

LOCAL GOVERNMENT ACT 1995

SHIRE OF EAST PILBARA

PARKING AMENDMENT LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of East Pilbara resolved on 28 August 2020 to make the following local law.

1. Citation

This local law is cited as the *Shire of East Pilbara Parking Amendment Local Law 2020*.

2. Commencement

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

3. Principal Local Law

This local law amends the *Shire of East Pilbara Parking and Parking Facilities Local Law 2011* published in the *Government Gazette* on 9 October 2012.

4. Title amended

The name of the local law is amended to the *Shire of East Pilbara Parking Local law 2011* where it appears in the title to the local law and in clause 1.1.

5. Clause 1.6 amended

In clause 1.6—

- (a) The definition of ACROD is deleted; and
- (b) The following definition is added in the appropriate place in alphabetical order—
disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

6. Clause 3.3 amended

Subclauses 3.3(3)(a) and (b) are deleted and replaced with—

- (a) the driver's vehicle displays a valid disability parking permit;
- (b) a person with disabilities to which that permit relates is either the driver or a passenger in the vehicle; and
- (c) the disability permit is clearly visible to, and able to be read by, an authorised person examining the permit from outside the vehicle.

7. Clause 4.1 amended

(1) Subclause 4.1(3) is deleted and replaced with—

- (3) In subclause (2), **driver** means a driver where—
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) a disabled person to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

(2) Subclause 4.1(6) is deleted and replaced with—

- (6) A person shall not, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only"—
 - (a) without the prior permission of the local government or an authorised person; and
 - (b) without displaying a permit issued by the local government or an authorised person.

8. Clause 7.1 amended

Subclause 7.1(4) is deleted and replaced with—

- (4) Subclause (3) does not apply to an offence to which the *Local Government (Parking for People with Disabilities) Regulations 2014* applies.

9. Clause 7.2 replaced

Clause 7.2 is deleted and replaced with—

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 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; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 3.

10. Schedule 2 amended

Schedule 2 is deleted and replaced with—

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	100
2	2.2(a)	Unauthorised display, marking, setting up, exhibiting of a sign	100
3	2.2(b)	Unauthorised removal, defacing or misuse of a sign	100
4	2.2(c)	Unauthorised affixing anything to a sign	100
5	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	100
6	3.2(1)(b)	Failure to park wholly within parking stall	100
7	3.2(1)(c)	Failure to park in the direction of the movement of traffic in a parking stall	100
8	3.2(4)	Failure to park wholly within parking area	100
9	3.3(1)(a)	Causing obstruction in parking station	100
10	3.3(1)(b)	Parking contrary to sign in parking station	100
11	3.3(1)(c)	Parking contrary to directions of authorised person	100
12	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	100
13	4.1(1)(a)	Parking by vehicles of a different class	100
14	4.1(1)(b)	Parking by persons of a different class	100
15	4.1(1)(c)	Parking during prohibited period	100
16	4.1(4)(a)	Parking in no parking area	100
17	4.1(4)(b)	Parking contrary to signs or limitations	100
18	4.1(4)(c)	Parking vehicle in motor cycle only area	100
19	4.1(5)	Parking motor cycle in stall not marked "M/C"	100
20	4.1(6)(a)	Parking without permission in an area designated for "Authorised Vehicles Only"	100
21	4.1(6)(b)	Parking without displaying permit in an area designated for "Authorised vehicles only"	100
22	4.2(1)(a)	Failure to park on the left of two-way carriageway	100
23	4.2(1)(b)	Failure to park on boundary of one-way carriageway	100
24	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	100
25	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
26	4.2(1)(d)	Parking closer than 1 metre from another vehicle	100
27	4.2(1)(e)	Causing obstruction	100
28	4.4(b)	Failure to park approximate right angle	100
29	4.5(2)	Failure to park at an appropriate angle	100
30	4.6(3)(a)	Double parking	100
31	4.6(3)(b)	Parking on or adjacent to a median strip	100
32	4.6(3)(c)	Denying access to private drive or right of way	100
33	4.6(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
34	4.6(3)(e)	Parking within 10 metres of traffic island	100
35	4.6(3)(f)	Parking on footpath/pedestrian crossing	100
36	4.6(3)(h)	Parking closer than 3 metres to double longitudinal lines	100
37	4.6(3)(i)	Parking on intersection	100

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
38	4.6(3)(j)	Parking within 1 metre of fire hydrant or fire plug	100
39	4.6(3)(k)	Parking within 3 metres of public letter box	100
40	4.6(3)(l)	Parking within 10 metres of intersection	100
41	4.6(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
42	4.6(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
43	4.6(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
44	4.7	Parking on a verge	100
45	4.8	Parking contrary to direction of authorised person	100
46	4.9(1), (2) or (3)	Moving vehicle to avoid time limitation	100
47	4.10(a)	Parking in thoroughfare for purpose of sale	100
48	4.10(b)	Parking unlicensed vehicle in thoroughfare	100
49	4.10(c)	Parking a trailer/caravan on a thoroughfare	100
50	4.10(d)	Parking in thoroughfare for purpose of repairs	100
51	4.11(2)	Parking on land that is not a parking facility without consent	100
52	4.11(3)	Parking on land not in accordance with consent	100
53	4.12	Driving or parking on a reserve	100
54	5.1(1)	Stopping contrary to a "no stopping" sign	100
55	5.1(2)	Parking contrary to a "no parking" sign	100
56	5.1(3)	Stopping within continuous yellow lines	100
57	5.2	Stopping unlawfully in a loading zone	100
58	5.3	Stopping unlawfully in a taxi zone or bus zone	100
59	5.4	Stopping unlawfully in a mail zone	100
60	5.5	Stopping in a zone contrary to a sign	100
61	5.6	Stopping in a shared zone	100
62	5.7(1)	Double parking	100
63	5.8	Stopping near an obstruction	100
64	5.9	Stopping on a bridge or tunnel	100
65	5.10	Stopping on crests/curves etc	100
66	5.11	Stopping near fire hydrant	100
67	5.12	Stopping on path, median strip or traffic island	100
68	5.13(1)	Stopping on verge	100
69	5.14	Obstructing path, a driveway etc	100
70	5.15	Stopping near letter box	100
71	5.16	Stopping heavy or long vehicles on carriageway	100
72	5.17	Stopping in bicycle parking area	100
73	5.18	Stopping in motorcycle parking area	100
74	5.19	Stopping or parking in a stall set up as an eating area	100
75	5.20(3)	Stopping or parking contrary to requirements of a permit	100
76	5.21	Stopping or parking a vehicle (other than a bicycle or motor cycle) in a parking stall approved for motor cycles	100
77	6.3	Failure to comply with a lawful direction of an authorised person	100
78	6.4	Failure to leave local government property when lawfully directed to do so by an authorised person	100
79	6.5(2)	Removing or interfering with a lawful mark on a tyre	100
80	6.6	Removing a notice on a vehicle	100
81	6.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	100
82		All other offences not specified	100

11. Schedules 3 to 5 amended

In Schedules 3 to 5—

- (i) The title of Schedule 3 is amended to 'Schedule 3—Forms';
- (ii) The words 'Schedule 4' and 'Schedule 5' are deleted wherever they appear; and
- (iii) In Forms 2 and 3, the following is inserted after 'Registration _____',—
Colour: _____

Dated 28 August 2020.

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

Cr LYNNE CRAIGIE OAM, President.
JEREMY EDWARDS, Chief Executive Officer.
