



**PERTH, TUESDAY, 5 JANUARY 2021 No. 1**

**SPECIAL**

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER

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LOCAL GOVERNMENT ACT 1995

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**CITY OF BUSSELTON**

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**PARKING LOCAL LAW 2020**



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## CITY OF BUSSELTON

**PARKING LOCAL LAW 2020**

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## LOCAL GOVERNMENT ACT 1995

## CITY OF BUSSELTON

## PARKING LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the City of Busselton resolved on 25 November 2020 to make the following local law.

## PART 1—Preliminary

**1.1 Title**

This is the *City of Busselton Parking Local Law 2020*.

**1.2 Commencement**

This local law comes into operation 14 days after it is published in the *Government Gazette*.

**1.3 Repeal**

The *Shire of Busselton Parking Local Law 2011*, published in the *Government Gazette* on 30 November 2011, is repealed.

**1.4 Terms used**

In this local law, unless the contrary intention appears—

**Act** means the *Local Government Act 1995*;

**authorised person** means a person appointed by the Council or the CEO, under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law;

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

**bicycle** has the meaning given in the Code;

**bicycle path** has the meaning given in the Code;

**bus** has the meaning given in the Code;

**bus embayment** has the meaning given in the Code;

**bus stop** has the meaning given in the Code;

**bus zone** has the meaning given in the Code;

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

**carriageway** means—

(a) a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and

(b) where a thoroughfare has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;

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

(a) for a 2-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

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

**children's crossing** has the meaning given in the Code;

**CEO** means the Chief Executive Officer of the local government;

**City** means the City of Busselton;

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

**commercial vehicle**—

(a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and

- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

**Council** means the Council of the local government;

**disability parking permit** has the meaning given in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

**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 in the Code;

**footpath** has the meaning given in the Code;

**GVM** (which stands for 'gross vehicle mass'), in relation to a vehicle, has the meaning given in the *Road Traffic (Vehicles) Act 2012*;

**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 Busselton;

**mail zone** has the meaning given in the Code;

**median strip** has the meaning given in the Code;

**motor cycle** has the meaning given in 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 in the Code;

**no parking sign** means a sign with—

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

**no stopping area** has the meaning given in the Code;

**no stopping sign** means a sign with—

- (a) the words 'no stopping' or 'no standing' in red letters on a white background; or
- (b) the letter 'S' within a red annulus and a red diagonal line across it on a white background;

**occupier** has the meaning given in the Act;

**owner—**

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

**park** has the meaning given in the Code;

**parking area** has the meaning given in the Code;

**parking facilities—**

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

**parking region** means the area described in Schedule 1;

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

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

**pedestrian crossing** has the meaning given in the Code;

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

**reserve** means any land—

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

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

**Schedule** means a Schedule to this local law;

**shared zone** has the meaning given in the Code;

**sign** includes a traffic sign, inscription, road marking, mark, structure or device, on which may be shown words, numbers, expressions or symbols, that is—

- (a) approved by the CEO or an authorised person; and
- (b) placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking and stopping of vehicles;

**special purpose vehicle** has the meaning given in the Code;

**stop**, in relation to a vehicle, has the meaning given in the Code;

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

**taxi** has the meaning given in the Code;

**taxi zone** has the meaning given in the Code;

**thoroughfare** has the meaning given in the Act;

**traffic island** has the meaning given in the Code;

**trailer** has the meaning given in the Code;

**vehicle** has the meaning given in the *Road Traffic (Administration) Act 2008*; and

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

### 1.5 Application of particular terms

(1) For the purposes of the application of the terms ‘**no parking area**’ and ‘**parking area**’, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken 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, the *Road Traffic (Administration) Act 2008*, the *Road Traffic (Vehicles) Act 2012* or in the Code, then the term is to have the meaning given in one of those Acts or the Code.

### 1.6 Application

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

(2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.

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

### 1.7 Pre-existing signs

(1) A sign that—

- (a) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and
- (b) relates to the parking of vehicles within the parking region,

is taken to have been erected by the local government under this local law.

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

(3) Where an inscription, word, number, expression or symbol relates to the stopping of vehicles, it is taken to operate and have effect as if it related to the parking of vehicles.

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

### 1.8 Classes of vehicles

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

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

### 1.9 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign is to be read as applying to that part of the thoroughfare which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

### 1.10 Powers of the Council

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

## PART 2—PARKING STALLS, PARKING STATIONS AND PARKING AREAS

### 2.1 Determination of parking stalls, parking stations and parking areas

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

### 2.2 Vehicles to be within parking stall

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

### 2.3 Parking prohibitions and restrictions

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

## PART 3—PARKING GENERALLY

### 3.1 Restrictions on parking in particular areas

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

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

### 3.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking stall must park it—
- 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;
  - 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;
  - 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;
  - so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a bicycle, or a motorcycle without a trailer, parked in accordance with this local law; and
  - so that it does not obstruct any vehicle on the carriageway,
- unless otherwise indicated on a sign or by marks on the carriageway.

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

- a single continuous dividing line only;
- a single continuous dividing line to the left or right of a broken dividing line; or
- 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—

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

### 3.4 When angle parking applies

- (1) This clause does not apply to—
- a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
  - a person parking either a motor cycle without a trailer, or a bicycle.
- (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

### 3.5 General prohibitions on parking

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

- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.

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

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

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

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

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

### **3.6 Authorised person may order vehicle on thoroughfare to be moved**

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

### **3.7 Authorised person may mark tyres**

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

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

### **3.8 No movement of vehicles to avoid time limitation**

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

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

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

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

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is a motor vehicle which is not licensed under the *Road Traffic (Vehicles) Act 2012*;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

### **3.10 Parking on private land**

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

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*;

- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or
  - (d) which is the subject of an agreement referred to in clause 1.6(2).
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.

### **3.11 Parking on reserves**

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

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

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time to enable the person to carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1) the CEO or an authorised person may, for the duration of that permission, prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates.

## **PART 4—STOPPING GENERALLY**

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

- (1) In this clause, 'unattended', in relation to a vehicle, means that the driver of the vehicle has left the vehicle and the driver is more than 3 metres from the closest point to the vehicle.
- (2) A driver must not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (3) A driver must not stop on a length of carriageway, or in an area, to which a 'no parking' sign applies, unless the driver is—
- (a) dropping off, or picking up, passengers or goods;
  - (b) does not leave the vehicle unattended; and
  - (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.
- (4) A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.

## **PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES**

### **5.1 Stopping in a loading zone**

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

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
  - (b) a motor vehicle taking up or setting down passengers,
- but, in any event, must not remain in that loading zone—
- (c) for longer than a time indicated on the 'loading zone' sign; or
  - (d) longer than 30 minutes (if no time is indicated on the sign).

### **5.2 Stopping in a taxi zone or a bus zone**

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

### **5.3 Stopping in a mail zone**

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

### **5.4 Other limitations in zones**

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

## **PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED**

### **6.1 Stopping in a shared zone**

A driver must not stop in a shared zone unless—

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;

- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

### **6.2 Double parking**

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

### **6.3 Stopping near an obstruction**

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

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

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

### **6.5 Stopping on crests, curves, etc.**

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

### **6.6 Stopping near a fire hydrant etc**

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—
- (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
  - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle ‘unattended’ if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

### **6.7 Stopping at or near a bus stop**

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—
- (a) the vehicle is a public bus stopped to take up or set down passengers; or
  - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause—
- (a) distances are measured in the direction in which the driver is driving; and
  - (b) a trailer attached to a public bus is taken to be a part of the public bus.

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

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

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

### **6.9 Stopping on verge**

- (1) A person must not—
- (a) stop a vehicle (other than a bicycle);
  - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or

- (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

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

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

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

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

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

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

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

#### **6.11 Stopping near a letter box**

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

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

#### **6.12 Stopping on a carriageway—heavy and long vehicles**

(1) A person must not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

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

#### **6.13 Stopping on a carriageway with a bicycle parking sign**

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

#### **6.14 Stopping on a carriageway with motor cycle parking sign**

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

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

### **PART 7—MISCELLANEOUS**

#### **7.1 Removal of notices on vehicle**

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

#### **7.2 Unauthorised signs and defacing of signs**

A person must not without the authority of the CEO or an authorised person—

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

#### **7.3 Signs must be complied with**

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

#### 7.4 General provisions about signs

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

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

#### 7.5 Special purpose and emergency vehicles

Despite anything to the contrary in this local law—

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

#### 7.6 Vehicles not to obstruct a public place

(1) A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the CEO or an authorised person, or unless authorised under any written law.

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

### PART 8—ENFORCEMENT

#### 8.1 Legal proceedings

Evidentiary provisions relating to offences involving vehicles are contained in Division 2 of Part 9 of the Act.

#### 8.2 Offences and penalties

(1) A person who breaches a provision of this local law commits an offence.

(2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) A person who commits an offence under this local law is to be liable, on conviction, to a penalty not exceeding \$5,000 and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

(4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

—————

#### *Schedule 1*

##### PARKING REGION

[Clause 1.6]

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

1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
3. any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

—————

#### *Schedule 2*

##### PRESCRIBED OFFENCES PARKING LOCAL LAW

[Clause 8.2]

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to park wholly within parking stall	60
2	2.2(4)	Failure to park wholly within parking area	60
3	2.3(1)(a)	Causing obstruction in parking station	60
4	2.3(1)(b)	Parking contrary to sign in parking station	60
5	2.3(1)(c)	Parking contrary to directions of authorised person	60

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	60
7	3.1(1)(a)	Parking wrong class of vehicle	60
8	3.1(1)(b)	Parking by persons of a different class	60
9	3.1(1)(c)	Parking during prohibited period	60
10	3.1(4)(a)	Parking in no parking area	60
11	3.1(4)(b)	Parking contrary to signs or limitations	60
12	3.1(4)(c)	Parking vehicle in motor cycle only area	60
13	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	60
14	3.2(1)(a)	Failure to park on the left of two-way carriageway	100
15	3.2(1)(b)	Failure to park on boundary of one-way carriageway	60
16	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	60
17	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	60
18	3.2(1)(d)	Parking closer than 1 metre from another vehicle	60
19	3.2(1)(e)	Causing obstruction	100
20	3.3(b)	Failure to park at approximate right angle	60
21	3.4(2)	Failure to park at an appropriate angle	60
22	3.5(3)(a) and 6.2	Double parking	100
23	3.5(3)(b)	Parking on or adjacent to a median strip	60
24	3.5(3)(c)	Denying access to private drive or right of way	100
25	3.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
26	3.5(3)(e)	Parking within 10 metres of traffic island	60
27	3.5(3)(f)	Parking on footpath/pedestrian crossing	100
28	3.5(3)(g)	Parking contrary to continuous line markings	60
29	3.5(3)(h)	Parking on intersection	100
30	3.5(3)(i)	Parking within 1 metre of fire hydrant or fire plug	100
31	3.5(3)(j)	Parking within 3 metres of public letter box	60
32	3.5(3)(k)	Parking within 10 metres of intersection	100
33	3.5(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
34	3.5(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
35	3.5(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
36	3.6	Parking contrary to direction of authorised person	100
37	3.7(2)	Removing mark of authorised person	100
38	3.8	Moving vehicle to avoid time limitation	60
39	3.9(a)	Parking in thoroughfare for purpose of sale	60
40	3.9(b)	Parking unlicensed vehicle in thoroughfare	100
41	3.9(c)	Parking a trailer/caravan on a thoroughfare	60
42	3.9(d)	Parking in thoroughfare for purpose of repairs	100
43	3.10 (2)	Parking on land that is not a parking facility without consent	100
44	3.10(3)	Parking on land not in accordance with consent	100
45	3.11	Driving or parking on reserve	100
46	4.1(2)	Stopping contrary to a 'no stopping' sign	60
47	4.1(3)	Parking contrary to a 'no parking' sign	60
48	4.1(4)	Stopping within continuous yellow lines	60
49	5.1	Stopping unlawfully in a loading zone	100
50	5.2	Stopping unlawfully in a taxi zone or bus zone	100
51	5.3	Stopping unlawfully in a mail zone	60
52	5.4	Stopping in a zone contrary to a sign	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
53	6.1	Stopping in a shared zone	100
54	6.3	Stopping near an obstruction	100
55	6.4	Stopping on a bridge or tunnel	100
56	6.5	Stopping on crests/curves etc	100
57	6.6	Stopping near fire hydrant	100
58	6.7	Stopping near bus stop	100
59	6.8	Stopping on path, median strip or traffic island	100
60	6.9	Stopping on verge	60
61	6.10	Obstructing path, a driveway etc	100
62	6.11	Stopping near letter box	60
63	6.12	Stopping heavy or long vehicles on carriageway	100
64	6.13	Stopping in bicycle parking area	60
65	6.14	Stopping in motorcycle parking area	60
66	7.6	Leaving vehicle so as to obstruct a public place	100
67	8.2(1)	All other offences not specified	60

Dated 27 November, 2020.

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

GRANT DOUGLAS HENLEY, Mayor.

MICHAEL STEPHEN LEE ARCHER, Chief Executive Officer.