

LG301\*

## LOCAL GOVERNMENT ACT 1995

### *Town of Victoria Park*

#### PARKING AND PARKING FACILITIES AMENDMENT (GENERAL) LOCAL LAW 2013

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the Town of Victoria Park resolved on 9 July 2013 to make the following local law.

#### 1. Citation

This local law may be cited as the *Town of Victoria Park Parking and Parking Facilities Amendment (General) Local Law 2013*.

#### 2. Commencement

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

#### 3. Repeal

*The Town of Victoria Park Parking and Facilities Amendment Local Law 2013* as published in the *Government Gazette* on 5 April 2013 is repealed.

#### 4. Principal local law

In this local law the *Town of Victoria Park Parking and Parking Facilities Local Law 2008* as published in the *Government Gazette* on 14 January 2009 and as amended and published in the *Government Gazette* on 1 December 2009 is referred to as the Principal Local Law. The Principal Local Law is amended as follows.

#### 5. Clause 1.3 Amended

Clause 1.3 is amended as follows—

- (a) Insert the following definitions in alphabetical order—

‘**car carrier**’ means a vehicle together or separately from any attached trailer that is designed for the transportation of cars or of other vehicles but excludes tow trucks;

‘**heavy or long vehicle**’ means 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;

‘**parking system**’ includes a parking meter, ticket issuing machine, and any other similar device, mechanism, or system, for which currency is inserted or provided and which measures, records, or displays the period of time during which a vehicle is, or is permitted to be, parked in a particular area;

‘**Parking Permit**’ means a permit issued by the Town pursuant to clause 8.1 of this local law; and

‘**tow truck**’ means a motor vehicle equipped with a crane on winch used or intended to be used for the lifting, salvaging, carrying or towing of vehicles and includes any motor vehicle to which is attached (temporarily or otherwise) a device or trailer which is used or intended to be used for the lifting, salvaging and carrying of any motor vehicle.

- (b) Delete the definition for ‘**metered zone**’ and replace with the following—

‘**metered zone**’ means any parking facility, parking area, thoroughfare or reserve, or any part of a parking facility, parking area, thoroughfare or reserve in which parking meters regulate the parking of vehicles.

- (c) Delete the definition for ‘**parking meter**’ and replace with the following—

‘**parking meter**’ means a machine either manually or electronically operated by the insertion of currency to measure and display the initial period of time purchased and decreasing time available until expired, for a vehicle to occupy the parking bay, or one of the parking bays, to which the meter relates and includes the stand on which the meter is erected.

- (d) Amend the definition for ‘**metered space**’ by deleting ‘parking meter’ and inserting ‘parking system’.

- (e) Amend the definition for ‘**metered zone**’ by deleting ‘parking meter’ and inserting ‘parking system’.

- (f) Amend the definition for ‘**ticket issuing machine**’ by deleting ‘parking meter’ and inserting ‘machine’.

#### 6. Clause 1.6 Amended

Delete Clause 1.6 and substitute with the following—

## **1.6 Classes of vehicles**

For the purpose of this Local Law, vehicles are divided into classes as follows—

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) bicycles;
- (e) taxis;
- (f) heavy or long vehicles;
- (g) car carriers;
- (h) tow trucks;
- (i) special purpose vehicles; and
- (j) all other vehicles.

## **7. Clause 2.2 Amended**

Delete Clause 2.2 and substitute with the following—

### **2.2 Parking fee to be paid**

(1) Subject to clause 2.5, a person shall not park, or permit to remain parked, a vehicle in a metered space unless any fee applicable to the metered space, as indicated on a sign or parking system referable to the metered space or as otherwise displayed, determined or required by the local government, has been paid.

(2) A person who parks a vehicle in contravention of subclause (1) above does not commit an offence against subclause (1) if the person, after parking the vehicle, immediately pays the parking fee in accordance with subclause (1).

(3) If—

- (a) a person commits an offence against subclause (1) in a metered space; and
- (b) an infringement notice for the offence is placed on or attached to the vehicle; and
- (c) the vehicle in relation to which the offence is committed remains parked in the space after the notice is affixed,

the person commits a separate and further offence under subclause (1) for each further time equal to the maximum time indicated on the sign installed in relation to that space that the vehicle remains parked in the space during a period in respect of which a parking fee is required to be paid.

## **8. Clause 2.3 Amended**

Delete Clause 2.3 and substitute with the following—

### **2.3 Limitation on parking in a metered space**

Notwithstanding clause 2.2, a person shall not park a vehicle in a metered space during any period when parking in that space is prohibited by a sign or in accordance with this Local Law.

## **9. Clause 2.4 Amended**

In clause 2.4 delete the words “parking meter” and replace with “parking system”.

## **10. Clause 2.8 Amended**

Delete Clause 2.8 and substitute with the following—

### **2.8 Parking ticket to be displayed**

(1) A person shall not stop or park a vehicle in a metered zone which is regulated by a ticket issuing machine during any permitted period unless an unexpired ticket is displayed inside the vehicle such that the date, expiry time and the number (if any) printed on the ticket are clearly visible to and able to be read by an Authorised Person from outside the vehicle at all times while that vehicle remains stopped or parked in that zone.

(2) In this clause “permitted period” means the period stated on a ticket issuing machine or sign referable to the area in which the vehicle was parked during which the parking of a vehicle in that area is permitted only upon the purchase of a parking ticket.

## **11. Clause 2.11 Inserted**

After Clause 2.10, insert the following—

### **2.11 No movement of vehicles to avoid time limitations in metered zones**

Where the parking of vehicles in a metered zone is permitted for a limited time, a person shall not move a vehicle within the metered zone so that the total time

of parking exceeds the maximum permitted unless the vehicle has first been removed from that thoroughfare for at least 2 hours since the vehicle was last parked in that thoroughfare.

#### **12. Clause 3.2 Amended**

Delete Clause 3.2 and substitute with the following—

##### **3.2 Vehicles to be within parking stall**

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare or parking station 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 or right of way in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare or parking station 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.

#### **13. Clause 3.3 Amended**

Delete Clause 3.3 and substitute with the following—

##### **3.3 Payment of fee to park in a parking station**

- (1) A person shall not park, or permit to remain parked, a vehicle in any parking station during any period for which a fee is payable unless—
  - (a) in the case of a parking station having an Authorised Person on duty, the appropriate fee is paid when demanded; or
  - (b) in the case of a parking station regulated by a parking system, any fee applicable to the part of the parking station on which the vehicle is parked, as indicated on a sign or parking system referable to the metered space or as otherwise displayed, determined or required by the local government, has been paid.
- (2) A person who parks a vehicle in contravention of subclause (1)(b) above does not commit an offence against subclause (1)(b) if the person, after parking the vehicle, immediately pays the parking fee in accordance with subclause (1)(b).
- (3) If—
  - (a) a person commits an offence against subclause (1)(b); and
  - (b) an infringement notice for the offence is placed on or attached to the vehicle; and
  - (c) the vehicle in relation to which the offence is committed remains parked in that part of the parking station after the notice is affixed,

the person commits a separate and further offence under subclause (1) for each further time equal to the maximum time indicated on the sign installed in relation to the part of the parking station on which the vehicle is parked that the vehicle remains parked on that part during a period in respect of which a parking fee is required to be paid.

#### **14. Clause 3.7 Amended**

Delete Clause 3.7 and substitute with the following—

##### **3.7 Parking ticket to be displayed**

- (1) A person shall not stop or park a vehicle in a parking station which is regulated by a ticket issuing machine during any permitted period unless an unexpired ticket is displayed inside the vehicle such that the date, expiry time and the number (if any) printed on the ticket are clearly visible to and able to be read by an Authorised Person from outside the vehicle at all times while that vehicle remains stopped or parked in that parking station.
- (2) In this clause “permitted period” means the period stated on the ticket issuing machine or sign referable to the area in which the vehicle was parked during which the parking of a vehicle in that area is permitted only upon the purchase of a parking ticket.

#### **15. Clause 3.8 Amended**

In clause 3.8 after subclause (3) insert the following—

- (4) Where the parking of vehicles in a parking station is permitted for a limited time, a person shall not park a vehicle so that the total time of parking exceeds the maximum permitted unless the vehicle has first been removed from that

parking station for at least 2 hours since the vehicle was last parked in that parking station.

#### **16. Clause 4.1 Amended**

In clause 4.1 after subclause (5) insert the following—

(6) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not park a vehicle so that the total time of parking exceeds the maximum permitted unless the vehicle has first been removed from that thoroughfare for at least 2 hours since the vehicle was last parked in that thoroughfare.

#### **17. Clause 4.8 Deleted**

Clause 4.8 is deleted and the remaining clauses 4.9 to 4.12 be renumbered accordingly.

#### **18. Clause 6.1 Amended**

Clause 6.1 is amended as follows—

- (a) In paragraph (c) delete “sign).” and insert “sign); or”; and
- (b) After paragraph (c) insert the following—
  - (d) unless the vehicle is a taxi and—
    - (i) the vehicle stopped for no longer than 2 minutes; and
    - (ii) the driver is with the vehicle at all times; and
    - (iii) the driver is picking up or dropping off a passenger.

#### **19. Clause 7.10 Amended**

In clause 7.10 after subclause (2) insert the following—

(3) Subclause (2) does not apply to the driver if he or she is the owner or occupier of the premises adjacent to that driveway, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the driveway unless otherwise prohibited by a written resolution of the strata company responsible for the common property of the lot adjacent to that driveway and so long as—

- (a) no part of the vehicle is parked over the adjacent carriageway or any adjacent footpath; and
- (b) no other parking restriction applies to that driveway.

#### **20. Clause 7.12 Amended**

In clause 7.12 delete the words “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” and replace with “heavy or long vehicle”.

#### **21. Part 8 Amended**

Delete Part 8 and substitute with the following—

### **PART 8—PARKING PERMITS**

#### **8.1 Parking Permits**

- (1) A person may apply for a Parking Permit to park a vehicle on a thoroughfare.
- (2) An application for a permit shall be made in the form determined by the local government.
- (3) The local government may in respect of an application for a permit for the purpose of subclause (1)—
  - (a) approve it;
  - (b) approve it subject to such conditions as the local government considers appropriate; or
  - (c) refuse to approve it.
- (4) Where the local government makes a decision under subclauses (3)(a) or (b), it shall issue a permit in the form determined by it to the person who applied for the permit.
- (5) A Parking Permit issued for the purpose of subclause (1) is valid for the dates, days and or times as set out in the conditions of the approval of the permit, and is valid until the expiry date and or time set out in the conditions of the permit.

#### **8.2 Conditions of exemption for Parking Permits**

Where stopping or parking of a vehicle on any part of a thoroughfare within the district is prohibited by a sign, the holder of a permit issued under clause 8.1 is exempted from such prohibitions if—

- (a) the vehicle is parked in an area specified in the permit;

- (b) the permit is affixed to the vehicle in the manner specified in the conditions of the permit;
- (c) the period in respect of which the permit was issued has not expired;
- (d) the permit is being used only in accordance with any conditions under which the permit was issued;
- (e) the permit is being used in a vehicle in which the permit is authorised to be used in accordance with the conditions of the permit; and
- (f) the total time which the vehicle is parked does not exceed 24 hours.

### 8.3 Work zone parking

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

“**builder**” means a person employed to construct any building or to demolish, alter or execute any work on a building already constructed, and includes the owner or occupier of the land upon which any such building is intended to be constructed, or other person for whom, or by whose order or under whose direction and control such alteration or work was done or is intended to be done, as the case may be;

“**construction site**” means any land subject to development;

“**development**” means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on the land of any excavation or other works;

“**eligible person**” means an owner or occupier of a construction site or any builder carrying out work on a construction site; and

“**work zone**” means any thoroughfare or part of a thoroughfare whether or not marked as a metered space or parking stall, set aside by the local government by the use of a sign, for a period specified on the sign, for the parking of commercial vehicles.

(2) An eligible person seeking to establish a work zone adjacent to a construction site may make written application to the local government which may approve or refuse the application.

(3) Where the local government approves an application made under subclause (2), it shall give the applicant written notice specifying—

- (a) the portion of thoroughfare approved for use as a work zone;
- (b) the term of the approval and the times during which the parking of commercial vehicles in the work zone is permitted;
- (c) any conditions applicable to the approval;
- (d) the amount of any establishment fee as determined by the local government from time to time.

(4) Where the establishment fee specified in a notice referred to in subclause (3) is paid to the local government within fourteen days from the date of issue of the notice, the local government shall set aside a work zone in accordance with the notice.

(5) An eligible person shall, in addition to the establishment fee, pay to the local government a daily fee as determined by the local government from time to time for each day that a work zone is set aside.

(6) A person shall not park a vehicle in a work zone unless—

- (a) the vehicle is a commercial vehicle;
- (b) the vehicle is parked during a time in which the parking of a commercial vehicle on that zone is permitted by a sign; and
- (c) a person is continuously engaged in loading or unloading goods—
  - (i) to or from the commercial vehicle; and
  - (ii) to or from the construction site.

## 22. Clause 9.5 Amended

Delete clause 9.5 and substitute with the following—

### 9.15 Special purpose and emergency vehicles

(1) 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 in any place, at any time.

(2) For the purposes of this local law, a special purpose vehicle includes a vehicle in use by an Authorised Person.

### 23. Clause 9.6 Amended

In clause 9.6, delete the words “so that it obstructs the use of any part of that public place”.

### 24. Clause 9.8 Inserted

After clause 9.7, insert the following—

#### 9.8 No parking Car Carriers and Heavy and Long Vehicles

A person shall not park a heavy or long vehicle, or a car carrier in any area specified in Schedule 5 except where—

- (a) the driver of that vehicle has received prior written permission from an Authorised Person; or
- (b) that vehicle is parked wholly within a designated Loading Zone,

and in any case only in accordance with the provisions of this Local Law.

### 25. Schedule 2 Amended

Delete Schedule 2 and substitute with the following—

#### *Schedule 2*

#### PARKING AND PARKING FACILITIES LOCAL LAW 2008 PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to pay fee for metered space	60
2	2.3	Parking in excess of period shown on metered space	60
3	2.4	Parking when meter has expired	60
4	2.6(1)	Failure to park wholly within metered space	60
5	2.6(3)	Parking outside metered zone	60
6	2.7	Non-permitted insertion in parking meter	60
7	2.8(1)	Failure to display ticket clearly in metered zone	60
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	60
9	2.10	Parking contrary to a meter hood	120
10	2.11	Move vehicle to avoid time limit in metered zone	60
11	3.2	Failure to park wholly within parking stall	60
12	3.2(4)	Failure to park wholly within parking area	60
13	3.3	Failure to pay parking station fee	60
14	3.5	Leaving without paying parking station fee	60
15	3.7(1)	Failure to display ticket clearly in parking station	60
16	3.8(1)(a)	Causing obstruction in parking station	90
17	3.8(1)(c)	Parking contrary to sign in parking station	60
18	3.8(1)(d)	Parking contrary to directions of Authorised Person	120
19	3.8(1)(e)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	60
20	3.8(4) or 4.1(3)(b) or 4.1(6)	Parking contrary to signs or limitations	60
21	4.1(1)(a)	Parking wrong class of vehicle	60
22	4.1(1)(b)	Parking by persons of a different class	60
23	4.1(1)(c)	Parking during prohibited period	120
24	4.1(3)(a)	Parking in no parking area	120
25	4.1(3)(c)	Parking vehicle in motor cycle only area	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
26	4.1(4)	Parking motor cycle in stall not marked 'M/C'	60
27	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	120
28	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	60
29	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	120
30	4.2(1)(d)	Parking closer than 1 metre from another vehicle	60
31	4.2(1)(e)	Causing obstruction	120
32	4.3	Failure to park at approximate right angle	60
33	4.4(2)	Failure to park at an appropriate angle	60
34	4.5(2)(a) and 7.2	Double parking	120
35	4.5(2)(b)	Parking on or adjacent to a median strip	60
36	4.5(2)(c)	Denying access to private drive or right of way	120
37	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	60
38	4.5(2)(e)	Parking within 10 metres of traffic island	60
39	4.5(2)(f)	Parking on footpath/pedestrian crossing	120
40	4.5(2)(g)	Parking contrary to continuous line markings	60
41	4.5(2)(h)	Parking on intersection	120
42	4.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	60
43	4.5(2)(j)	Parking within 3 metres of public letter box	60
44	4.5(2)(k)	Parking within 10 metres of intersection	60
45	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	60
46	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	60
47	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	60
48	4.6	Parking contrary to direction of Authorised Person	120
49	4.7(2)	Removing mark of Authorised Person	120
50	4.8(a)	Parking in thoroughfare or parking facility for purpose of sale	60
51	4.8(b)	Parking unlicensed vehicle in thoroughfare	60
52	4.8(c)	Parking a trailer/caravan on a thoroughfare	60
53	4.8(d)	Parking in thoroughfare or parking facility for purpose of repairs	60
54	4.9(2)	Parking on land that is not a parking facility without consent	120
55	4.9(3)	Parking on land not in accordance with consent	60
56	4.10	Driving or parking on reserve	60
57	5.1(1)	Stopping contrary to a 'no stopping' sign	120
58	5.1(2)	Parking contrary to a 'no parking' sign	120
59	5.1(3)	Stopping within continuous yellow lines	120
60	6.1	Stopping unlawfully in a loading zone	60
61	6.2	Stopping unlawfully in a taxi zone or bus zone	120

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
62	6.3	Stopping unlawfully in a mail zone	60
63	6.4	Stopping in a zone contrary to a sign	60
64	7.1	Stopping in a shared zone	60
65	7.3	Stopping near an obstruction	60
66	7.4	Stopping on a bridge or tunnel	60
67	7.5	Stopping on crests/curves etcetera	60
68	7.6	Stopping near fire hydrant	60
69	7.7	Stopping near bus stop	120
70	7.8	Stopping on path, median strip or traffic island	120
71	7.9	Stopping on verge	120
72	7.10	Obstructing path, a driveway etcetera	120
73	7.11	Stopping near letter box	60
74	7.12	Stopping heavy or long vehicles on carriageway or parking facility	90
75	7.13	Stopping in bicycle parking area	60
76	7.14	Stopping in motorcycle parking area	60
77	7.15	Stopping in a disability parking area	500
78	9.6	Leaving vehicle so as to obstruct a public place	120
79	9.8	Park car carrier or heavy or long vehicle in prohibited area.	60
80		All other offences not specified	60

## 26. Schedule 4 Amended

Delete Schedule 4 and substitute with the following—

### Schedule 4

#### PARKING AND PARKING FACILITIES LOCAL LAW 2008 DEEMED PARKING STATIONS

- (1) Swan TAFE, Bentley Campus—Hayman Road, Bentley;
- (2) Canning College—Marquis Street, Bentley;
- (3) Centro Victoria Park Shopping Centre—366 Albany Highway, Victoria Park;
- (4) Burswood Entertainment Complex and Burswood Park—Great Eastern Highway, Burswood;
- (5) Fraser Park Road—Lot 123 (88) Hampshire Street, East Victoria Park;
- (6) Right of Way off Burswood Road adjacent to G.O. Edwards Park—Lots 66 and 67 Burswood Road, Burswood;
- (7) Electrical Substation—Lot 301, 1 MacKay Street, Belmont;
- (8) Portion of Canning Location 3252 and being lots—
  - (a) Lot 101 on Plan 15736 and whole of land comprised in Certificate of Title Volume 1764 Folio 573—101 Jarrah Road, Bentley;
  - (b) Lot 6 on Plan 15403 and whole of land comprised in Certificate of Title Volume 1738 Folio 479—6 Brodie Hall Drive, Bentley;
  - (c) Lot 112 on Plan 16869 and whole of land comprised in Certificate of Title Volume 1840 Folio 585—Lot 112 Brodie Hall Drive, Bentley;
  - (d) Lot 5 on Plan 15403 and whole of land comprised in Certificate of Title Volume 1738 Folio 478—5 Brodie Hall Drive, Bentley;
  - (e) Lots 1-4 on Strata Plan 28659 and whole of land comprised in Certificate of Title Volume 2129 Folio 162, 163, 164 & 165—9 De Laeter Way Bentley;
  - (f) Lot 25 on Plan 24975 and whole of land comprised in Certificate of Title Volume 2205 Folio 71—7A De Laeter Way, Bentley; and
  - (g) Lot 76 on Plan 34132 and whole of land comprised in Certificate of Title Volume 2529 Folio 98—2 Brodie Hall Drive, Bentley.

**27. Schedule 5 Inserted**

Insert Schedule 5 as follows—

Schedule 5

PARKING AND PARKING FACILITIES LOCAL LAW 2008  
LARGE VEHICLE EXCLUSION ZONE

(1) Albany Highway and side streets off Albany Highway to a distance of 250 metres.

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Dated: 19 November 2013.

The Common Seal of the Town of Victoria Park was affixed by authority of a resolution of the Council in the presence of—

TREVOR VAUGHAN, Mayor.  
ATHANASIOS KYRON, Chief Executive Officer.