

LOCAL GOVERNMENT ACT 1995

City of Subiaco

PARKING FACILITIES AMENDMENT LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Subiaco resolved on 22 March 2016 to make the "*City of Subiaco Parking Facilities Amendment Local Law 2015*".

1. Citation

This local law may be cited as the "*City of Subiaco Parking Facilities Amendment Local Law 2015*".

2. Commencement

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

3. Principal Local Law

This local law amends the *City of Subiaco Parking Facilities Local Laws* as published in the *Government Gazette* of 8 August 1997 and as amended in the *Government Gazette* on 15 January 1999, 14 December 2001 and 3 October 2006.

4. Clause 1.3 amended

Clause 1.3 is amended by—

4.1 deleting the following definitions—

"bus";
 "coin";
 "commercial vehicle";
 "courier vehicle";
 "motor car";
 "motor cycle";
 "taxi";
 "ticket issuing machine";
 "tour coach".

4.2 inserting the following definitions in alphabetical order—

"authorised vehicle" means a vehicle authorised by the Local Government or an authorised person to park on a road or parking station or any portion thereof;

"bicycle lane" has the meaning given to it in the Code;

"bus" has the meaning given to it in the Code;

"caravan" means a vehicle, whether motorised or drawn by another vehicle, that is fitted or designed for habitation by a person in the course of a journey, but excludes a motor car that has been fitted or adapted for habitation by a person in the course of a journey;

"charter vehicle" means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966* and used to undertake tour and or charter work, but does not include a "public bus";

"Code" means the *Road Traffic Code 2000*;

"delivery vehicle" means a vehicle constructed, adapted or fitted for the conveyance of goods, materials, or merchandise used in any trade, business or industry, which is used primarily for that purpose, and on which a business name as defined in the *Business Names Act 1962* or a Trade Mark as defined in the *Trade Marks Act 1995 (Cth)* is permanently affixed and readily legible to an authorised person;

"emergency vehicle" has the meaning given in the Code;

"GVM" (which stands for "gross vehicle mass") has the meaning given to it in the *Road Traffic (Vehicles) Act 2012*;

"heavy vehicle" means a vehicle with a GVM of 4.5 tonnes or greater;

"metered space" means a section or part 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 on payment of a fee or charge;

"money" means any legal tender under the *Currency Act 1965 (Cth)* or *Reserve Bank Act 1959 (Cth)*;

"motor car" means a vehicle designed primarily for the carriage of persons, whether or not it is also provided with space for the carriage of personal

goods or luggage, but does not include a motor cycle, caravan, bus or a heavy vehicle;

“**motor cycle**” has the meaning given to it by the Code;

“**parking meter**” means a machine or device which, as a result of money or other form of permitted payment being inserted into a machine, indicates, without the issue of a ticket, the period that it is lawful for a vehicle to remain parked in a metered space;

“**precinct**” means an area of the district designated by the Local Government as a parking precinct;

“**public bus**” means a bus operated by or on behalf of the State to carry members of the public on payment of a fare, but does not include a taxi;

“**taxi**” has the same meaning as “taxi” in section 3 of the *Taxi Act 1994*

“**ticket issuing machine**” means a machine or device which issues, as a result of money or other form of permitted payment being inserted into the machine, a ticket showing the period during which it is lawful to remain parked in the area to which the machine relates;

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

4.3 in the definition of “**parking station**” delete the word “standing” where it appears and insert the word “stopping” and delete the word “or” in paragraph (b) before the word “vehicles” and insert “of”;

5. Clause 1.4 amended

In clause 1.4 after “parking sign” insert “erected by the Local Government under the authority of these Local Laws.”

6. Clause 2.6 amended

Delete clause 2.6 and insert the following clause—

“2.6 Parking of heavy vehicles, caravans and trailers

A person shall not permit a heavy vehicle, caravan or trailer to remain parked on a road or in a parking station for more than four hours unless the vehicle is in an area designated by a parking sign or parking signs permitting such vehicles to be parked for a longer period.”

7. Clause 2.7 amended

Delete clause 2.7.

8. Clause 2.8 amended

Delete clause 2.8 and insert the following clause—

“2.8 Loading zones

A person shall not park or stop a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs inscribed with the words “Loading Zone” or symbols to that effect unless the vehicle is a delivery vehicle and a person is continuously engaged in loading or unloading goods, merchandise or materials from the delivery vehicle, in which case the following maximum periods apply—

Tare weight of vehicle less than 1 tonne	—	15 minutes
Tare weight of vehicle more than 1 tonne	—	30 minutes”

9. Clause 2.9 amended

Delete clause 2.9 and insert the following clause—

“2.9 Parking in various other designated zones

A person shall not park or stop a vehicle or permit a vehicle to remain parked in an area designated by a parking sign or parking signs—

- (a) inscribed with the words “No Parking—Taxi only” or the corresponding symbols set out in the First Schedule, unless the vehicle is a taxi;
- (b) inscribed with the words “Funeral Vehicles Only” unless the vehicle is a funeral vehicle;
- (c) inscribed with the words “Charter Vehicles Only” unless the vehicle is a charter vehicle;
- (d) inscribed with the words “Buses Only” or “Bus Zone” unless the vehicle is a public bus; or
- (e) inscribed with the words “Clearway” or the corresponding symbol set out in the First Schedule, unless the vehicle is a public bus and the driver is dropping off or picking up passengers.”

10. Clause 2.15 amended

In clause 2.15—

- 10.1 in subclause (1) delete “*City of Subiaco Trading in Public Places Local Law 2000*” and insert “*City of Subiaco Trading in Public Places Local Law 2014* as amended from time to time”;
- 10.2 in subclause (2) delete “*City of Subiaco “Trading in Public Places Local Law 2000*” and insert “*City of Subiaco Trading in Public Places Local Law 2014* as amended from time to time”.

11. Clause 3.3 amended

In clause 3.3(a)(i) insert after the word “machine”—

“or payment is otherwise made in accordance with the operating instructions printed on the ticket issuing machine”

12. Clause 3.8 amended

12.1 Renumber clause 3.8 titled “Parking station may be locked” to clause 3.10.

12.2 Insert the following clause 3.8 in Part 3, Division A—

“3.8 Parking or stopping of motor cycles and bicycles in parking stations

No person shall park or stop a motor cycle or bicycle or permit a motor cycle or bicycle to remain parked in a parking station, where a fee is payable, other than in a parking space or metered space marked “M/C”.

13. Clause 3.9 amended

13.1 Renumber clause 3.9 titled “Operation of ticket issuing machine” to clause 3.11 and—

13.2 in subclause (1) delete “a coin or coins” and insert “money or other forms of payment permitted by the Local Government”;

13.3 insert the following additional subclause (4)—

“(4) For the purposes of sub clause (1), a reference to “other forms of payment” includes a permit, ticket, pass, voucher, credit card or any other form of payment permitted by the Local Government.”

13.4 Insert the following clause 3.9 in Part 3, Division A—

“3.9 Parking in metered space

A person shall not park or stop a vehicle or permit a vehicle to remain parked in a metered space in a parking station unless—

- (a) the appropriate fee has been inserted into the parking meter; and
- (b) the parking meter referable to that metered space does not exhibit or display the sign ‘Expired’, a negative time or an expiry indicator light.”

14. Clause 3.10 amended

Renumber clause 3.10 titled “Behaviour in parking station” to clause 3.12.

15. Clause 3.11 amended

Renumber clause 3.11 titled “Damage to parking stations” to clause 3.13.

16. Clause 4.4 amended

In clause 4.4 insert “public” after “a” and before “bus” in the second last line of that clause.

17. Clause 4.9 amended

In clause 4.9 insert “a” after “3 metres of” and before “public” in the second line of that clause.

18. Clause 4.10 amended

In clause 4.10 in subclause (c) insert “bicycle lane,” after “footway,” and before “cycleway”

19. Clause 4.12 added

Insert the following clause 4.12—

“4.12 Emergency vehicles

Notwithstanding anything to the contrary in this Local Law, the driver of an emergency 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.”

20. Clause 5.2 amended

Delete clause 5.2 and insert the following clause—

“5.2 Parking or stopping on reserves

A person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, shall not drive, park or stop a vehicle on any part of a reserve or permit a vehicle to

remain parked on any part of a reserve, which is not set aside for that purpose without the written consent of an authorised person.”

21. Clause 5.3 amended

Delete clause 5.3 and insert the following clause—

“5.3 Parking or stopping on road verges

- (1) A person shall not stop a vehicle so that any portion of that vehicle is on a road verge during any period when the stopping or parking of vehicles on that road verge is prohibited by a sign adjacent and referable to that road verge.
- (2) A person shall not stop a vehicle so that any portion of the vehicle is on a road verge unless he or she is the owner or occupier of the premises adjacent to that road verge or is a person authorised by the occupier of those premises.”

22. Clause 6.1 amended

Delete clause 6.1 and insert the following—

“In this part—

“**dwelling**” has the same meaning as contained in the Residential Design Codes of Western Australia and includes the definitions in that Code relating to the Grouped Dwelling, the dwelling component of Mixed-Use Development, Multiple Dwellings, Single Bedroom Dwelling and Single House, but excludes Residential Buildings as defined in the Codes and hospitals or sanatoriums, a hotel, a motel and a residential school;

“**permit**” means a residential permit, visitor’s permit, temporary permit or special purpose permit issued under this Part.”

23. Clause 6.2 amended

In clause 6.2—

23.1 in subclause (1)(a) delete “vehicle” and insert “motor car”;

23.2 in subclause (2)(d) delete “vehicle” and insert “motor car”;

23.3 after subclause (3) insert the following—

- “(4) An application for a residential permit or visitor’s permit must be accompanied by payment of the fee imposed by the Local Government under the Act, unless the application fee is waived by the Local Government.”

24. Clause 6.4 amended

Delete clause 6.4 and insert the following clause—

“6.4 Duration of a residential permit or visitor’s permit

A residential permit or visitor’s permit is current from the date of issue and remains valid for a period of up to twelve months or until the expiry date stated on the permit.”

25. Clause 6.5 amended

Delete clause 6.5 and insert the following clause—

“6.5 Effect of a residential permit

- (1) Subject to sub-clause (2) the holder of a current residential permit is exempt from compliance with—
 - (a) any parking sign prohibiting the parking or stopping of vehicles in the area designated by the parking sign or parking signs for more than a specified time that exceeds 30 minutes; and
 - (b) any other parking sign inscribed with the words “City of Subiaco Permit Holders Excepted”.
- (2) The exemption in sub-clause (1) only applies—
 - (a) to the parking station, road or roads within a precinct in respect of which the residential permit was issued;
 - (b) to the motor car in respect of which the residential permit was issued;
 - (c) if the residential permit is affixed to the lower left-hand corner of the front window of the motor car so that it can be read by an authorised person outside the motor car; and
 - (d) if the holder of the residential permit still resides in the dwelling in respect of which it was issued.”

26. Clause 6.6 amended

Delete clause 6.6 and insert the following clause—

“6.6 Effect of a visitor’s permit

- (1) Subject to sub-clause (2) the person for the time being having possession of a current visitor’s permit is exempt from compliance with—
 - (a) any parking sign inscribed with the words “City of Subiaco Permit Holders Excepted”, and
 - (b) any parking sign prohibiting the parking or stopping of vehicles in the area designated by the parking sign or parking signs for more than a specified time that exceeds 30 minutes.
- (2) The exemption in sub-clause (1) only applies—
 - (a) to the parking station, road or roads within a precinct in respect of which the visitor’s permit was issued;
 - (b) if the visitor’s permit is displayed on the dashboard of the motor car so that it can be read by an authorised person outside the motor car;
 - (c) if the person to whom the visitor’s permit was issued still resides in the dwelling in respect of which it was issued; and
 - (d) if the person using the visitor’s permit is at the time of such use a visitor to the dwelling in respect of which the visitor’s permit was issued.”

27. Clause 6.7 amended

In clause 6.7(2)—

insert “renewal or” after the word “for” and before the word “replacement” in the first line;

28. Clause 6.8 amended

Delete clause 6.8 and insert the following clause—

“6.8 Temporary permits

- (1) A person referred to in clause 6.2(1) may apply in writing to the Local Government for one or more temporary permits.
- (2) The provisions of this Part dealing with residential permits shall apply also to temporary permits, except that—
 - (a) the application shall also set out the number of permits required and the date and time during which the permits are required;
 - (b) there is no maximum number of temporary permits per dwelling;
 - (c) a temporary permit has effect only on the dates and during the times specified on the permit; and
 - (d) temporary permits may not be renewed or replaced.
- (3) An application for temporary permits must be accompanied by payment of the fee imposed by the Local Government under the Act, unless the application fee is waived by the Local Government.”

29. Clauses 6.9, 6.10 and 6.11 added

Insert the following clauses after clause 6.8—

“6.9 Special purpose permits

- (1) The Local Government may issue a special purpose permit to a person who is not the owner or occupier of a dwelling in the district;
- (2) An application for a special purpose permit must be accompanied by payment of the fee imposed by the Local Government under the Act, unless the application fee is waived by the Local Government;
- (3) Subject to sub-clause (1) and sub-clause (2) the person for the time being having possession of a special purpose permit is exempt from compliance with—
 - (a) any parking sign prohibiting the parking or stopping of vehicles in the area designated by the parking sign or parking signs for more than a specified time that exceeds 30 minutes;
- (4) The exemption in sub-clause (3) only applies—
 - (a) to the parking station, road or roads within a precinct in respect of which the permit was issued;
 - (b) if the permit is displayed on the dashboard of the motor car so that it can be read by an authorised person from outside the motor car; and
 - (c) if the time period and date period specified on the permit are not expired.

6.10 Permits may be revoked

Notwithstanding section 6.4, any permit issued by the Local Government may be revoked or varied at any time.”

6.11 Misuse of a permit

- (1) A person shall not alter, copy, damage, deface, hire, lend or sell a permit or attempt to do any of those acts for benefit or otherwise.
- (2) A person shall not display a permit that has been revoked, altered, copied, defaced, hired, lent or sold to any person.”

30. Clause 7.1 amended

Delete clause 7.1 and insert the following clause—

Any person who contravenes or fails to comply with any clause of this local law commits an offence and is liable on conviction to a maximum penalty of \$5000, 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.

31. Clause 7.2 amended

Delete clause 7.2 and insert the following clause—

“7.2 Marking of tyres

- (1) An authorised person may—
 - (a) mark the tyres, with chalk or any other non-indelible substance; or
 - (b) take a valve stem reading; or
 - (c) record vehicle registration numbers, of a parked or stopped vehicle for any purpose arising out of his or her duties or powers under these Local Laws.
- (2) A person shall not remove a mark made by an authorised person under sub clause (1)(a) so that the purpose of the affixing of such a mark is defeated or likely to be defeated.”

32. Clauses 7.10, 7.11 and 7.12 added

insert the following after clause 7.9—

“7.10 Authorised persons

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

7.11 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the duties of an authorised person.

7.12 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of his or her duties.”

33. Second Schedule amended

In the Second Schedule—

- 33.1 in Form 1 delete “*Local Government (Parking for Disabled Persons) Regulations 1988*” and insert “*Local Government (Parking for People with Disabilities) Regulations 2014*”
- 33.2 in Form 2 delete “*Local Government (Parking for Disabled Persons) Regulations 1988*” and insert “*Local Government (Parking for People with Disabilities) Regulations 2014*”
- 33.3 in Form 3 delete “*Local Government (Parking for Disabled Persons) Regulations 1988*” and insert “*Local Government (Parking for People with Disabilities) Regulations 2014*”

34. Third Schedule amended

In the Third Schedule delete the Table of Local Laws, Offences and Modified Penalties and insert the following table—

Local Law	Offence	Modified Penalty
	PARKING AND STOPPING GENERALLY	
2.2	Parking or stopping contrary to parking sign	\$70
2.3	Parking in a “No Parking” area	\$90
2.4	Parking or stopping in a “No Stopping” area	\$100
2.5	Parking or stopping in an “Authorised Vehicles Only” area	\$90

Local Law	Offence	Modified Penalty
2.6	Parking a Heavy Vehicle, Caravan or Trailer for longer than four hours	\$70
2.8	Parking or stopping in a "Loading Zone"	\$70
2.9(a)	Parking or stopping in a "Taxi Only" area	\$90
2.9(b)	Parking or stopping in a "Funeral Vehicles Only" area	\$90
2.9(c)	Parking or stopping in a "Charter Vehicles Only" area	\$90
2.9(d)	Parking or stopping in a "Buses Only" or "Bus Zone" area	\$90
2.9(e)	Parking or stopping in a "Clearway" area	\$100
2.10	Repeated parking or stopping within 1 hour	\$50
2.11	Parking or stopping other than wholly within a parking space	\$50
2.12(1)	Parking or stopping in an occupied parking space	\$50
2.13	Parking or stopping to effect repairs	\$70
2.14	Parking or stopping to expose vehicle for sale	\$70
2.15	Trading from parked or stopped vehicle	\$100
2.16	Failure to move vehicle when directed	\$90
2.17(2)	Parking or stopping in area set aside for events	\$70
2.18(3)	Parking or stopping in area set aside for authorised persons	\$100
	PARKING IN PARKING STATIONS	
3.2	Failure to pay fee to parking attendant	\$50
3.3(a)(i)	Failure to insert fee into ticket issuing machine	\$50
3.3(a)(ii)	Failure to correctly display ticket issued by ticket issuing machine	\$50
3.3(a)(iii)	Parking or stopping after expiration of ticket	\$50
3.3(b)	Failure to complete another form of authorised payment	\$50
3.4(a)	Removing vehicle without payment of appropriate fee	\$50
3.5	Parking or stopping in prohibited part of parking station	\$50
3.7(1)	Removing vehicle without payment of appropriate fee	\$50
3.8	Parking or stopping a motor cycle in parking space other than marked "M/C"	\$50
3.9(a)	Failure to insert fee into parking meter	\$50
3.9(b)	Parking or stopping after expiration of parking meter	\$50
3.11(1)	Inserting anything other than coin or other permitted form of payment into ticket issuing machine	\$70
3.11(2)	Operation of ticket issuing machine other than in accordance with instructions	\$70
3.11(3)	Altering, adding to or defacing ticket	\$100
3.12(1)	Loitering in parking station	\$70
3.12(2)	Failure to leave parking station after direction to do so	\$70
3.13	Damaging, defacing or misusing parking station	\$100
	PARKING OR STOPPING ON ROADS	
4.1(1)(a)	Parking or stopping not parallel with or as close as practicable to boundary of carriageway	\$70
4.1(1)(b)	Parking or stopping headed in wrong direction	\$70
4.1(1)(c)	Parking or stopping with less than 3 metres or road between another vehicle or farther boundary of carriageway	\$90
4.1(1)(d)	Parking or stopping closer than 1.2 metres from another vehicle	\$50
4.2	Double parking	\$90

Local Law	Offence	Modified Penalty
4.3(a)	Parking or stopping on or alongside median strip	\$90
4.3(b)	Parking or stopping within 9 metres of traffic island	\$90
4.4	Parking or stopping within 20 metres of approach side / 10 metres of departure side of a bus stop	\$90
4.5	Parking or stopping within 20 metres of approach side / 10 metres of departure side of a pedestrian or children's crossing	\$90
4.6	Parking or stopping within 18 metres of a railway crossing	\$90
4.7(1)	Parking or stopping within 10 metres of an intersection	\$90
4.7(2)	Parking or stopping within 20 metres of an intersection controlled by traffic lights	\$90
4.8	Parking or stopping within 1 metre of fire hydrant or fire plug	\$90
4.9	Parking or stopping within 3 metres of public letter box	\$90
4.10(a)	Obstruction of right-of-way or private driveway	\$100
4.10(b)	Obstruction of footway across a reserve	\$100
4.10(c)	Obstruction of pedestrian footpath, footway, bicycle lane, cycleway or combined footpath and cycle path	\$100
4.10(d)	Obstruction of bridge or other elevated structure	\$90
4.10(e)	Obstruction of tunnel or underpass	\$90
4.10(f)	Obstruction on a carriageway	\$90
4.11	Stopping in a carriageway adjacent a yellow edge line	\$100
	PARKING OR STOPPING IN OTHER AREAS	
5.2	Parking or stopping on reserves	\$70
5.3	Parking or stopping on a Road Verge	\$70
5.6	Parking or stopping in right-of-way	\$90
5.7	Parking or stopping on private property without consent	\$100
	RESIDENTIAL PARKING	
6.11(1)	Altering, copying, damaging, defacing, hiring or selling a permit	\$100
6.11(2)	Displaying a revoked, altered, copied, defaced, hired, lent or sold permit	\$100
	PENALTIES AND ENFORCEMENT	
7.2(2)	Removing chalk marks from tyres	\$100
7.9	Removing notice attached to vehicle	\$100

Dated this 30th day of March 2016.

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

H. HENDERSON, Mayor.
S. M. HAWKINS, A/Chief Executive Officer.