
model— ;
registration— ,

for the alleged offence of
.....
.....
.....

has been withdrawn.

The modified penalty of \$

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.
- delete as appropriate.

⁽³⁾

⁽⁴⁾

Insert—

⁽¹⁾ Name of alleged offender to whom infringement notice was given or “the owner”.

⁽²⁾ Address of alleged offender.

⁽³⁾ Signature of authorised person

⁽⁴⁾ Name and title of authorised person giving notice

Schedule 4

DEEMED PARKING STATIONS

Not applicable

Dated 19th September 2012.

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

STANLEY MALCOLM McDONNELL, Shire President.

RAYMOND LEE GRIFFITHS, Acting Chief Executive Officer.

LG301*

LOCAL GOVERNMENT ACT 1995

City of South Perth

STANDING ORDERS AMENDMENT LOCAL LAW 2012

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 25 September 2012 to make the following local law—

1. Short title

This is the *City of South Perth Standing Orders Amendment Local Law 2012*.

2. Commencement

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

3. Local law amended

The *City of South Perth Standing Orders Local Law 2007* as published in the *Government Gazette* on 17 May 2007 and as published and amended in the *Government Gazette* on 9 July 2010 is referred to as the Principle Local Law. The Principle Local Law is amended.

4. Clause 5.2 amended

After clause 5.2(3) insert—

‘5.2(4) The CEO is to decide the order of business in relation to any matters not otherwise dealt with under this local law.’

5. Clause 6.2 amended

Delete clause 6.2(3)(a) and insert—

‘(3) If a resolution under subclause (2) is carried—

- (a) the Presiding Member is to direct everyone to leave the meeting except—
 - (i) the Members;
 - (ii) the CEO;
 - (iii) any employee specified by the Presiding Member; and
 - (iv) any other person whose role is to advise the meeting specified by the Presiding Member or the CEO;’

6. Clause 6.7 amended

Delete clauses 6.7(7) to 6.7(10) and insert—

- (7) ‘If, in the opinion of the Presiding Member, a question requires further research or a response cannot be given at the meeting, or if a question form does not contain the name and residential or contact address of the person who wishes to ask the question—
 - (a) the Presiding Member may determine that the question is to be treated as ‘correspondence’ or is to be taken on notice;
 - (b) the CEO, unless of the opinion that a response would divert a substantial and unreasonable portion of the City’s resources away from its other functions, is to ensure that a written response is given as soon as practicable after the meeting to the person who asked the question; and
 - (c) If a question is treated as ‘correspondence’, the question, but not the response, is to be recorded in the minutes of the meeting.
- (8) Unless subclause (6) or (7) applies—
 - (a) the Presiding Member is either to read out each question or to ensure that each question is displayed electronically in a form (which may be summarised by the CEO) that may be viewed by members of the public attending the meeting;
 - (b) the Presiding Member is to respond personally or is to ask another Member or an employee to respond to the question; and
 - (c) a summary of the question and response is to be recorded in the minutes of the meeting.
- (9) A response to a question is not to be the subject of any discussion, except that if, in the opinion of a Member, false information or any adverse reflection is contained in any question asked or comments made by any member of the public, then (through the Presiding Member) the Member may correct or clarify the matter.
- (10) The Presiding Member may extend question time for up to 15 minutes after the end of the minimum time for questions if there are members of the

public present who wish to ask questions and have not been given an opportunity to do so.'

7. Clause 6.9 deleted

Clause 6.9 is deleted, and clauses 6.10 to 6.17 renumbered accordingly.

8. Clause 6.14 amended

Clause 6.14 is deleted and replaced with—

'6.14 The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Civic Centre, all City libraries and on the City's website.'

9. Part 19 deleted

Part 19 is deleted and Part 20 renumbered accordingly.

10. Part 21 deleted

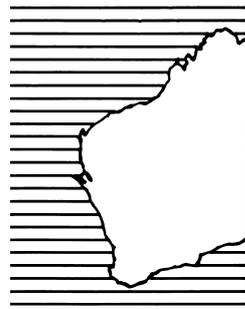
Part 21 is deleted.

Dated 25 September 2012.

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

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

!2012178GG!



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, TUESDAY, 9 OCTOBER 2012 No. 178 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 1.00 PM

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LOCAL GOVERNMENT ACT 1995

SHIRE OF EAST PILBARA

**PARKING AND PARKING
FACILITIES LOCAL LAW 2011**

LOCAL GOVERNMENT ACT 1995

SHIRE OF EAST PILBARA

PARKING AND PARKING FACILITIES LOCAL LAW 2011

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LOCAL GOVERNMENT ACT 1995

SHIRE OF EAST PILBARA

PARKING AND PARKING FACILITIES LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of East Pilbara resolved on 3 February 2012 to make the following local law.

PART 1 — PRELIMINARY**1.1 Citation**

This local law is the *Shire of East Pilbara Parking and Parking Facilities Local Law 2011*.

1.2 Purpose and effect

(1) The purpose of this local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

(2) The effect of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

1.3 Commencement

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

1.4 Repeal

The *Shire of East Pilbara Parking and Parking Facilities Local Law* published in the *Government Gazette* on 10 November 2000 is repealed.

1.5 Application

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

(2) The local government may enter into an agreement in writing with the owner or occupier of a parking facility or a parking station that is not owned or occupied by the local government for the application of this local law to the facility or station.

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

(4) 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.

(5) The provisions of Parts 3 and 4 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.6 Interpretation

(1) In this local law unless the context otherwise requires—

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

Act means the Local Government Act 1995;

AS means an Australian Standard or Australian/New Zealand Standard published by Standards Australia;

attended parking station means a parking station attended by an officer of 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;

authorised person means a person appointed by the local government 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 local government, the CEO, an authorised person or by any written law to park 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 *Caravan Parks and Camping Grounds Act 1995*;

carriageway means 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 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 two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

(b) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

CEO means the Chief Executive Officer of the local government;

children's crossing has the meaning given to it by the Code;

Code means the *Road Traffic Code 2000*;

coin means any coin which is legal tender pursuant to the *Currency Act 1965* (Commonwealth);

commercial vehicle 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 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;

district means the district of the local government;

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

eating area means an area in which tables, chairs and other structures are provided for the purpose of the supply of food and beverages to a member of the public or the consumption of food and beverages by a member of the public;

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;

fire hydrant means an upright pipe with a spout, nozzle or other outlet for drawing water from a main source or service pipe in case of fire or other emergency;

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;

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

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 East Pilbara;

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

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

motorcycle 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 means a portion of a carriageway to which a no parking sign applies or an area to which a no parking sign applies;

no parking sign means a sign with the words no parking in red letters on a white background, or the letter "P" within a red annulus and a red diagonal line across it on a white background;

no stopping area means a portion of a carriageway to which a no stopping sign applies or an area to which a no stopping sign applies;

no stopping sign means a sign with the words "no stopping" or "no standing" in red letters on a white background or the letter "S" within a red annulus and a red diagonal line across it on a white background;

obstruct means to prevent or impede or to make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian and "obstruction" shall have a corresponding meaning;

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 the Road Traffic 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, in relation to a vehicle, means to permit a vehicle, whether occupied or not by any person, to remain stationary for any period of time except for the purpose of—

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (maximum of 2 minutes);

parking area means a portion of a carriageway—

- (a) between 2 consecutive signs inscribed with the word “Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
- (b) extending from a sign inscribed with the word “Parking” or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign, to any other sign inscribed with the words “No Parking” or with an equivalent symbol depicting this purpose, or to the end of the carriageway or an area in which the parking of vehicles is prohibited,

and is on that side of the carriageway of the thoroughfare nearest the sign;

parking facilities includes land, buildings, shelters, road reserves, parking areas, parking bays, parking stations, attended parking stations, parking stalls and other facilities open to the public generally for the parking of vehicles, whether or not a fee is charged, and 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 of a 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;

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 section 3.53 of the Act;

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

right of way means a portion of land that is—

- (a) shown and marked “Right of Way” or “ROW” or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a “Right of Way” and vested in the Crown under section 152 of the *Planning and Development Act 2005*; and
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include—
 - (i) private driveways; and
 - (ii) a “Right of Way” created by a deed of easement between 2 or more parties;

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;

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 of vehicles;

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

stop in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

symbol includes, but is not limited to, any symbol specified by AS 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 shall be also deemed to include a reference to the corresponding symbol;

tare weight in relation to a vehicle, means the weight of the vehicle without any passengers or load;

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 means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

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

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

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.

(2) For the purposes of the application of the definitions **no parking area** and **parking area**, an arrow inscribed on a 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.

(3) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting the word or expression.

(4) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and—

(a) that term is defined in the Act it shall have the meaning given to it in the Act; and

(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.

1.7 Classes of vehicles

For the purpose 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.

1.8 Powers of local government

The local government may, by resolution, 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.

1.9 Determination of fees, charges and costs

All fees, charges and costs referred to in this local law shall be determined and imposed by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

PART 2—SIGNS

2.1 Compliance with signs

(1) A person shall comply with the direction on every sign displayed, marked, placed or erected pursuant to this local law.

(2) 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.

2.2 Unauthorised signs and defacing of signs

A person shall not without the approval of the local government—

- (a) display, 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 upon any part of a sign set up or exhibited by the local government under this local law.

2.3 General provisions about signs

(1) A sign marked, erected, set up, established or displayed on or near a thoroughfare or in a parking station is, in the absence of evidence to the contrary, deemed 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.

(3) For the purpose of this local law, the local government may use AS 1742.11-1999 as a guide for the development or making of signs, but is not bound to do so and, where it does use it as a guide may vary any of the provisions of AS 1742.11-1999 as it sees fit.

2.4 Application of this local law to pre-existing signs and private properties

(1) A sign that—

(a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and

(b) relates to the parking of vehicles within the parking region,

shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(2) A sign that was erected on a private property prior to the coming into operation of this local law, and that states or stated to the effect that there was no unauthorised parking and that the local law repealed under clause 1.4 (the “repealed local law”) applied to the property, shall be deemed for the purposes of this local law to have been erected under the authority of this local law and to refer to this local law instead of the repealed local law.

(3) An inscription or symbol on a sign referred to in subclause (1) or (2) operates and has effect according to its tenor.

2.5 Part of a thoroughfare to which signs apply

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall 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.

PART 3—PARKING STALLS AND PARKING STATIONS

3.1 Determination of parking stalls and parking stations

(1) The local government may by resolution constitute, determine and vary—

(a) parking stalls;

(b) parking stations;

(c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;

(d) permitted classes of vehicles which may park in parking stalls and parking stations;

(e) permitted classes of persons who may park in specified parking stalls or parking stations; and

(f) the manner of parking in parking stalls and parking stations.

(2) Where the local government makes a determination or resolution under this clause, it shall erect signs to give effect to the determination or resolution.

3.2 Vehicles to be within parking stalls on thoroughfares

(1) Subject to subclauses (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—

(a) parallel to and as close to the kerb as is practicable;

(b) wholly within the stall; and

(c) 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 in a thoroughfare 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 shall do so within the minimum number of parking stalls needed to park that vehicle.

(4) A person shall not park a vehicle partly within and partly outside a parking area.

3.3 Parking prohibitions and restrictions

(1) A person shall not—

(a) stop or park a vehicle in a parking station so as to obstruct an entrance, exit, carriageway, passage or thoroughfare of the parking station;

(b) except with the permission of the local government 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 from such part or from the parking station; 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) No person shall park any bicycle—
 - (a) in a parking stall other than in a stall marked "M/C"; and
 - (b) in such stall other than against the kerb, unless it is parked at a bicycle rail or in a bicycle rack.
- (3) Notwithstanding the provisions of subclause (1)(b), a driver may park a vehicle in a parking stall or station (except in a parking area for people with disabilities) for twice the period of time permitted by the sign, provided that—
 - (a) the driver's vehicle displays an ACROD sticker; and
 - (b) the person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

PART 4—PARKING GENERALLY

4.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall 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) A driver may park a vehicle in a thoroughfare or part of a thoroughfare or part of a parking station, except in a thoroughfare or part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period permitted by a sign referable to the thoroughfare or part of the thoroughfare or the part of the parking station.
- (3) In subclause (2), **driver** means a driver where—
 - (a) the driver's vehicle displays an ACROD sticker; and
 - (b) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
- (4) A person shall not park a vehicle—
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with any signs associated with the parking area and with this local law;
 - (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 shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked "M/C".
- (6) A person shall not, without the prior permission of the local government, or an authorised person, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only".
- (7) In a loading zone, a person shall not—
 - (a) park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or
 - (b) park a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.
- (8) In paragraph (b) of subclause (7), **goods** means an article or collection of articles weighing at least 13.6 kilograms and of which the cubic measurement is not less than 0.17m³.

4.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway shall 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 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 are not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated by a sign.

(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) two parallel continuous dividing lines.

(3) The driver of any vehicle standing on any carriageway in any park or reserve shall place and keep the same close to and parallel with the road edge, kerb or footpath on the left of such vehicle, except where channels or other obstructions prevent this from being done.

(4) Subclause (3) shall not apply to a vehicle parked in an area where the parking bays have been marked other than parallel to the road edge.

4.3 Vehicle to be wholly within parking area

A person shall not park a vehicle partly within and partly outside a parking area.

4.4 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 shall 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 shall park it at approximately right angles to the centre of the carriageway.

4.5 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 shall 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.

4.6 General prohibitions on parking

(1) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.

(2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.

(3) Subject to any law relating to intersections with traffic control signals, a person shall 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) on a bridge or other elevated structure or within a tunnel or underpass;
- (h) between the boundaries of a carriageway and any double longitudinal line consisting of two 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;
- (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (j) 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;
- (k) 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
- (l) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked.

(4) A person shall 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 shall 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; or
- (b) a children’s crossing or pedestrian crossing.

(6) A person shall 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.

4.7 Parking on verges

(1) A person shall not—

- (a) park a vehicle; or
- (b) park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
- (c) park a vehicle during any period when the parking 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 park 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 footpath.

4.8 Authorised person may order vehicle on thoroughfare to be moved

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

4.9 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 shall 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 shall 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 1 hour.

(3) Where parking in a thoroughfare is restricted as to time and a vehicle has been parked in that thoroughfare a person shall not park that vehicle again in that thoroughfare unless there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked another thoroughfare that meets or intersects that thoroughfare.

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

A person shall not park a vehicle on any part 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.

4.11 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 1.5(2).

(2) A person shall 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 shall not park a vehicle on the land otherwise than in accordance with the consent.

4.12 Parking on reserves

No person other than an employee or approved contractor of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

4.13 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 local government, 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 in order that the person may carry out urgent, essential or official duties.

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

PART 5 — PARKING AND STOPPING

Division 1—Parking and stopping generally

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

(1) A driver shall not stop on a part of a carriageway, or in an area, to which a no stopping sign applies.

(2) A driver shall not stop on a part of a 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 or the passengers or goods within 2 minutes of stopping and drives on.

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

Division 2—Stopping in zones for particular vehicles

5.2 Stopping in a loading zone

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

- (a) a motor vehicle used for commercial 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 shall not remain in that loading zone—

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

5.3 Stopping in a taxi or bus zone

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

(2) A driver shall 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 within the “bus zone” sign applying to the bus zone.

5.4 Stopping in a mail zone

A person shall not stop in a mail zone.

5.5 Other limitations in zones

A person shall not stop a vehicle in a zone to which a sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a sign that applies to the zone.

Division 3—Other places where stopping is restricted

5.6 Stopping in a shared zone

A driver shall not stop in a shared zone unless—

- (a) the driver stops at a place on a part of a carriageway, or in an area to which a sign applies, and the driver is permitted to stop at that place by the sign;
- (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 the collection of goods, or in the collection of waste or garbage, to which section 5.2(d) applies.

5.7 Double parking

(1) A driver shall 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 medium strip parking area, in accordance with this local law.

5.8 Stopping near an obstruction

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

5.9 Stopping on a bridge or in a tunnel etc.

- (1) A driver shall 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 sign does not prohibit stopping or parking; or
 - (b) the driver stops at a place on a part of a carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place by the sign.
- (2) A driver shall 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.

5.10 Stopping on crests, curves etc.

- (1) Subject to subclause (2), a driver shall 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 by the sign.

5.11 Stopping near a fire hydrant, etc.

A driver shall 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.

5.12 Stopping on a path, median strip or traffic island

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

5.13 Stopping on a verge

- (1) A person shall 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 footpath.

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

(1) A driver shall 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 shall 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.

5.15 Stopping near a public letterbox

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

- (a) is dropping off, or picking up passengers or mail; or
- (b) stops at a place on a part of a carriageway, or in an area to which a sign applies and the driver is permitted to stop at that place by the sign.

5.16 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 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 1 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 such vehicles.

5.17 Stopping on a carriageway with a bicycle parking sign

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

5.18 Stopping on a carriageway with a motor cycle parking sign

The driver of a vehicle shall not stop on a part of a 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.

5.19 Eating areas in parking stalls

A person shall not stop or park a vehicle in a parking stall which has been authorised in writing by the local government, to be set up or conducted as an eating area and which is designated by signs as such at that time.

5.20 Permits in parking facilities

(1) The local government or authorised person may, whether upon payment of a fee or not, issue a written temporary parking permission which allows a specific vehicle to park—

- (a) in a specified kerbside area;
- (b) in a car park which is controlled by a sign, in contravention of the restriction specified on that sign; or
- (c) in any other place under the control of the local government.

(2) A permit issued under subclause (1) may—

- (a) authorise the stopping or parking of the vehicle continuously for a specified period or periods between specified times or from time-to-time during a specified period; and
- (b) be revoked or suspended at any time by the local government or an authorised person before the expiration of any time or period specified in the permit without responsibility for any liability or loss or claim.

(3) A person shall not stop or park a vehicle in respect of which a permit has been issued pursuant to subclause (2)—

- (a) except at the times or during the period specified in the permit;
- (b) or any purpose other than the purpose for which the permit was issued; or
- (c) at any time after the cancellation, withdrawal or suspension of the permit.

(4) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law relating to a person's right of appeal against the local government revoking or suspending a permit.

5.21 Motor cycle stalls

(1) A person shall not stop or park a vehicle other than a bicycle or a motor cycle to which no side car or side-box is attached in a parking stall—

- (a) marked with the symbol “M/C”; or
- (b) in which the parking of bicycles or motor cycles is permitted by a sign referable to that parking stall.

(2) A person shall not stop or park a bicycle or motor cycle in a parking stall marked with the symbol “M/C”—

- (a) for longer than the maximum period permitted for parking in that parking stall by a sign referable to that parking stall or metered space;
- (b) if there is no sign referable to that parking stall than for longer than the maximum period during which a vehicle may stop or be parked as specified on any sign referable to any parking stall adjacent thereto; or
- (c) otherwise than wholly within the stall.

PART 6 — MISCELLANEOUS**6.1 Authorised persons**

No offence under this local law is committed by an authorised person while carrying out his or her duties as an authorised person.

6.2 Necessary power

An authorised person has all necessary powers for the purpose of performing or observing all of the functions conferred on him or her under the Act and this local law.

6.3 Authorised person to be obeyed

A person who is given a direction by an authorised person or a member of the WA Police Service under this local law or in relation to a contravention of this local law shall comply with that direction.

6.4 Persons may be directed to leave local government property

An authorised person may direct a person to leave local government property or a local government building where the authorised person reasonably suspects that the person has contravened a provision of this local law.

6.5 Marking of tyres

(1) For the purposes of ascertaining whether or not a parked vehicle has been or may be parked in contravention of any provision of this local law, an authorised person may mark the tyres of a vehicle parking in a parking facility with chalk or any other non-indelible substance.

(2) A person shall not remove or interfere with any such mark referred to in subclause (1) so that the purpose of affixing that mark is or may be defeated.

6.6 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 or an authorised person, shall not remove from the vehicle or interfere with any notice put on the vehicle by an authorised person.

6.7 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of—

- (a) 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) 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.

6.8 Vehicles not to obstruct a public place or thoroughfare

(1) A person shall 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 local government or unless authorised under any written law.

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours, unless the vehicle is causing or may cause a danger to the public or is jeopardising or may jeopardise the safety of a person.

PART 7—PENALTIES**7.1 Offences and penalties**

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, 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 liable, upon conviction, to a penalty not less than \$250 and not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

(4) Subclause (3) does not apply to an offence to which the *Local Government (Parking for Disabled Persons) Regulations 1988* applies.

(5) 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.

7.2 Form of notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of the form in Schedule 3;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of the form in Schedule 4; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of the form in Schedule 5.

Schedule 1
PARKING REGION

[Clause 1.6]

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

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) 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 of Main Roads to the local government.

Schedule 2
PRESCRIBED OFFENCES

[clause 7.1(4)]

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.1	Failure to comply with signs	50
2	2.2(a)	Unauthorised display, marking, setting up, exhibiting of a sign	50
3	2.2(b)	Unauthorised removal, defacing or misuse of a sign	50
4	2.2(c)	Unauthorised affixing anything to a sign	50
5	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	50
6	3.2(1)(b)	Failure to park wholly within parking stall	50
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	75
10	3.3(1)(b)	Parking contrary to sign in parking station	75
11	3.3(1)(c)	Parking contrary to directions of authorised person	75
12	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	75
13	4.1(1)(a)	Parking by vehicles of a different class	50
14	4.1(1)(b)	Parking by persons of a different class	60
15	4.1(1)(c)	Parking during prohibited period	60
16	4.1(4)(a)	Parking in no parking area	75
17	4.1(4)(b)	Parking contrary to signs or limitations	50
18	4.1(4)(c)	Parking vehicle in motor cycle only area	50
19	4.1(5)	Parking motor cycle in stall not marked "M/C"	50
20	4.1(6)	Parking without permission in an area designated for "Authorised Vehicles Only"	60
21	4.2(1)(a)	Failure to park on the left of two-way carriageway	50
22	4.2(1)(b)	Failure to park on boundary of one-way carriageway	50
23	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	60
24	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	60
25	4.2(1)(d)	Parking closer than 1 metre from another vehicle	50
26	4.2(1)(e)	Causing obstruction	75
27	4.4(b)	Failure to park approximate right angle	50
28	4.5(2)	Failure to park at an appropriate angle	50
29	4.6(3)(a)	Double parking	60
30	4.6(3)(b)	Parking on or adjacent to a median strip	60
31	4.6(3)(c)	Denying access to private drive or right of way	60
32	4.6(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	75
33	4.6(3)(e)	Parking within 10 metres of traffic island	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
34	4.6(3)(f)	Parking on footpath/pedestrian crossing	75
35	4.6(3)(h)	Parking closer than 3 metres to double longitudinal lines	60
36	4.6(3)(i)	Parking on intersection	60
37	4.6(3)(j)	Parking within 1 metre of fire hydrant or fire plug	60
38	4.6(3)(k)	Parking within 3 metres of public letter box	60
39	4.6(3)(l)	Parking within 10 metres of intersection	60
40	4.6(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	75
41	4.6(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	75
42	4.6(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	75
43	4.7	Parking on a verge	50
44	4.8	Parking contrary to direction of authorised person	75
45	4.9(1), (2) or (3)	Moving vehicle to avoid time limitation	60
46	4.10(a)	Parking in thoroughfare for purpose of sale	60
47	4.10(b)	Parking unlicensed vehicle in thoroughfare	60
48	4.10(c)	Parking a trailer/caravan on a thoroughfare	60
49	4.10(d)	Parking in thoroughfare for purpose of repairs	60
50	4.11(2)	Parking on land that is not a parking facility without consent	50
51	4.11(3)	Parking on land not in accordance with consent	50
52	4.12	Driving or parking on a reserve	75
53	5.1(1)	Stopping contrary to a "no stopping" sign	60
54	5.1(2)	Parking contrary to a "no parking" sign	60
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56	5.2	Stopping unlawfully in a loading zone	60
57	5.3	Stopping unlawfully in a taxi zone or bus zone	60
58	5.4	Stopping unlawfully in a mail zone	60
59	5.5	Stopping in a zone contrary to a sign	60
60	5.6	Stopping in a shared zone	60
61	5.7(1)	Double parking	60
62	5.8	Stopping near an obstruction	60
63	5.9	Stopping on a bridge or tunnel	60
64	5.10	Stopping on crests/curves etc	60
65	5.11	Stopping near fire hydrant	60
66	5.12	Stopping on path, median strip or traffic island	60
67	5.13(1)	Stopping on verge	60
68	5.14	Obstructing path, a driveway etc	60
69	5.15	Stopping near letter box	60
70	5.16	Stopping heavy or long vehicles on carriageway	75
71	5.17	Stopping in bicycle parking area	60
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75	5.21	Stopping or parking a vehicle (other than a bicycle or motor cycle) in a parking stall approved for motor cycles	60
76	6.3	Failure to comply with a lawful direction of an authorised person	60
77	6.4	Failure to leave local government property when lawfully directed to do so by an authorised person	60
78	6.5(2)	Removing or interfering with a lawful mark on a tyre	60
79	6.6	Removing a notice on a vehicle	60
80	6.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	75

Schedule 3

Form 1

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

[clause 7.2(a)]

Date: _____

To: (1) _____

Of: (2) _____

It is alleged that on ____/____/____ at (3) _____

At (4) _____

Vehicle make: _____

Model: _____

Registration: _____

Was involved in the commission of the following offence—

Contrary to clause _____ of the ***Shire of East Pilbara Parking and Parking Facilities Local Law 2011***.

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

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

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

Signature of authorised person

Name of authorised person

Title of authorised person

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

Schedule 4

Form 2

INFRINGEMENT NOTICE

[clause 7.2(b)]

Infringement 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 **Shire of East Pilbara Parking and Parking Facilities Local Law 2011**.

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.

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.

Signature of authorised person

Name of authorised person

Title of authorised person

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

Schedule 5

WITHDRAWAL OF INFRINGEMENT NOTICE

[clause 7.2(c)]

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.

Signature of authorised person

Name of authorised person

Title of authorised person

INSERT—

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender

Dated: 3 February 2012.

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

LYNNE CRAIGIE, Shire President.
ALLEN COOPER, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF NEDLANDS

PARKING AND PARKING FACILITIES LOCAL LAW 2012

ARRANGEMENT

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LOCAL GOVERNMENT ACT 1995

CITY OF NEDLANDS

PARKING AND PARKING FACILITIES LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling the local government, the City of Nedlands resolved on 28 August 2012 to adopt the following local law by an absolute majority resolution.

PART 1 — PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Nedlands Parking and Parking Facilities Local Law 2012*.

1.2 Purpose and effect

(1) The purpose of this local law is to make provisions about the regulation of parking or stopping of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

(2) The effect of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

1.3 Commencement

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

1.4 Repeal

The *City of Nedlands Local Law Relating to Parking and Parking Facilities* published in the *Government Gazette* on 8 May 2002 is repealed.

1.5 Application

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

(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.

(4) The provisions of Parts 2 and 3 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.6 Interpretation

(1) In this local law, unless the context requires otherwise—

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

Act means the *Local Government Act 1995*;

AS means an Australian Standard published by Standards Australia;

AS 1742.11:1999 means the standard published by Standards Australia as AS 1742.11:1999 and called "Manual of uniform traffic control devices-parking controls", as amended from time to time;

authorised person means a person authorised by the local government 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 local government, the Chief Executive Officer or an authorised person or by any written law to park 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 means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self propulsion;

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

CEO means the Chief Executive Officer of the local government;

children's crossing has the meaning given to it by the Code;

Code means the *Road Traffic Code 2000*;

commercial vehicle 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 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;

detection device means an electronic device placed in any position to detect or record the parking time of a vehicle on any road, parking facility or other public place and includes any instruments, display panels or transmitting apparatus associated with the device;

driveway means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of providing access and egress to and from that property, whether or not the property is accessible via that driveway and does not include a footpath. "crossover" shall have a corresponding meaning;

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;

fire hydrant means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of fire or other emergency and "fire plug" shall have a corresponding meaning;

footpath has the meaning given to it by the Code;

General Regulations mean the *Local Government (Functions and General) Regulations 1996*;

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

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

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 City of Nedlands;

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 means a portion of a carriageway to which a "no parking" sign applies or an area to which a "no parking" sign applies;

no parking sign means a sign with the words "no parking" in red letters on a white background, or the letter "P" within a red annulus and a red diagonal line across it on a white background;

no stopping area means a portion of a carriageway to which a "no stopping" sign applies or an area to which a "no stopping" sign applies;

no stopping sign means a sign with the words "no stopping" or "no standing" in red letters on a white background or the letter "S" within a red annulus and a red diagonal line across it on a white background;

obstruct means to prevent or impede or to make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian and "obstruction" and "obstructing" shall have a corresponding meaning;

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 the Road Traffic 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 in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (maximum of 2 minutes);

parking area means a portion of a carriageway to which a “permissive parking” sign applies or an area to which a permissive parking sign applies;

parking facilities includes land, buildings, shelters, road reserves, parking areas, parking bays, parking stations, parking stalls and other facilities open to the public generally for the parking of vehicles whether or not a fee is charged, and includes any 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 of a 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;

pedestrian crossing has the meaning given to it by the Code;

permit means a permit issued under this local law;

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

reserve means any land—

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

right of way means a portion of land that is—

- (a) shown and marked “*Right of Way*” or “*ROW*” or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a “right of way” and vested in the Crown under section 152 of the *Planning and Development Act 2005*; and
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include—
 - (i) private driveways; and
 - (ii) a “right of way” created by a deed of easement between two or more parties;

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;

sign includes a traffic sign, inscription, road marking, mark, structure or device 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 or stopping of vehicles;

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

stop in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

symbol includes, but is not limited to, any symbol specified by AS 1742.11: 1999 and any symbol specified from time-to-time by Standards Australia for use in the regulation of parking;

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 means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed but does not include the rear portion of an articulated vehicle or a side car;

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

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

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 can also be referred to as a nature strip;

(2) For the purposes of the application of the definitions “no parking area”, “no stopping area” and “parking area” an arrow inscribed on a 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.

(3) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting the word or expression.

(4) A reference to a parking station includes a reference to part of the parking station.

(5) Unless the context otherwise requires, where a term is used but not defined in this local law and—

(a) it is defined in the Act, it shall have the meaning given to it in the Act; and

(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.

1.7 Classes of vehicles

For the purpose of this local law, vehicles are divided into the following classes—

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.8 Powers of the local government

The local government 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.

1.9 Determination of fees, charges and costs

All fees, charges and costs referred to in this local law shall be determined and imposed by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

PART 2 — SIGNS

2.1 Erection of signs

The local government may erect a sign for the purposes of this local law on any land, building or other structure within the parking region.

2.2 Compliance with signs

(1) A person shall comply with the direction on every sign displayed, marked, placed or erected pursuant to this local law.

(2) 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.

2.3 Unauthorised signs and defacing of signs

A person shall not without the approval of the local government—

- (a) display, 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 upon any part of a sign set up or exhibited by the local government under this local law.

2.4 General provisions about signs

(1) A sign marked, erected, set up, established or displayed on or near a thoroughfare or in a parking station is, in the absence of evidence to the contrary, deemed 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.

(3) For the purpose of this local law, the local government may use AS 1742.11: 1999 as a guide for the development or marking of signs, but is not bound to do so and, where it does use it as a guide may vary any of the provisions of AS 1742.11: 1999 as it sees fit.

2.5 Application of this local law to pre-existing signs and private properties

(1) A sign that—

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
- (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(2) A sign that was erected on a private property prior to the coming into operation of this local law, and that states or stated to the effect that there was no unauthorised parking and that the local law repealed under clause 1.4 (the “repealed local law”) applied to the private property, shall be deemed for the purposes of this local law to have been erected under the authority of this local law and to refer to this local law instead of the repealed local law.

(3) An inscription or symbol on a sign referred to in subclause (1) or (2) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

2.6 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 shall 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.

PART 3—PARKING STALLS AND PARKING STATIONS

3.1 Determination of parking stalls and parking stations

The local government may constitute, determine and vary and also indicate by signs—

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

3.2 Vehicles to be within parking stalls on thoroughfares

(1) Subject to subclauses (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—

- (a) parallel to and as close to the kerb as is practicable;
- (b) wholly within the stall; and
- (c) 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 in a thoroughfare 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 shall do so within the minimum number of parking stalls needed to park that vehicle.

(4) A person shall not park a vehicle partly within and partly outside a parking area.

3.3 Parking prohibitions and restrictions

(1) A person shall not—

- (a) stop or park a vehicle in a parking station so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking station;
- (b) except with the permission of the local government 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 from such part or from the parking station; 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) No person shall park any bicycle—

- (a) in a parking stall other than in a stall marked “M/C”; and
- (b) in such stall other than against the kerb, unless it is parked at a bicycle rail or in a bicycle rack.

(4) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a parking facility (except in a parking area for people with disabilities) for twice the period of time permitted by the sign, provided that—

- (a) the driver's vehicle displays a valid ACROD sticker; and
- (b) person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

PART 4—PARKING GENERALLY

4.1 Interpretation

In this Part, unless the context otherwise requires—

continuous dividing line under clause 4.3 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) two parallel continuous dividing lines.

driver means a driver where—

- (a) the driver's vehicle displays a valid ACROD sticker; and
- (b) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle under clause 4.2.

event means any event or occurrence considered by the local government likely to attract a substantial number of persons driving vehicles referred to in clause 4.14.

land does not include land under clause 4.10—

- (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 1.5(2).

4.2 Restrictions on parking in particular areas

(1) Subject to subclause (2), a person shall 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) A driver may park a vehicle in a thoroughfare or part of a thoroughfare or part of a parking station, except in a thoroughfare or part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period of time permitted by a sign referable to the thoroughfare or the part of the thoroughfare or the part of the parking station.

(3) A person shall 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.

(4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C”.

(5) A person shall not, without the prior permission of the local government or an authorised person park a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.

4.3 Parking vehicle on a carriageway

(1) A person parking a vehicle on a carriageway other than in a parking stall shall 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 that carriageway;
- (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 dividing 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 are not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated by a sign.

4.4 When parallel and right-angled parking apply

Where a 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 shall 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 shall park it at approximately right angles to the centre of the carriageway.

4.5 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 shall 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.

4.6 General prohibitions on parking

(1) This clause does not apply to a vehicle parked in a parking stall.

(2) Subclauses (3) (b) and (d) do not apply to a vehicle which parks in a bus embayment.

(3) Subject to any law relating to intersections with traffic control signals a person shall 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) 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;
- (c) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (d) between the boundaries of a carriageway and any single continuous line or 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 single or double longitudinal line;
- (e) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (f) within 3 metres of a public letter box, unless the vehicle is being used for the purposes of collecting postal articles from the letter box; or
- (g) 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 indicates otherwise.

(4) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of a children's crossing or pedestrian crossing.

(5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a children's crossing or pedestrian crossing.

(6) A person shall 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.

4.7 Authorised person may order vehicle on thoroughfare to be moved

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

4.8 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 shall 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 shall 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) Where parking in a thoroughfare is restricted as to time and a vehicle has been parked in that thoroughfare a person shall not park that vehicle again in that thoroughfare unless there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked another thoroughfare that meets or intersects that thoroughfare.

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

A person shall not park a vehicle on any part 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.

4.10 Parking on private land

- (1) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (2) 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 shall not park a vehicle on the land otherwise than in accordance with the consent.

4.11 Parking on reserves

No person other than an employee or approved contractor of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

4.12 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 local government 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 in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

4.13 Parking in a parking station

- (1) *Fees payable for vehicles parking in parking stations—*
- (a) a fee payable for the parking of a vehicle and the period of application of the fee in a parking station may be determined and imposed by the local government; and
 - (b) the local government shall not be obliged to accept payment of any fee referred to in this clause.

(2) *Parking positions for motor cycles*

A person shall not stop or park a motor cycle in a parking station unless—

- (a) wholly within a parking stall marked with the symbol "M/C" or otherwise designated as being set aside for the parking of motor cycles;
- (b) that person has paid to the local government the fee; and
- (c) during the period for which the fee is applicable.

(3) *Set aside parking stations for multiple occupants*

The local government in respect of any period or time may by the use of signs set aside any parking station or any part of a parking station and prohibit entry thereto by vehicles other than vehicles carrying at least one other person in addition to the driver.

(4) *Parking restrictions for vehicles with multiple occupants—*

- (a) the local government may determine and impose a fee payable for the parking of a vehicle in any parking station or part of a parking station at any time or for specified times;
- (b) a person shall not stop or park a vehicle in any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless the vehicle is carrying at least one other person; and
- (c) a person shall not enter any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless that person is the driver of or passenger in a vehicle carrying at least one other person.

4.14 Event parking

- (1) The local government may by the use of signs, set aside and impose restrictions for any period specified on the signs, any parking station, parking facility or other land owned or controlled by the local government for the parking of vehicles by persons attending an event.
- (2) A person shall not park or stop a vehicle in a parking station, parking facility or land owned or controlled by the local government set aside under subclause (1) during the period for which it is set aside unless a ticket purchased on entry to that parking station, parking facility or land with respect to the event is clearly visible to and readable by an authorised person from outside a vehicle.
- (3) A fee payable for event parking may be determined and imposed by the local government.

PART 5—PARKING AND STOPPING

Division 1—Parking and stopping generally

5.1 "No stopping" and "no parking" signs, and yellow edge lines

- (1) No stopping—
- (a) a driver shall not stop on a part of a carriageway, or in an area, to which a "no stopping" sign applies.

(2) *No parking—*

A driver shall not stop on a part of a 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.

(3) *No stopping on a carriageway with yellow edge lines—*

- (a) a driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

Division 2—Stopping in zones for particular vehicles

5.2 Stopping in a loading zone

A person shall 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;
- (b) a motor vehicle taking up or setting down passengers, but in any event, shall 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).

5.3 Stopping in a taxi or bus zone

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

(2) A driver shall 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.

5.4 Stopping in a mail zone

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

5.5 Other limitations in zones

A person shall not stop a vehicle in a zone to which a sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a sign that applies to the zone.

Division 3—Other places where stopping is restricted

5.6 Stopping in a shared zone

A driver shall not stop in a shared zone unless—

- (a) the driver stops at a place on a part of a carriageway, or in an area to which a sign applies and the driver is permitted to stop at that place by the sign;
- (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 the collection of goods, or in the collection of waste or garbage.

5.7 Double parking

(1) A driver shall 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.

5.8 Stopping near an obstruction

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

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

(1) A driver shall 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 sign does not prohibit stopping or parking; or
- (b) the driver stops at a place on a part of a carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place by the sign.

(2) A driver shall 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.

5.10 Stopping on crests, curves, etc.

(1) Subject to subclause (2), a driver shall 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 by the sign.

5.11 Stopping near a fire hydrant, etc.

A driver shall 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.

5.12 Stopping at or near a bus stop

(1) A driver shall 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 part of a carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place by the sign.

(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.

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

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

5.14 Stopping on a verge/nature strip

(1) A person shall 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 footpath.

(4) The owner or occupier of premises adjacent to a verge shall not charge a fee to authorise a person to stop on a verge in accordance with subclause (2) of this clause.

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

(1) A driver shall 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 shall not stop a vehicle on or across a driveway, crossover 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.

5.16 Stopping near a public letter box

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

- (a) is dropping off, or picking up passengers or mail; or
- (b) stops at a place on a part of a carriageway, or in an area to which a sign applies and the driver is permitted to stop at that place by the sign.

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 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 other area set aside for the parking of such vehicles.

5.18 Stopping on a carriageway with a bicycle parking sign

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

5.19 Stopping on a carriageway with a motor cycle parking sign

The driver of a vehicle shall not stop on a part of a 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.

5.20 Motor cycle stalls

(1) A person shall not stop or park a vehicle other than a bicycle or a motor cycle to which no side car or side-box is attached in a parking stall—

- (a) marked with the symbol “M/C”; or
- (b) in which the parking of bicycles or motor cycles is permitted by a sign referable to that parking stall.

(2) A person shall not stop or park a bicycle or motor cycle in a parking stall marked with the symbol “M/C”—

- (a) for longer than the maximum period permitted for parking in that parking stall by a sign referable to that parking stall;
- (b) if there is no sign referable to that parking stall than for longer than the maximum period during which a vehicle may stop or be parked as specified on any sign referable to any parking stall adjacent thereto; or
- (c) otherwise than wholly within the stall.

PART 6 — PARKING PERMITS

6.1 Interpretation

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;

off street parking bay means a parking bay on private property;

residential parking permit means a permit issued to a resident by the local government pursuant to clause 6.3(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 parking permit means a permit issued by the local government pursuant to clause 6.3(2).

Division 1—Residential parking permits

6.2 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, the holder of a residential parking permit or a visitor parking permit is exempted from such prohibition;

(2) 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.

(3) 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.

6.3 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 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 parking permits or visitor parking permits to any owner or occupier on such terms and conditions as the local government sees fit.

(5) The maximum number of residential parking permits and visitor parking permits that shall be issued by the local government in relation to a dwelling must comply with the following table—

Number of off street parking bays for the dwelling	Maximum number of Residential Parking Permits	Maximum number of Visitor Parking Permits
0	2	2
1	1	2
2	0	2
3	0	1
4 or more	0	0

(6) Fees payable for residential parking permits and visitor parking permits shall be set by the local government from time to time in accordance with the Act.

6.4 Discretionary authority

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

6.5 Validity of permit

Every residential parking permit or visitor 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 6.6; and
- (d) the replacement of any permit by a new permit issued by the local government pursuant of clause 6.3.

6.6 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; or
- (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.

6.7 Removal of a permit from a vehicle

The holder of a residential parking permit or visitor 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.

6.8 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 waiving of the fee is warranted.

6.9 Display of residential parking permits or visitor 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 residential parking permit or a visitor parking 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.

Division 2 – Parking facility permits

6.10 Permits in parking facilities

(1) The local government or authorised person may, whether upon payment of a fee or not, issue a written temporary parking permission which allows a specific vehicle to park—

- (a) in a specified kerbside area;
- (b) in a car park which is controlled by a sign, in contravention of the restriction specified on that sign; or
- (c) in any other place under the control of the local government.

(2) A permit issued under subclause (1) may—

- (a) authorise the stopping or parking of the vehicle continuously for a specified period or periods between specified times or from time-to-time during a specified period; and
- (b) be revoked or suspended at any time by the local government or an authorised person before the expiration of any time or period specified in the permit without responsibility for any liability or loss or claim.

(3) A person shall not stop or park a vehicle in respect of which a permit has been issued pursuant to subclause (2)—

- (a) except at the times or during the period specified in the permit;
- (b) any purpose other than the purpose for which the permit was issued; or
- (c) at any time after the cancellation, withdrawal or suspension of the permit.

(4) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law relating to a person's right of appeal against the local government revoking or suspending a permit.

PART 7—MISCELLANEOUS

7.1 Authorised persons

No offence under this local law is committed by an authorised person while carrying out his or her duties as an authorised person.

7.2 Necessary power

An authorised person has all necessary powers for the purpose of performing or observing all of the functions conferred on him or her under the Act and this local law.

7.3 Authorised person to be obeyed

A person who is given a direction by an authorised person or a member of the WA Police Service under this local law or in relation to a contravention of this local law shall comply with that direction.

7.4 Persons may be directed to leave local government property

An authorised person may direct a person to leave local government property or a local government building where the authorised person reasonably suspects that the person has contravened a provision of this local law.

7.5 Marking of tyres

(1) For the purposes of ascertaining whether or not a parked vehicle has been or may be parked in contravention of any provision of this local law an authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance.

(2) A person shall not remove or interfere with any such mark referred to in subclause (1) so that the purpose of affixing that mark is or may be defeated.

7.6 Removal of notices on a vehicle

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

7.7 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of—

- (a) 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) 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.

7.8 Vehicles not to obstruct a public place or thoroughfare

(1) A person shall 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 or thoroughfare without the permission of the local government or unless authorised under any written law.

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours, unless the vehicle is causing or may cause a danger to the public or is jeopardising or may jeopardise the safety of a person.

7.9 Causing or attempting to cause damage to Council property

A person shall not cause or attempt to cause damage to the property of the local government in any way.

7.10 Interfere with or damage to detection devices

(1) A person shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any road, parking facility or in any other public place.

(2) A person shall not interfere with, damage or obstruct the operation of any display panels or transmitting equipment in relation to parking detection devices or instruments operated by the local government.

7.11 Local government may lock parking stations

(1) At the expiration of the hours of operation of a parking station, the local government, whether or not any vehicle remains parked in a parking station, may lock the parking station or otherwise prevent the movement of any vehicle within, or to or from the parking station.

(2) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law relating to the locking of a parking station.

PART 8—OBJECTIONS AND REVIEW

8.1 Objections and review

When the local government makes a decision as to whether it will—

- (a) grant a person a permit under this local law; or
- (b) renew, vary, or cancel a permit that a person has under this local law, the provisions of Division 1 of Part 9 of the Act and Regulation 33 of the General Regulations shall apply to that decision.

PART 9—PENALTIES

9.1 Offences and penalties

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, 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) 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.

Penalty: a fine not less than \$250, a fine not exceeding \$5,000 and if the offence is of a continuing nature, a daily penalty of \$500.

9.2 Modified Penalties

Where an authorised person has reason to believe that a person has committed an offence under this local law, he or she may issue to that person an infringement notice in accordance with the modified penalties set out in the Schedule 2. The amount appearing in the final column of the Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against the clause.

9.3 Form of notices

For the purposes of this local law the form of the—

- (a) notice referred to in sections 9.13 and 9.17 of the Act is that of the form in Schedule 3; and
- (b) notice referred to in section 9.20 of the Act is that of the form in Schedule 4.

SCHEDULES

Schedule 1 – Parking region

[cl. 1.5(1)]

Local Government Act 1995

City of Nedlands Parking and Parking Facilities Local Law 2012

PARKING REGION

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

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads;
- (c) any road which comes under the control of the Commissioner of Main Roads unless 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(3)]

Local Government Act 1995

City of Nedlands Parking and Parking Facilities Local Law 2012

PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1.	2.2(1), (2)	Failure to comply with signs	70
2.	2.3(a)	Unauthorised display, marking, setting up, exhibiting of a sign	60
3.	2.3(b)	Unauthorised removal, defacing or misuse of a sign	60
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	60
9.	3.3(1)(a)	Causing obstruction in parking station	90
10.	3.3(1)(b)	Parking contrary to sign in parking station	70
11.	3.3(1)(c)	Parking contrary to directions of authorised person	90
12.	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	60
13.	4.2(1)(a)	Parking by vehicles of a different class	60
14.	4.2(1)(b)	Parking by persons of a different class	60
15.	4.2(1)(c)	Parking during prohibited period	60
16.	4.2(3)(a)	Parking in no parking area	70
17.	4.2(3)(b)	Parking contrary to signs or limitations	70

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
18.	4.2(3)(c)	Parking vehicle in motor cycle only area	60
19.	4.2(4)	Parking motor cycle in stall not marked "M/C"	60
20.	4.2(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	80
21.	4.3(1)(a)	Failure to park on the left of two-way carriageway	80
22.	4.3(1)(b)	Failure to park on boundary of one-way carriageway	80
23.	4.3(1)(a) or 4.3(1)(b)	Parking against the flow of traffic	80
24.	4.3(1)(c)	Parking when distance from farther boundary less than 3 metres	80
25.	4.3(1)(d)	Parking closer than 1 metre from another vehicle	60
26.	4.3(1)(e)	Causing obstruction	90
27.	4.4(b)	Failure to park at approximate right angle	60
28.	4.5(2)	Failure to park at an appropriate angle	60
29.	4.6(3)(a)	Double parking	90
30.	4.6(3)(b)	Denying access to private drive or right of way	90
31.	4.6(3)(c)	Parking beside excavation or obstruction so as to obstruct traffic	80
32.	4.6(3)(d)	Parking closer than 3 metres to single or double longitudinal lines	90
33.	4.6(3)(e)	Parking on intersection	90
34.	4.6(3)(f)	Parking within 3 metres of public letter box	60
35.	4.6(3)(g)	Parking within 10 metres of intersection	90
36.	4.6(4)	Parking vehicle within 10 metres of departure side of a children's crossing or pedestrian crossing	80
37.	4.6(5)	Parking vehicle within 20 metres of approach side of a children's crossing or pedestrian crossing	80
38.	4.6(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	80
39.	4.7	Parking contrary to direction of authorised person	90
40.	4.8(1), (2) or (3)	Moving vehicle to avoid time limitation	70
41.	4.9(a)	Parking in thoroughfare for purpose of sale	60
42.	4.9(b)	Parking unlicensed vehicle in thoroughfare	60
43.	4.9(c)	Parking a trailer/caravan on a thoroughfare	60
44.	4.9(d)	Parking in thoroughfare for purpose of repairs	60
45.	4.10(1)	Parking on land that is not a parking facility without consent	80
46.	4.10(2)	Parking on land not in accordance with consent	80
47.	4.11	Driving or parking on a reserve	80
48.	5.1(1)	Stopping contrary to a "no stopping" sign	90
49.	5.1(2)	Parking contrary to a "no parking" sign	70
50.	5.1(3)	Stopping within continuous yellow lines	90
51.	5.2	Stopping unlawfully in a loading zone	80
52.	5.3	Stopping unlawfully in a taxi zone or bus zone	80
53.	5.4	Stopping unlawfully in a mail zone	80
54.	5.5	Stopping in a zone contrary to a sign	80
55.	5.6	Stopping in a shared zone	80
56.	5.8	Stopping near an obstruction	80
57.	5.9	Stopping on a bridge or tunnel	80
58.	5.10	Stopping on crests/curves etc	80
59.	5.11	Stopping near fire hydrant or fire plug	80
60.	5.12(1)	Stopping near bus stop	80
61.	5.13	Stopping on path, median strip or traffic island	80
62.	5.14(1)	Stopping on verge	80

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
63.	5.14(4)	Owner or occupier of premises adjacent to a verge charging a fee to authorise a person to stop on a verge	500
64.	5.15	Obstructing path, a driveway etc	80
65.	5.16	Stopping near public letter box	60
66.	5.17	Stopping heavy or long vehicles on carriageway	60
67.	5.18	Stopping in bicycle parking area	60
68.	5.19	Stopping in motorcycle parking area	60
69.	5.20	Stopping or parking a vehicle (other than a bicycle or motor cycle) in a parking stall approved for motor cycles	60
70.	6.9	Failure to display a valid permit	70
71.	6.10(3)	Stopping or parking contrary to requirements of a permit	70
72.	7.3	Failure to comply with a lawful direction of an authorised person	90
73.	7.4	Failure to leave local government property when lawfully directed to do so by an authorised person	90
74.	7.5(2)	Removing or interfering with a lawful mark on a tyre	80
75.	7.6	Removing a notice on a vehicle	80
76.	7.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	90
77.	7.9	Causing or attempting to cause damage to Council property	500
78.	7.10(1)	Interfere or damage an electronic detection device	500
79.	7.10(2)	Interfere or damage a display panel or transmitting device	500
80.		All other offences not specified	60

Schedule 3—Notice to vehicle owner

[cl. 9.3(a)]

Local Government Act 1995
City of Nedlands Parking and Parking Facilities Local Law 2012

**PARKING INFRINGEMENT NOTICE
NOTICE TO THE OWNER/DRIVER**

It is alleged that the following vehicle was parked or stopped as indicated below.

Infringement No: Issue date: / /.....

Alleged Offence:

.....

.....

Location:

Vehicle:

Colour:

Make:

Model:

Offence Date:

Offence Time:

Penalty:

Due Date: / /.....

Unless within 28 days after the date of the service of this notice—

- (a) The modified penalty is paid; or
- (b) you inform the Chief Executive Officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the alleged offence; or
- (c) you satisfy the Chief Executive Officer of the local government that the above vehicle had been stolen, or was being unlawfully used, at the time of the above offence,

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

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid within 28 days after the giving of this notice.

PAYMENT METHODS

Payment by phone: (Visa or Mastercard)

Please call 1300 276 468 to make payment from your nominated account, quoting the infringement number shown overleaf.

Payment by Internet: (Visa or Mastercard)

www.nedlands.wa.gov.au and select the payment option.

Payment by Mail—

Make cheques payable to City of Nedlands and crossed Not Negotiable. Complete your name and address in block letters in the space provided below and return this notice and payment to City of Nedlands, PO Box 9, Nedlands, WA, 6909.

Payment in person at Council—

Present this notice intact to the cashier at the City of Nedlands, 71 Stirling Hwy, Nedlands, between 8.30 am and 5.00 pm Mon—Fri.

Schedule 4 – Infringement notice

[cl. 9.3(b)]

Local Government Act 1995

City of Nedlands Parking and Parking Facilities Local Law 2012

WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

Infringement Notice No. dated / /

in respect of vehicle—

make:

model:

registration:

for the alleged offence of.

.....

.....

.....

has been withdrawn.

The modified penalty of \$

has been paid and a refund is enclosed.

has not been paid and should not be paid.

delete as appropriate.

(3)

(4)

Insert—

(1) Name of alleged offender to whom infringement notice was given or “the owner”.

(2) Address of alleged offender.

(3) Signature of authorised person

(4) Name and title of authorised person giving notice

Dated this 21st day of September 2012.

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

MAX HIPKINS, Mayor.
MICHAEL COLE, A/Chief Executive Officer.

!2012181GG!



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, FRIDAY, 12 OCTOBER 2012 No. 181

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

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LOCAL GOVERNMENT ACT 1995

CITY OF GOSNELLS

PARKING LOCAL LAW 2012

LOCAL GOVERNMENT ACT 1995

CITY OF GOSNELLS

PARKING LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Gosnells resolved on 25 September 2012 to make the following local law.

PART 1 — DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the City of Gosnells Parking Local Law 2012.

1.2 Commencement

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

1.3 Repeal

The *City of Gosnells Parking and Parking Facilities Local Law 2005* published in the *Government Gazette* on 29 June 2005 and amended in the *Government Gazette* on 27 January 2006 is repealed.

1.4 Definitions

In this local law unless the context otherwise requires—

ACROD sticker (also referred to as ACROD permits) has the meaning given to it 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 local government under section 9.10 of the Act to perform any function under this local law;

authorised vehicle means a vehicle authorised by the local government or an authorised person to park on a thoroughfare or in a parking facility;

bicycle 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 means a vehicle that is fitted or designed to allow human habitation;

carriageway has the meaning given to it by the Code;

centre has the meaning given to it by the Code;

children's crossing has the meaning given to it by the Code;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle constructed, adapted or fitted for the conveyance of goods, merchandise or materials and includes a vehicle which is used 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 is used for that purpose;

district means the district of the local government;

dividing line has the meaning given to it by the Code;

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

driveway means the portion of land which lies between the boundary of a carriageway and the boundary of the adjacent property that is constructed for the purpose of ingress and egress to and from the property;

edge line has the meaning given to it by the Code;

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;

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

length of carriageway means the same side of the road between intersections on that side of the road;

loading zone means—

- (a) a parking facility to which a loading zone sign applies; or
- (b) a parking bay designated by a sign for use by commercial vehicles as a loading zone;

loading zone sign means a sign with the words 'loading zone' in white letters on a red background and may have an arrow pointing in a direction;

local government means the City of Gosnells;

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) a trailer, semi-trailer or caravan while attached to a motor vehicle; and
- (b) a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel;

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 the words 'no parking' in red letters on a white background, or 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 the words 'no stopping' in red letters on a white background or the letter 'S' within a red annulus and a red diagonal line across it on a white background;

obstruction has the meaning given to it by the Code;

occupier has the meaning given to it by the Act;

owner where used in relation to—

- (a) a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Act;
- (b) any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) 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 bay means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks, pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking control sign has the meaning given to it by the Code;

parking facility includes land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles, and signs, notices and facilities used in connection with the parking of vehicles;

parking permit means a permit issued by an authorised person;

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

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) 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;

parking station means any land, building or structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged;

permissive parking sign has the meaning given to it by clause 172 of the Code;

postal vehicle 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 includes any land—

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

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;

sign includes a traffic sign, permissive parking 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 stopping or parking of vehicles;

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

stop in relation to a vehicle has the meaning given to it by the Code;

symbol includes any symbol specified by the *Road Traffic Code 2000* for use in the regulation of parking;

taxi has the meaning given to it by the Code;

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

thoroughfare has the meaning given to it by the Act;

T-intersection has the meaning given to it by the Code;

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

trailer has the meaning given to it by the Code;

unattended means the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle;

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

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the boundary of the adjacent property but does not include a footpath.

1.5 Interpretation

(1) For the purposes of the interpretation of the definitions of 'no parking area', 'no stopping area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is 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) A reference to a word or expression inscribed on a sign includes a reference to a corresponding symbol depicting that word or expression.

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

(4) Unless the context otherwise requires, a reference to a 'thoroughfare', 'parking station', 'parking facility' or 'reserve' includes reference to, as the case may be, any part of the 'thoroughfare', 'parking station', 'parking facility' or 'reserve'.

(5) This local law applies to the whole of the parking region but does not apply to a parking station that—

(a) is not owned, controlled or occupied by the local government; or

(b) is owned by the local government but is leased to another person;

unless the local government and the owner or the occupier of that parking station have agreed in writing that this local law will apply to that parking station.

(6) The agreement referred to in subclause (5) may be made on such terms and conditions as the parties may agree.

1.6 Power to prohibit and regulate

The local government may prohibit or regulate by signs or otherwise the stopping and parking of any vehicle but is to do so consistently with the provisions of this local law.

1.7 Pre-existing signs

A sign that—

(a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and

(b) relates to the stopping or parking of vehicles within the parking region;

shall be deemed to have been erected by the local government under the authority of this local law.

1.8 Application of signs

(1) Where under this local law the stopping or parking of vehicles on a thoroughfare is controlled by a sign, the sign shall apply to that part of the thoroughfare which—

(a) lies beyond the sign;

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

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

(2) For the purposes of this local law a sign may prohibit or regulate parking or stopping by the use of any symbol.

(3) A sign regulating the parking or stopping of vehicles is presumed to be, in the absence of evidence to the contrary, a sign placed, marked or erected under the authority of this local law.

(4) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it also related to the parking of vehicles.

(5) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

1.9 Classes of vehicles

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

- (a) buses;
- (b) commercial vehicles;
- (c) motor cycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

PART 2—SIGNS AND ROAD MARKINGS

2.1 Signs generally

A driver shall not stop or park a vehicle in a parking facility—

- (a) if by a sign it is set apart for the stopping or parking of vehicles of a different class;
- (b) during any period when the stopping or parking of vehicles is prohibited by a sign; or
- (c) for more than the maximum time specified by a sign, or move along the same length of carriageway to avoid the time restriction, or return to the same length of carriageway so that the total parking time exceeds the maximum time permitted on the sign, unless—
 - (i) the vehicle displays an ACROD sticker in which case the vehicle may be parked for twice the maximum time specified by the sign; or
 - (ii) the vehicle has been removed from the same length of carriageway for over 2 hours.

2.2 No stopping

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

2.3 No Parking

A driver shall not park a vehicle 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.

2.4 Stopping on a carriageway with motor cycle parking sign

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

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

2.5 Stopping in a parking bay for people with disabilities

(1) A driver shall not stop in a parking bay for people with disabilities unless—

- (a) the vehicle displays a current ACROD sticker so that it is clearly visible to and able to be read by an authorised person from outside the vehicle at all times; and
- (b) either the driver or a passenger in that vehicle is a person entitled to use the displayed ACROD sticker.

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

- (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 people with disabilities symbol; or
- (d) set aside within a parking region as a 'parking bay for use by a disabled person' under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

2.6 Authorised vehicles only signs

Unless authorised by the local government, a driver shall not stop or park a vehicle in an area designated by a sign inscribed 'Authorised Vehicles Only'.

2.7 Display of signs

A driver shall not without the authorisation of the local government—

- (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
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

2.8 No stopping or parking on carriageway with yellow edge line

A driver shall not stop or park a vehicle at the side of a carriageway marked with a continuous yellow edge line.

2.9 No stopping or parking on carriageway marked keep clear

A driver shall not stop or park a vehicle in an area of a carriageway signed or marked with a keep clear marking.

PART 3 — STOPPING AND PARKING GENERALLY

3.1 Parking contrary to consent

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

- (a) which belongs to the local government;
- (b) which is an "otherwise unvested facility" within the Act; or
- (c) which is the subject of an agreement referred to in clause 1.5(5).

(2) A driver shall not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.

(3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a driver shall not stop or park on the land otherwise than in accordance with that consent.

3.2 Stopping or parking on a carriageway

A driver stopping or parking a vehicle on a carriageway shall stop or park the vehicle—

- (a) in the case of a two-way carriageway, so that the vehicle is as near as practicable to and parallel with, the left boundary of the carriageway;
- (b) in the case of a one-way carriageway, so that the vehicle is as near as practicable to and parallel with either boundary of the carriageway;
- (c) so that the vehicle is headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is stopped or parked;
- (d) so that at least 3 metres of the width of the carriageway lies between the vehicle and—
 - (i) the opposite boundary of the carriageway;
 - (ii) a vehicle stopped or parked on the opposite side of the carriageway; or
 - (iii) any continuous dividing line or median strip; and
- (e) so that there is more than 1 metre from any other vehicle, except a motor cycle without a trailer stopped or parked in accordance with this local law.

3.3 Parking on a carriageway —heavy or long vehicles

(1) A driver 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 7.5 metres or more in length or exceeds a GVM of 3 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 heavy or long vehicles.

(2) Nothing in this clause affects the operation of any other clause in this local law, or any other written law relating to the parking or stopping of vehicles.

PART 4 — STOPPING AND PARKING IN ZONES

4.1 Bus zone

A driver shall 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 within the 'bus zone' sign applying to the bus zone.

4.2 Loading zone

(1) A driver shall not stop or park a vehicle in a loading zone unless—

- (a) the vehicle is a commercial vehicle and a person is continuously engaged in loading or unloading goods to or from that vehicle; or
- (b) the vehicle is an authorised vehicle.

(2) A driver shall not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign or if no time is indicated on the sign for longer than 30 minutes, unless authorised.

4.3 Shared zone

A driver shall not stop in a shared zone unless the driver—

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

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

4.4 Taxi zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver of a taxi shall not leave the taxi unattended whilst it is in the taxi zone.

PART 5—OTHER STOPPING AND PARKING RESTRICTIONS

5.1 Stopping on verge

- (1) A driver shall not stop—
 - (a) a vehicle (other than a bicycle);
 - (b) a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) 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 driver if he or she is—
 - (a) the owner or occupier of the premises adjacent to that verge; or
 - (b) 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 if 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 the carriageway or path.

5.2 Double parking

- (1) A driver shall 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.

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

- (1) A driver shall 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 shall 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.

5.4 Stopping on crests, curves, etc.

A driver shall 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.

5.5 Fire hydrants

A driver shall not stop or park a vehicle, other than in a marked bay, on a carriageway so that any portion of the vehicle is within one metre of a fire hydrant, or of any sign or mark indicating the existence of a fire hydrant, 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.

5.6 Bus stops

- (1) A driver shall not stop or park a vehicle so that any portion of the vehicle is within 20 metres of the approach side, or within 10m of the departure side of—
 - (a) a bus stop, bus embayment or bus zone; or
 - (b) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes).
- (2) Sub-clause (1) does not apply if—
 - (a) the vehicle is a bus stopped to take up or set down passengers; or
 - (b) the vehicle is stopped or parked in a marked bay.

5.7 Pedestrian, children and train crossings

(1) A driver shall not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of—

- (a) a pedestrian crossing;
- (b) a children's crossing; or
- (c) the nearest rail of a railway level crossing.

(2) Sub-clause (1) does not apply if—

- (a) the vehicle is stopped or parked in a marked bay; or
- (b) it is permitted by a sign.

5.8 Median strips, traffic islands and paths etc

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

5.9 Reserves

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

- (a) is an employee of the local government in the course of their duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the local government or an authorised person.

PART 6—OBSTRUCTIONS

6.1 Obstructions generally

(1) This clause does not apply to a vehicle stopped or parked in a parking bay established by the local government or otherwise permitted under this local law.

(2) A driver shall not stop or park a vehicle so that any portion of the vehicle is—

- (a) on any thoroughfare so as to cause an obstruction on the thoroughfare unless it is a bus stopping in a bus zone;
- (b) obstructing any entrance, exit, carriageway, passage or thoroughfare in a parking facility;
- (c) on an intersection, subject to paragraphs (d) and (e);
- (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
- (e) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway, without traffic-control signals, intersecting that carriageway on the side on which the vehicle is stopped or parked unless the vehicle stops or parks—
 - (i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this local law; or
 - (ii) if the intersection is a T-intersection, along the continuous side of the continuing road at the intersection;
- (f) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (g) adjacent to any median strip; or
- (h) on or within 10 metres of any portion of a carriageway bounded by a traffic island.

6.2 Obstructing a public place

A person shall 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 local government or unless authorised under any written law.

6.3 Obstructing driveways

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

6.4 Stopping near an obstruction

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

PART 7—PARKING BAYS AND PARKING FACILITIES

7.1 Bicycle parking

No driver shall park any bicycle—

- (a) in a parking bay other than in a bay marked 'M/C'; and
- (b) in such bay other than against the kerb.

7.2 Selling or hiring in a parking facility

A person shall not sell, hire or give away any goods or thing in a parking facility without the written authorisation of the local government.

7.3 Parking positions

(1) Where the signs referring to a parking area are 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 adjacent to the boundary of a carriageway, a driver stopping or parking a vehicle in the parking area shall stop or park it as near as practicable to and parallel with that boundary.

(2) A driver shall not stop or park a vehicle in a parking facility other than wholly within a parking bay if the parking facility has parking bays unless a vehicle is too wide or long to fit completely within a single parking bay, in which case the vehicle shall be parked within the minimum number of parking bays needed to park that vehicle.

7.4 Angle parking

(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 driver parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign referring to a parking area is inscribed with the words 'angle parking' a driver stopping or parking a vehicle in the area shall stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by marks on the carriageway.

7.5 Occupied parking bays

A driver shall not stop or park or attempt to stop or park a vehicle in a parking bay in which another vehicle is stopped or parked.

7.6 Parking facilities where permit required

(1) A sign may indicate that all or part of a parking station or road is set aside for the parking of vehicles with a permit.

(2) An authorised person may issue to a person a permit in respect of all or part of a parking station or a road referred to in subclause (1).

(3) A driver shall not park or stop a vehicle, or permit a vehicle to remain parked, in a parking station or road that is set aside under subclause (1), unless the permit issued under subclause (2) is displayed inside the vehicle so that it is clearly visible to and able to be read by an authorised person from outside the vehicle at all times.

(4) An authorised person may, at any time, revoke a permit issued under subclause (2).

PART 8—MISCELLANEOUS

8.1 Urgent, essential or official duties

(1) Where by a sign prohibits or permits the stopping or parking of a vehicle for a limited time on a portion of a thoroughfare or parking facility, an authorised person may permit a driver to stop or park a vehicle on that portion of the thoroughfare or parking facility for longer than the permitted time in order that the driver may carry out urgent, essential or official duties.

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

(3) Permission issued under sub-clause (1) may—

- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods or between specified times or from time to time during a specified period; and
- (b) be revoked or suspended at any time by an authorised person without giving rise to any liability on the part of the local government for loss or damages arising from the revocation or suspension of the permission.

(4) A driver shall not stop or park a vehicle in respect of which permission has been given under sub-clause (1) other than in accordance with the terms of that permission.

8.2 Direction to move vehicle

A driver shall not stop or park a vehicle or allow a vehicle to remain stopped or parked after being directed by an authorised person to move the vehicle.

8.3 Prohibited parking of vehicles

A driver shall not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing the vehicle for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act or any corresponding law of another State or Territory of the Commonwealth; or
- (c) if that vehicle is a trailer or caravan unattached to a motor vehicle.

8.4 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 shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

8.5 Removal of notices

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

8.6 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle and emergency vehicle may, only in the course of their duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time.

PART 9—PENALTIES

9.1 Offences

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law shall be liable, upon 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.

(3) It is a defence to this local law if the driver of a vehicle on a carriageway—
(a) is prevented from proceeding by circumstances beyond their control; or
(b) is required to stop to avoid an accident.

9.2 Prescribed offences

(1) An offence against any provision of this local law 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 Schedule 1.

9.3 Form of notices

For the purposes of this local law—

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

Schedule 1 PRESCRIBED OFFENCES

[clause 9.2]

Clause	Description	Modified Penalty \$
2.1	Parking contrary to signs or limitations	100
2.2	Stopping contrary to 'no stopping' sign	100
2.3	Parking contrary to 'no parking' sign	100
2.4	Parking vehicle in motor cycle parking area	75
2.5	Stopping in a disabled parking area	120
2.8	Stopping within continuous yellow edge lines	100
3.1	Parking contrary to consent	75
3.2(a)	Failure to park on the left of a two-way carriageway	100
3.2(b)	Failure to park on the boundary of a one-way carriageway	100
3.2(c)	Parking against the flow of traffic	100
3.2(d)(i)	Stopping or parking less than 3 metres from opposite boundary	100
3.2(d)(ii)	Stopping or parking less than 3 metres from a vehicle stopped or parked on opposite boundary	100
3.2(d)(iii)	Stopping or parking contrary to continuous line marking or median strip	100
3.2(e)	Parking closer than 1 metre from another vehicle	75

Clause	Description	Modified Penalty \$
3.3	Parking heavy or long vehicles on a carriageway	100
4.1	Stopping or parking unlawfully in a bus zone	100
4.2	Stopping or parking unlawfully in a loading zone	100
4.3	Stopping unlawfully in a shared zone	75
4.4	Stopping or parking unlawfully in a taxi zone	100
5.1	Stopping on a verge	100
5.2	Double parking	100
5.3	Stopping on a bridge, tunnel etc	100
5.4	Stopping on crests, curves etc	100
5.5	Stopping near fire hydrant	100
5.6	Stopping near a bus stop	100
5.7	Unlawfully stopping or parking on the approach or departure side of a pedestrian, childrens or rail crossing	100
5.8	Unlawfully parking on median strip, traffic island, paths etc	100
5.9	Unlawfully parking on a reserve	100
6.1	Causing an obstruction	100
6.2	Obstructing a public place	100
6.3	Obstructing a driveway or other way of access	100
6.4	Stopping near an obstruction	75
7.2	Unlawfully selling, hiring or giving away goods in a parking facility	100
7.3(1)	Failure to park at an appropriate angle	75
7.3(2)	Failure to park wholly within parking bay	75
7.4(2)	Failure to park at approximate right angle	75
7.5	Stopping or parking, or attempting to stop or park in an occupied parking bay	75
7.6	Fail to display parking permit	100
8.2	Parking contrary to direction of an authorised person	100
8.3(a)	Parking on a thoroughfare for purpose of sale	100
8.3(b)	Parking an unlicensed vehicle on a thoroughfare	100
8.3(c)	Parking a trailer or caravan on a thoroughfare	100
8.4(2)	Removing a mark made by an authorised person	100
8.5	Unauthorised removal of a notice	100
	All other offences not specified	75

Schedule 2

Form 1

Local Government Act 1995

City of Gosnells Parking Local Law 2012

INFRINGEMENT NOTICE

[clause 9.3]

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4)

in respect of vehicle—

make:.....

model:.....

registration:

you committed the following offence—

.....
.....

contrary to clause of the **Parking Local Law 2012**.

The modified penalty for the offence is \$

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

Unless within 28 days after being served with this notice—

- (a) you pay the modified penalty; or
- (b) you—
 - (i) inform the Chief Executive Officer or another authorised person of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
 - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed;

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

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.

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 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) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

Schedule 2

Form 2

Local Government Act 1995

City of Gosnells Parking Local Law 2012

WITHDRAWAL OF INFRINGEMENT NOTICE

[clause 9.3]

[clause 9.3]

Serial No

Date / /

To: (1)

of: (2)

Infringement Notice No..... dated / /

in respect of vehicle—

make:

model:.....

registration:.....

for the alleged offence of

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

has been withdrawn.

The modified penalty of \$.....

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.

delete as appropriate.

(3).....

(4).....

Insert—

- (1) Name of alleged offender to whom infringement notice was given or 'the owner'.
- (2) Address of alleged offender.
- (3) Signature of authorised person
- (4) Name and title of authorised person giving notice

Dated 2 October 2012.

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

DAVID GRIFFITHS, Mayor.
IAN COWIE, Chief Executive Officer.
