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LOCAL GOVERNMENT ACT 1995

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**CITY OF BUNBURY**

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**PARKING AND PARKING  
FACILITIES LOCAL LAW**

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**LOCAL GOVERNMENT AND  
PUBLIC PROPERTY  
AMENDMENT LOCAL LAW**



**LOCAL GOVERNMENT ACT 1995****CITY OF BUNBURY****LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT  
LOCAL LAW**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Bunbury resolved on 3 May 2005 to adopt the *City of Bunbury Local Government and Public Property Amendment Local Law*.

**ARRANGEMENT****PART 1—PRELIMINARY****PART 2— Local Government and Public Property Amendment**

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**PART 1—PRELIMINARY****Title**

1. This local law may be cited as the *Local Government and Public Property Amendment Local Law*.

**Commencement**

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

**Purpose and Effect**

3. The purpose of Local Government and Public Property Amendment Local Law is to comply with the recommendations made by Western Australia Joint Standing Committee on Delegated Legislation and to provide for the regulation, control and management of activities and facilities on local government and public property.

The effect of the Local Government and Public Property Amendment Local Law is to make amendments to certain clauses so as to enact the recommendation of the Joint Standing Committee on Delegated Legislation and to include clauses to establish the requirements with which any persons using or being on local government and public property within the district must comply.

**PART 2— LOCAL GOVERNMENT AND PUBLIC PROPERTY  
AMENDMENT****Amendment**

Part 3—Delete clause 3.1(1)(a), 3.1(1)(b); delete 3.1(2); delete 3.2 (1), 3.2 (2) and substitute with the following—

**PART 3—DETERMINATIONS***Division 1—Determinations***Determinations as to use of local government property, local government buildings, reserve or public property**

3.1 (1) The local government may make a determination in accordance with clause 3.2—

- (a) setting aside specified local government property, local government building, reserve or public property for the pursuit of all or any of the activities referred to in clause 3.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 3.8 on specified local government property, local government building, reserve or public property;
- (c) as to the matters in clauses 3.7(2) and 3.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

(2) The determinations in the Third Schedule of this local law—

- (a) are to be taken to have been made in accordance with clause 3.2;
- (b) may be amended or revoked in accordance with clause 3.6; and
- (c) have effect on the commencement day.

**Procedure for making a determination**

- 3.2 (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that—
- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
  - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
  - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the local government is to decide to—
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
  - (b) amend the proposed determination, in which case subclause (5) will apply; or
  - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the local government is to—
- (a) consider those submissions; and
  - (b) decide—
    - (i) whether or not to amend the proposed determination; or
    - (ii) not to continue with the proposed determination.
- (5) If the local government decides to amend the proposed determination, it is to give local public notice—
- (a) of the effect of the amendments; and
  - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the local government decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the local government.

**Discretion to erect sign**

3.3 The local government may erect a sign on any local government property or building to give notice of the effect of a determination which applies to that property.

**Determination to be complied with**

3.4 A person shall comply with a determination.

**Register of determinations**

- 3.5 (1) The local government is to keep a register of determinations made under clause 3.1, and of any amendments to or revocations of determinations made under clause 3.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

**Amendment or revocation of a determination**

- 3.6 (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 3.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination, it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

*Division 2—Activities which may be pursued or prohibited under a determination***Activities which may be pursued on specified local government property, local government buildings, Reserve or Public Property**

3.7 (1) A determination may provide that specified local government property, local government building, reserve or public property, or a portion thereof, is set aside as an area on which a person may—

- (a) bring, ride or drive an animal;
- (b) take, ride or drive a vehicle, or a particular class of vehicle;
- (c) use, launch or fly a kite or motorised model aeroplanes, gliders or rockets that are propelled by mechanical, hydraulic, combustion or pyrotechnic means;
- (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
- (e) launch, beach, use or leave a boat, a particular class of boat or a personal watercraft;

- (f) land or launch a balloon, aircraft, helicopter; hang glider or parachute;
  - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
  - (h) play or practice—
    - (i) golf or archery;
    - (ii) pistol or rifle shooting, but subject to the compliance of that person with the Firearms Act 1973; or
    - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
  - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
  - (j) wear no clothing; or
  - (k) light a fire.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—
- (a) the days and times during which the activity may be pursued;
  - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
  - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
  - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
  - (e) may specify that the activity can be pursued by a class of persons or all persons; and
  - (f) may distinguish between different classes of the activity.

**Activities which may be prohibited on specified local government property, buildings or Public Property**

3.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property, local government buildings, reserve or public property—

- (a) smoking on premises;
  - (b) consume food, non alcoholic beverages or liquor;
  - (c) riding a bicycle, a skateboard, wheeled recreational device, rollerblades, sandboard or similar devices;
  - (d) use, launch or fly a kite or motorised model aeroplanes, gliders or rockets that are propelled by mechanical, hydraulic, combustion or pyrotechnic means;
  - (e) taking, riding or driving a vehicle or a particular class of vehicle on the property;
  - (f) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
  - (g) taking or using a boat, a particular class of boat or a personal watercraft;
  - (h) land or launch a balloon, aircraft, helicopter, hang glider or parachute;
  - (i) the playing or practice of—
    - (i) golf, archery, pistol shooting or rifle shooting; or
    - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
  - (j) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property;
  - (k) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose;
  - (l) swimming, diving, wading and fishing;
  - (m) harmful or detrimental feeding of fauna;
  - (n) lighting of fires.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular—
- (a) the days and times during which the activity is prohibited;
  - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
  - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
  - (d) that an activity is prohibited in respect of a class of persons or all persons; and
  - (e) may distinguish between different classes of the activity.

*Division 3—Transitional***Signs taken to be determinations**

3.9 (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 3.1.

(2) Clause 3.5 does not apply to a sign referred to in subclause (1).

Delete subclause 5.1(e) and substitute (f) with (e), (g) with (f), (h) with (g), (i) with (h) and (j) with (i).

**Part 5—Division 1—Vehicle Crossings**

Delete clauses 5.3 to 5.11 inclusive and insert the following clauses 5.3 to 5.10—

**Interpretation**

5.3 (1) In clauses 5.3 to 5.10, “crossing” means a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving private land.

(2) Generally, crossings are dealt with in regulations 12 to 16 of the Local Government (Uniform Local Provisions) Regulations 1996.

**Number of crossings**

5.4 No more than 2 crossings are to be constructed to a lot unless the owner of the lot has first obtained the prior written permission of the local government.

**A Permit is required**

5.5 Whether temporarily or permanently, a person is not to excavate, remove, obstruct or alter a crossing without first obtaining a permit to do so from the local government.

**Vehicle crossing treatment**

5.6 The owner or occupier of land adjacent to a thoroughfare may only install or have installed a vehicle crossing in front of such land which is a permissible vehicle crossing treatment.

**Permissible treatments for standard vehicle crossings**

5.7 The owner or occupier of land adjacent to a thoroughfare may install a standard vehicle crossing in accordance with the local government’s Standard Vehicle Crossing specifications as varied from time to time.

**Footpath, verge and street tree protection**

5.8 (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a footpath, verge or street tree, shall—

- (a) take all necessary precautions to ensure that the footpath, verge or a street tree is not damaged during the course of the works;
- (b) take all necessary action to ensure that the footpath remains in a safe functional state suitable for use by the public; and
- (c) notify the local government of any existing damage to the footpath, verge or street tree prior to the commencement of the works.

(2) A person who carries out any building or other operations or works necessitating the crossing of a footpath with vehicles that may cause damage to the footpath, verge or a street tree, shall ensure that—

- (a) all reasonable precautions are taken to prevent damage to the footpath, verge or street tree during the course of the works; and
- (b) heavy vehicles that access the private property, are to cross the footpath at the designated area for the proposed vehicle crossing.

(3) Any person who causes damage to a footpath, verge or street tree during works undertaken on private property or works within the road reserve shall pay the reasonable costs incurred by the local government to reinstate street trees and repair the damage.

**Permit for temporary crossing**

5.9 (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—

- (a) a crossing does not exist; or
- (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.

(2) The person responsible for the works in clause (1) is to be taken to be—

- (a) the builder named on the building licence issued under the Local Government (Miscellaneous Provisions) Act 1960, if one has been issued in relation to the works; or
- (b) the registered proprietor of the lot, if no building licence has been issued under the Local Government (Miscellaneous Provisions) Act 1960 in relation to the works.

(3) If the local government approves an application for a permit for the purpose of subsection (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

**Removal of redundant crossing**

5.10 (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.

(2) The local government may give written notice to the person responsible for the works, owner or occupier of a lot requiring her or him to—

- (a) remove any part of or all of a crossing which does not give access to the lot; and
- (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal, within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

**Part 5—Division 2—Verge Treatments**

Delete clauses 5.12 to 5.17 and insert the following clauses 5.11 to 5.16—

**Interpretations**

5.11 In this Division, unless the context otherwise requires—

“**acceptable material**” means any material which appears on a list of acceptable materials maintained by the local government.

**Permissible verge treatments**

5.12 (1) An owner or occupier of land which abuts a verge, may with approval of the local government install a permissible verge treatment on that part of verge directly in front of her or his land.

(2) The permissible verge treatments are—

- (a) the planting and maintenance of a lawn;
- (b) the planting and maintenance of a garden provided that—
  - (i) clear sight visibility is maintained at all times for persons using the abutting thoroughfare in the vicinity of intersections and bends in the thoroughfare;
  - (ii) no plant is planted which is thorny or which is or may be injurious to the health of any person or which may otherwise create a hazard for any person; and
  - (iii) where there is no footpath, pedestrians have 2 metres safe and clear access along that part of the verge immediately adjacent to the kerb;
- (c) the installation of an acceptable material;

5.13 (1) A person must not install or maintain a verge treatment that is not a permissible verge treatment.

(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) will each be deemed to have installed and maintained that verge treatment for the purposes of this clause and clause 5.14.

5.14 An owner or occupier who installs and maintains a permissible verge treatment must—

- (a) ensure that the verge treatment does not cause damage or injury to any person or thing, including a thoroughfare and anything under or over the thoroughfare, arising from the installation and maintenance of the permissible verge treatment, and is to make good all such damage caused;
- (b) keep the verge treatment in a safe and tidy condition and ensure, where the verge treatment is a garden or lawn, that any footpath on the verge or the carriageway adjoining the verge is not obstructed by the verge treatment;
- (c) not place any obstruction on or around any verge treatment;
- (d) not water or maintain a verge treatment in such a manner as to cause a nuisance or inconvenience to any other person and, in particular, any person using a footpath or the carriageway abutting the verge; and
- (e) not disturb any footpath on the verge.

**Powers of enforcement**

5.15 The local government may by written notice require the owner or occupier of a lot abutting a verge to make good within the time specified in the notice, any breach of a provision of this Division.

**Powers to carry out public works on verges**

5.16 Where the local government or any other authority empowered to do so under any written law disturbs a verge, the local government or the other authority—

- (a) is not liable to compensate any person for that disturbance;
- (b) may replace and restore any reticulation pipes and sprinklers;
- (c) may backfill with sand, if necessary, any garden or lawn.

Delete Division 3—When Fencing Can Be Required and substitute with the following—

*Division 3—When Fencing Can Be Required*

5.17 (1) The local government may by written notice require the owner of land that adjoins a public thoroughfare, or any other public place to—

- (a) suitably enclose to separate the land from the public thoroughfare or any other public place;
- (b) suitably enclose with a close fence to separate the land from the public thoroughfare or any other public place to prevent the escape of sand or other matter from the land.

In Part 8—Division 2—Approvals and Fees

Delete the words “Division 2” from the title of this division and insert the words “Division 1”.

In clause 8.6(c) delete “Part 9” and substitute “Part 11 of this local law”.

Delete clause 8.22 and substitute with the following—

**Treatment of animals**

8.22 A person shall not, on or in any local government property—

- (a) kill, injure, feed or interfere with any fauna;
- (b) take on to, set or use or attempt to take on to, set or use any animal trap, bird trap, fish trap, net or similar device; or
- (c) take on to or allow any animal, bird or fish to enter or remain, unless that class, type or species of animal, bird or fish is permitted on that property by any other written law applying in the district;

Part 11—Remedy For Breach

In clause 11.3 delete “the local government,”.

In the First Schedule delete item number 92 and substitute with the following—

92	8.22(a)	Kill, injure, feed or interfere with any fauna.	\$100
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Insert the following schedule—

*Third Schedule*

**DETERMINATIONS**

The following determinations are to be taken to have been made by the local government under clause 3.1.

**PART 1—PRELIMINARY**

**Definitions**

1.1 In these determinations unless the context requires otherwise—

“**local law**” means the City of Bunbury Local Government and Public Property Local Law made by the local government.

**Interpretation**

1.2 Unless the context requires otherwise, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

Dated: 30 May 2005.

The Common Seal of the City of Bunbury was affixed by authority of a resolution of the Local Government in the presence of—

D. L. SMITH, Mayor.  
G. K. TREVASKIS, Chief Executive Officer.



## LOCAL GOVERNMENT ACT 1995

## CITY OF BUNBURY

## PARKING AND PARKING FACILITIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Bunbury resolved on 3 May 2005 to adopt the following local law.

## PART 1—PRELIMINARY

**Title**

1.1 This local law may be referred to as the City of Bunbury Parking and Parking Facilities Local Law.

**Purpose and Effect**

1.2 (1) The purpose of this local law is to establish the requirements and conditions with which any persons parking or standing a vehicle within the district must comply.

(2) The effect of this local law is to provide for the regulation, control and management of parking and standing of vehicles generally and for the regulation, control and management of parking facilities.

**Commencement**

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

**Repeal**

1.4 (1) The local law relating to the Control and Management of Parking Stations and Management and Operations of Parking Facilities adopted by the City of Bunbury and published in the *Government Gazette* 23 January 1998 is repealed on the day that this local law comes into operation.

(2) Where a policy was adopted by the local government under or in relation to a repealed local law by this local law then the policy is to be taken to have continued to have effect on and from the commencement date.

**Interpretation**

1.5 In this local law unless the context otherwise requires—

“**ACROD permit**” means a permit issued by ACROD Limited (WA Division) for the purpose of identifying vehicles driven by or carrying a disabled person or persons;

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

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law and where the context requires, any member of the Western Australian Police Service;

“**authorised vehicle**” means a vehicle authorised by the local government, CEO or authorised person, or by any written law to stop or park in a parking facility;

“**bicycle**” means any wheeled vehicle that is designed to be propelled solely by human power but does not include a pram or a wheelchair;

“**bicycle crossing**” means any portion of a carriageway near each end of which may be erected, on each side of the carriageway, bicycle crossing signs or lights;

“**bicycle crossing lights**” means a device designed to show, at different times, a green, yellow or red bicycle crossing light;

“**bus**” means an omnibus as defined by the *Road Traffic Act*;

“**bus embayment**” has the same meaning given to it in the *Road Traffic Code 2000*;

“**caravan**” means a vehicle that is fitted or designed to allow human habitation;

“**carriageway**” includes a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

“**centre**” in relation to a carriageway means a line or series of lines, marks or other indications placed at the middle of the carriageway or, in the absence of any such lines, marks or indications, in the middle of the main travelled portion of the carriageway;

“**CEO**” means the Chief Executive Officer of the City of Bunbury;

“**charter bus**” means any bus which is used, hired or chartered for any purpose but does not include a public bus;

“**charter bus zone**” means a parking bay designated for use by a charter bus;

“**childrens crossing**” has the same meaning given to it as in the *Road Traffic Code 2000*;

“**city**” means the City of Bunbury;

“**clause**” means a clause of this local law;

“**commercial vehicle**” means a vehicle specifically designed, constructed and used primarily for the conveyance therein or thereon of goods (not being a trailer or a vehicle to which a trailer is attached);

“**Council**” means the council of the local government;

“**delivery vehicle**” means a motor vehicle 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* is permanently affixed and readily legible which is being used for the conveyance of goods therein or thereon;

“**disabled parking bay**” means a part of a parking facility which is identified or marked by painted lines, symbols, inscriptions or signs as a bay for the parking of vehicles driven by or carrying a disabled person;

“**district**” means the district of the local government;

“**driver**” means any person driving or in control of or in charge of a vehicle or any person driving, leading or in control of or in charge of any animal;

“**edge line**”, for a carriageway, means any line marked along the carriageway at or near the far left or far right side of the carriageway;

“**emergency vehicle**” has the meaning given to it in the *Road Traffic Code 2000*;

“**entrance ticket**” means a ticket issued by an entrance ticket machine;

“**entrance ticket machine**” means a machine installed at an entrance to a parking station (including attended parking station) and from which entrance tickets are issued to vehicles entering that parking station;

“**exit ticket**” means a ticket issued after payment of the fee by a fee collection machine;

“**fee collection machine**” means a machine installed in a parking station which upon the insertion of an entrance ticket and payment of the required fee, issues an exit ticket;

“**footpath**” includes every footpath, lane or other place—

- (1) intended for the use of pedestrians only or, in the case of a dual use path, for the use of pedestrians and bicyclists only; or
- (2) ordinarily used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

“**Keep Clear Area**” means a portion of a carriageway that lies—

- (a) between 2 consecutive signs inscribed with the words “KEEP CLEAR” and each with an arrow pointing generally towards the other; or
- (b) between a sign inscribed with the words “KEEP CLEAR” and whichever of the following that lies in the general direction indicated by an arrow inscribed on the sign—
  - (i) the end of the carriageway; or
  - (ii) an area in which stopping is prohibited; or
  - (iii) the furthest point of “KEEP CLEAR” markings.

“**keep clear marking**” means the words ‘keep clear’ marked across all or part of a carriageway, with or without continuous lines marked across all or part of the carriageway;

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

“**loading zone**” means a parking bay or length of carriageway to which a loading zone sign applies and is designated for the use by commercial vehicles or delivery vehicles or an authorised vehicle;

“**Local Government**” means the local government of the City of Bunbury;

“**marked foot crossing**” means a portion of a carriageway—

- (a) at a place with pedestrian lights facing pedestrians crossing the carriageway, and traffic-control signals facing drivers driving on the carriageway; and
- (b) indicated by a different road surface, or between 2 continuous or broken lines, or rows of studs or markers, or the road surface substantially from one side of the carriageway to the other;

“**median strip**” has the meaning given to it in the *Road Traffic Code 2000*;

“**metered space**” means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;

**“metered zone”** means any road or reserve, or part of any road or reserve, in which parking meters regulate the stopping or parking of vehicles;

**“money”** means any legal tender under the *Currency Act 1965* (Cth);

**“motor cycle”** means a motor vehicle designed to travel on two wheels but shall not include a motor vehicle to which a sidecar is attached;

**“motor vehicle”** means a self-propelled vehicle that is not operated on rails, and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

**“no parking area”** means a portion of carriageway that lies—

- (a) between two consecutive signs inscribed with the words or symbol denoting “No Parking” and each with an arrow pointing generally towards the other of them; or
- (b) between a sign, inscribed with the words or symbol denoting “No Parking” and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign.

**“no stopping area”** means a portion of a carriageway that lies—

- (a) between 2 consecutive signs inscribed with the symbol denoting “No Stopping” and each with an arrow pointing generally towards the other; or
- (b) between a sign inscribed with the symbol denoting “No Stopping” and whichever of the following that lies in the general direction indicated by an arrow inscribed on the sign—
  - (i) the end of the carriageway; or
  - (ii) an area in which stopping is prohibited; or
- (c) adjacent to a continuous yellow edge line;

**“obstruct”** means to interfere with, impede or hinder the passage of any vehicle or person;

**“occupier”** has the meaning given to it in the Act;

**“omnibus”** means any motor vehicle equipped to seat more than 8 adult persons (including the driver) used for the carriage of passengers for hire or reward;

**“owner”**—

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

**“park”** means permit a vehicle, whether attended or unattended, to remain stationary, except for the purpose of—

- (a) avoiding conflict with other traffic;
- (b) complying with any written law; or
- (c) immediately taking up or setting down persons or goods within 2 minutes of the vehicle becoming stationary;

**“parking area”** means a portion of a carriageway—

- (1) between two consecutive signs, inscribed with the words “Parking”, each with an arrow pointing generally towards the other of them;
- (2) extending, from a sign inscribed with the word, “Parking” in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words “No Parking” or “No Standing” or to a dead end or an area in which the parking or standing of vehicles is prohibited and is in that half of the carriageway nearest to the sign;

**“parking bay”** has the same meaning as parking stall;

**“parking facility”** includes land, buildings, shelters, signs, notices and other facilities open to the public generally for the parking of vehicles with or without charge; includes a road, reserve, parking area, metered zone, ticket machine zone, truck zone, work zone, taxi zone, bus zone, charter bus zone, public bus zone, bicycle zone, parking bay, parking station, attended parking station and any other facility available to the public generally or a specified class of persons or a specified class of vehicle for the parking of a vehicle, whether or not a fee is charged;

**“parking fee”** means those fees set by local government from time to time in accordance with the provisions of the Act;

**“parking policy”** means a policy adopted by the Council under Part 10;

**“parking region”** means the whole of the district of the local government of the City of Bunbury excluding the following portions of the district—

- (1) any road proclaimed to be a main road under provisions of the Main Roads Act 1930;
- (2) the approach and departure prohibition areas of all traffic signal installations; and
- (3) prohibition areas applicable to all bridges and subways.

- “parking stall”** means a section or part of a parking facility, road, reserve or parking station that is marked or defined by painted lines or similar devices for the purpose of indicating where a vehicle may stop or park with or without payment of a fee;
- “parking station”** means any land, building or other structure providing for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered stall or private garage;
- “parking ticket”** means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle;
- “parking voucher”** means a card, permit or voucher which is purchased from the local government and which authorises the parking of a vehicle in a parking stall, parking station or part of a parking station;
- “pedestrian crossing”** has the same meaning as in the *Road Traffic Code 2000*;
- “pedestrian mall”** has the meaning given to it in the *Road Traffic Code 2000*;
- “person”** includes a propriety limited company or association;
- “properly displayed”** means displayed inside a vehicle on the dashboard and clearly visible to and able to be read from outside the vehicle through the windscreen or either front window by an authorised person at all times while the vehicle remains stopping or parked.;
- “property line”** means the lateral boundary of a road;
- “public bus”** means any bus available to the general public in the course of general transport services but does not include a charter bus;
- “public bus zone”** means a parking bay designated for use by a public bus;
- “reserve”** includes any land—
- (a) owned by 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” in terms of section 3.53 of the Act;
- “road”** includes a highway, road, lane, thoroughfare, carriageway or similar place, or part thereof, which is within the parking region of the local government, which the public are allowed to use and includes every part of the highway, lane, thoroughfare or similar place and other things including bridges and culverts appurtenant thereto and includes all of the land lying between the property lines including the road verge and footpath;
- “Road Traffic Act”** means the *Road Traffic Act 1974*;
- “Road Traffic Code”** means the *Road Traffic Code 2000*;
- “road verge”** means a portion of a road which lies between the boundary of a carriageway and the property line adjacent thereto, and includes any park or reserve or any other land proclaimed by the local government for any purpose whatsoever and also includes the term “nature strip” and also includes any crossover, but does not include the footpath;
- “Schedule”** means a Schedule to this local law;
- “service vehicle”** has the same meaning as given to it in the *Road Traffic Code*;
- “service zone”** means any part of a pedestrian mall designated for stopping or parking of service vehicles;
- “shared zone”** means the network of roads in an area with—
- (a) “shared zone” sign on each road into the area, indicating the same number; and
  - (b) an “end shared zone” sign on each road out of the area;
- “sign”** includes a traffic sign, permissive parking sign, inscription, mark, painted line, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed or erected on or near a road, reserve or parking station for the purpose of prohibiting, regulating, guiding, directing or regulating the stopping or parking of vehicles and any sign bearing a reasonable likeness of any representation of a traffic sign or permissive parking sign contained within the *Road Traffic Code*;
- “special purpose vehicle”** has the meaning given to it in the *Road Traffic Code* and also includes a postal vehicle and commercial vehicles owned by the local government;
- “stop”** in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purpose of—
- (a) avoiding conflict with other traffic; or
  - (b) complying with the provisions of any written law;
- “street”** has the same meaning as road;
- “symbol”** includes any symbol specified by Australian Standards 1745.11—1999 and any symbol specified from time to time by Standards Australia for the use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;
- “taxi”** has the same meaning as “taxi” in the *Taxi Act 1994* or a “taxi-car” in Section 47Z of the *Transport Coordination Act 1966*;

- “**ticket issuing machine**” means any equipment, installed from time to time by the local government, at any place, which upon the placing therein of a prescribed coin, coins, or a token, pass, card, key or device issues a ticket indicating the period of parking permitted;
- “**ticket machine zone**” means a parking facility in which a ticket issuing machine is installed;
- “**thoroughfare**” has the meaning given to it in the Act;
- “**T-Intersection**” means an intersection where the end of a road intersects with the continuous side of a continuing road;
- “**traffic island**” means any physical provision, other than lines marked on a carriageway, to guide vehicular traffic;
- “**trailer**” means any vehicle without motor power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle or a side car;
- “**truck**” means a vehicle which has a minimum load capacity of 1,000 kilograms;
- “**truck bay**” means a parking bay designated for use by trucks only;
- “**unattended**” means the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle;
- “**unexpired parking ticket**” means a parking ticket on which a date and expiry time is printed and that time has not expired;
- “**vehicle**” includes—
- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels or tracks, by any means; and
  - (b) where the context permits, an animal being driven or ridden.

## PART 2—ADMINISTRATION

### Application of particular definitions

2.1 (1) For the purposes of the application of the definitions of “no parking area”, “no stopping area” and “parking area”, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the general direction in which it would point if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

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

(3) A reference to a parking station or metered zone includes a reference to part of the parking station or part of the metered zone.

### Undefined terms

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

### Delegation

2.3 In this local law a reference to the local government having the power to do something in its discretion, and whether or not subject to any condition it thinks fit, shall be deemed to include a reference to the CEO and a committee to which the local government has delegated the power of doing the thing or exercising the discretion.

2.4 In this local law a reference to the local government having power to do something in its discretion, shall be deemed to include a reference to any employee of the local government to whom the CEO has delegated to exercise any of the CEO's powers or the discharge of any of the CEO's duties in relation to this local law.

### Determination of fees and charges

2.5 In this local law any fees and charges shall be determined from time to time by resolution of the local government in accordance with the provisions of the Act.

### Application of local law

2.6 This local law applies to the parking region and all parking stations and parking facilities in the parking region and include a parking facility or parking station that—

- (a) is owned, controlled or occupied by the local government; or
- (b) is owned by the local government but is leased to another person, persons or company; or
- (c) is owned or occupied by another person, persons or company.

### Sign erected by the Commissioner of Main Roads

2.7 Any sign that—

- (a) was erected by the Commissioner of Main Roads prior to the coming into operation of this local law; and
- (b) relates to the parking or standing of vehicles,

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

**Application of Signs**

2.8 (1) This local law applies to the stopping or parking of vehicles within the district which is controlled by a sign. Such sign shall be read as applying to that part of the road or road verge which—

- (a) lies beyond the sign; or
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is that half or side of the carriageway of the road or road verge nearest to the sign.

(2) For the purposes of this local law a sign may—

- (a) prohibit or regulate parking and stopping;
- (b) specify maximum times; or
- (c) specify permitted classes of vehicles;

by the use of any symbol or other traffic control device specified in accordance with AS 1745.11

**Class Of Vehicles**

2.9 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) all other vehicles not otherwise classified, which includes motor cycles with sidecars attached.

**PART 3—STOPPING AND PARKING GENERALLY****Power to prohibit and regulate**

3.1 The Council may by resolution prohibit or regulate by signs or otherwise the stopping and parking of any vehicle or class of person and vehicle, or both, but is to do so consistently with the provisions of this local law.

**Council resolutions in relation to stopping and parking**

3.2 The Council may by resolution establish, determine, vary and indicate by signs—

- (a) parking facilities;
- (b) permitted times and conditions of stopping and parking which may vary with the locality;
- (c) permitted persons who may stop or park their vehicles;
- (d) permitted classes of vehicles which may stop or park; and
- (e) the manner of stopping or parking.

**Stopping or parking in accordance with signs**

3.3 (1) A person must not stop or park a vehicle in a parking facility—

- (a) if by a sign it is set apart for the stopping or parking of vehicles of a different class;
- (b) if by a sign it is set apart for the stopping or parking of vehicles by persons of a different class;
- (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
- (d)
  - (i) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces; or
  - (ii) if a vehicle is too wide or long to fit completely within a single parking bay, the person stopping the vehicle shall park with the vehicle within the minimum number of parking bays needed to park that vehicle; or
- (e) otherwise than in accordance with a sign applying to the place where the vehicle is stopping or parked.

(2) A person must not stop or park a vehicle—

- (a) in a no stopping area;
- (b) in a parking area, except in accordance with the signs referable to the parking area and this local law;
- (c) partly within and partly outside a parking area; or
- (d) in a bay marked 'M/C' unless it is a motorcycle without a sidecar.
- (e) in a bus lane;
- (f) in a transit lane;
- (g) in a truck lane; or
- (h) in a bicycle lane,

unless the person is driving a public bus or taxi and is immediately dropping off, or picking up passengers.

(3) A person must not park a vehicle in a no parking area.

- (4) A person must not stop a vehicle at the side of a carriageway marked with a continuous yellow edged line.
- (5) A person must not stop or park a vehicle on or in an area of a carriageway signed or marked as a keep clear area.
- (6) A person must not stop a motorcycle without a side-car in a parking bay or metered space unless—
- (a) the bay or space is marked 'M/C'; or
  - (b) a sign applying to the bay or space is inscribed 'M/C'.
- (7) If there is no sign referable to a parking bay or metered space marked 'M/C', a person must not stop or park a vehicle for longer than the maximum period during which a vehicle may stop or be parked in any adjacent parking bay or metered space.
- (8) Unless authorised by the local government, a person must not stop or park a vehicle in an area designated by a sign inscribed "Authorised Vehicles Only".
- (9) Unless authorised by the local government, a person must not stop or park a vehicle in a parking area for longer than the time period indicated by a sign, unless—
- (a) clause 3.16 applies; or
  - (b) if the vehicle displays an ACROD permit, the vehicle may park continuously for twice the period indicated on a sign, except in a parking area set aside for people with disabilities.

#### **Parking without consent**

- 3.4 (1) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.
- (2) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with the consent.

#### **Disabled persons**

- 3.5 A person must not stop or park a vehicle in a disabled parking bay unless an ACROD permit bearing a current date is properly displayed.

#### **Parking positions**

- 3.6 Where the signs referable to a parking area are not inscribed with the words "angle parking" then unless a sign referable to the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position—
- (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and
  - (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in that parking area must stop or park it at approximately right angles to the centre of the carriageway.

#### **Angle parking**

- 3.7 Where a sign referable to a parking area is inscribed with the words "angle parking" a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by marks on the carriageway.

#### **Loading zone**

- 3.8 (1) A person must not stop or park a vehicle in a loading zone unless—
- (a) the vehicle is a commercial vehicle or delivery vehicle or a vehicle authorised by permit that is current and prominently displayed; and
  - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle.
- (2) A person must not stop or park a commercial vehicle or a delivery vehicle or an authorised vehicle in a loading zone for more than 20 minutes.

#### **Parking or stopping on reserves**

- 3.9 (1) 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, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose.
- (2) Unless authorised by the local government, a person—
- (a) must not, for the purposes of conducting a business, stop or park a vehicle on any part of a reserve; or
  - (b) must not stop or park a vehicle or part of a vehicle on or over any footpath constructed across a reserve.

#### **Occupied parking bays**

- 3.10 A person must not stop or park or attempt to stop or park a vehicle in a parking bay or metered space in which another vehicle is stopping or parked.

#### **Payment for parking**

- 3.11 A person must not insert into a ticket issuing machine, fee collection machine or parking meter anything other than the designations of coin or banknote or other permitted form of payment

indicated by a sign on the ticket issuing machine, fee collection machine or parking meter and only in accordance with the instructions printed on the ticket issuing machine, fee collection machine or parking meter.

#### **Operation of ticket issuing machines and fee collection machines**

3.12 A person must not operate a ticket issuing machine, fee collection machine or parking meter except in accordance with the operating instructions appearing on the ticket issuing machine, fee collection machine or parking meter.

#### **Alternative methods of payment for parking**

3.13 (1) The local government may allow a person to pay for parking in advance or in arrears by issuing, for example, a permit, card, invoice, ticket or pass or any other system of payment that may be determined by the local government from time to time and referred to in this clause as "alternative methods of payment".

(2) A person who has been permitted by the local government to make alternative methods of payment for parking is exempt from paying fees at the parking station providing that he or she complies with the terms of the alternative method of payment.

(3) An alternative method of payment may not be used by any person other than the person who received authorisation from the local government or from an agent or representative authorised by the local government.

#### **Set aside parking facilities**

3.14 (1) Where a parking facility has been set aside under clause 3.2(c) or (d) the local government—

- (a) may issue a written permit to the relevant person or vehicles of the class; and
- (b) may vary or revoke a permit at any time.

(2) Except with the permission of an authorised person, a person must not stop or park a vehicle in a parking facility set aside under sub-clause (1) unless—

- (a) the permit is properly displayed;
- (b) the permit bears a current date; and
- (c) the person or the class of vehicle as specified in the permit is specified on the sign which sign sets aside a part or all the parking facility.

#### **Eating areas**

3.15 A person must not stop or park a vehicle in a parking bay or metered space which is established or used as an eating area.

#### **Urgent, essential or official duties**

3.16 (1) Where by a sign the stopping or parking of vehicles is prohibited or permitted for a limited time in a parking facility, the local government may permit a person to stop or park a vehicle in a parking facility although not otherwise permitted or for longer than the permitted time so that the person may carry out urgent, essential or official duties.

(2) Where authorization is given under sub-clause (1) the local government may prohibit, for the duration of that authorization, the use by any other vehicle of that portion of the parking facility to which the authorization relates.

(3) A permit issued under sub-clause (1) may—

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

(4) A person must not stop or park a vehicle in respect of which a permit has been issued under sub-clause (1)—

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

#### **Direction to move vehicle**

3.17 A person must not stop or park a vehicle after being directed by an authorised person or a police officer to move the vehicle.

#### **Selling or hiring in a parking facility**

3.18 A person must not sell, bail, hire or give away any goods or thing or erect an advertisement in a parking facility without the written authorization of the local government.

#### **Obstruction of a parking facility**

3.19 A person must not stop or park a vehicle in a parking facility so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking facility.

#### **Behavior in a parking facility**

3.20 (1) A person must not remain in a parking facility after having been required to leave by an authorised person or a police officer.

(2) A person must not loiter in a parking facility.



**Damage to parking facilities**

3.21 A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

**Special event parking**

3.22 (1) The local government may by use of signs set aside, for any period specified on the signs, any parking facility for the parking of vehicles by persons attending a special event.

(2) A person must not stop or park a vehicle in a parking facility set aside under sub-clause (1) during the period for which it is set aside unless a ticket purchased from the local government with respect to the special event is properly displayed.

(3) For the purpose of a special event, the local government may declare that particular clauses are to be varied during the periods and days specified in the resolution.

(4) For the purpose of this clause a "special event" means any event or occurrence considered by the local government to be special.

**Removal and impounding of vehicles**

3.23(1) The powers of the local government to remove and impound goods including vehicles are set out in Part 3 Division 3 Subdivision 4 of the Act.

(2) Any offence against any provision of this local law is prescribed to be a contravention that can lead to impounding for the purposes of section 3.37 of the Act.

(3) An authorised person may remove and impound any vehicle that is involved in a contravention that can lead to impounding in accordance with section 3.39 of the Act and this clause; and

(4) An authorised person may use reasonable force to exercise the power given by sub-clause (3).

(5) The form of the notice referred to in section 3.42 of the Act shall be in the form as determined by the local government from time to time.

(6) A person is not entitled to make any claim, by way of damages or otherwise, against the authorised person or the local government in respect of a vehicle removed and impounded under the provisions of this local law, or against any person who purchases a vehicle disposed of by the local government under the provisions of the Act.

**Council resolution**

3.24 The Council may by resolution declare that particular clauses do not apply during the periods and days specified in the resolution.

**PART 4—STOPPING AND PARKING ON ROADS AND OTHER AREAS****Stopping or parking on a carriageway**

4.1 Subject to clause 3.3, a person stopping or parking a vehicle on a carriageway must stop or park the vehicle—

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopping or parked on the opposite side of the carriageway;
- (d) so that it is more than 1.2 metres from any other vehicle, except a motorcycle without a trailer stopping or parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway.

**Median strips and traffic islands**

4.2 A person must not stop or park a vehicle on any part of a road so that any portion of the vehicle is—

- (a) on a median strip; or
- (b) adjacent to a median strip other than in a parking bay or metered space.

**Prohibited parking of vehicles**

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

- (a) if the vehicle is exposed for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act or any corresponding law of another State or Territory or of the Commonwealth;
- (c) if that vehicle is a trailer or 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 road.

**Traffic obstructions**

4.4 (1) This clause does not apply to—

- (a) a vehicle stopping or parked in a parking bay or metered space established by the local government; or
- (b) a bicycle in a bicycle rack established by the local government.

(2) Paragraphs (3) (b) and (d) do not apply to a vehicle stopping or parked in a bus embayment.

(3) A person must not stop or park a vehicle so that any portion of the vehicle is—

- (a) on any road so as to cause an obstruction on the road unless it is a public bus stopping next to a sign inscribed with the words “Bus Zone”;
- (b) obstructing a thoroughfare or so close as to deny vehicles reasonable access to or egress from the thoroughfare;
- (c) on an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place in accordance with this local law; or
- (e) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked unless the vehicle stops or parks—
  - (i) at a place on a carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this local law; or
  - (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
- (f) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (g) on or over a footpath, pedestrian crossing, children’s crossing or a place for pedestrians;
- (h) on a bridge or other elevated structure or within a tunnel or underpass; or
- (i) 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.

**Double parking**

4.5 (1) Subject to sub-clause (2), a person must not stop or park a vehicle on a road so that any portion of the vehicle is between any other stationary vehicle and the centre of the carriageway of that road.

(2) Sub-clause (1) does not apply to—

- (a) a person who parks a motorcycle in a bay marked “M/C”; or
- (b) a person who stops or parks a vehicle in a parking bay or metered space abreast of or alongside another vehicle.

**Verge parking**

4.6 (1) A person must not—

- (a) stop or park a bus or trailer or caravan unattached to a motor vehicle, so that any portion of it is on a road verge;
- (b) stop or park a vehicle so that any portion of the vehicle is on a road verge during any period when the stopping or parking vehicles on the road verge is prohibited by a sign adjacent and referable to that road verge; or
- (c) stop or park a vehicle on a road verge that is intended for the use of pedestrians and evidenced, for example, by paving, concreting or garden beds.

(2) Subject to sub-clause (1) a person must not stop or park a vehicle if any portion of the vehicle is on the road verge unless he or she—

- (a) is the owner or occupier of the premises adjacent to that road verge; or
- (b) is a person authorised by the occupier of those premises to do so.

**Parking near fire hydrant or post box**

4.7 A person must not stop or park a vehicle on a road so that any portion of the vehicle is—

- (a) within 1 metre of a fire hydrant, fire plug, or any sign or mark indicating the existence of a fire hydrant or fire plug unless—
  - (i) 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
  - (ii) the driver is driving taxi, and the driver stops in a taxi zone and does not leave the taxi unattended;

- (b) within 3 metres of a public post box, unless the vehicle—
  - (i) is being used for the purpose of dropping off or picking up passengers or collecting postal articles from the post box; or
  - (ii) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this local law.

**Bus stops, pedestrian, children and train crossings**

4.8 (1) Subject to sub-clause (4), a person must not stop or park a vehicle on a level crossing or on a carriageway so that any portion of the vehicle is within 20 metres of the approach side or within 20 metres of the departure side of the nearest rail of a railway level crossing.

(2) Subject to sub-clause (4), a person must not stop or park a vehicle so that any portion of the vehicle is within 20 metres of the approach side or within 10 metres of the departure side, of—

- (a) a bus embayment or a sign inscribed with the words “Bus Zone” unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a pedestrian crossing;
  - (c) a children’s crossing;
- (3) Subject to sub clause (4), a person must not stop a vehicle so that any portion of the vehicle is within 10 metres of the approach side or within 3 metres of the departure side of—
- (a) a marked foot crossing, that is not at an intersection;
  - (b) a bicycle crossing equipped with bicycle crossing lights, that is not at an intersection;
- (4) Sub-clause (1, 2 or 3) herein do not apply if—
- (a) the vehicle is stopping or parked in a marked bay to which a parking sign applies;
  - (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
  - (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

**No parking within 1 hour**

4.9 Where stopping or parking on a road is permitted for a limited time, a person must not move a vehicle along that road so that the total time of parking exceeds the maximum time permitted, unless—

- (a) the vehicle has first been removed from that road for at least 1 hour; or
- (b) there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked, another road that meets or intersects that road.

**Pedestrian malls**

4.10 A person must not stop or park a vehicle in a pedestrian mall unless the vehicle—

- (a) is, and is then being used as, an emergency vehicle;
- (b) is, and is then being used as, a special purpose vehicle;
- (c) is, and is then being used by a medical practitioner in the practice of his or her profession;
- (d) is stopping or parked in accordance with a written authorisation by the Council or an authorised person; or
- (e) is a service vehicle which—
  - (i) is in a service zone;
  - (ii) is in the pedestrian mall during a period when service vehicles are permitted;
  - (iii) is continuously being loaded or unloaded; and
  - (iv) is stopping or parking for a continuous period of less than thirty minutes.

**Public bus bays**

4.11 A person must not stop or park a vehicle other than a public bus in a parking bay set aside for use by a public bus.

**Charter bus bays**

4.12 A person must not stop or park a vehicle other than a charter bus in a parking bay set aside for use by a charter bus.

**Bus parking**

4.13 Unless otherwise stated on a sign—

- (a) a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers; and
- (b) a charter bus must not stop or park in a bus embayment, other than a layover bay, except to pick up or set down passengers and, in any event, for no more than 20 minutes.

**Construction site vehicle parking**

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

“builder” has the meaning given to it in the Building Regulations 1989;

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

**“construction site vehicle”** means a commercial vehicle or a heavy goods vehicle;

**“daily fee”** means the daily fee set by local government from time to time in accordance with the provisions of the Act determined by Council;

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

**“establishment fee”** means those fees set by local government from time to time in accordance with the provisions of the Act

**“heavy goods vehicle”** means a vehicle which is defined in the First Schedule of the Road Traffic Act as a tractor (prime mover type) or a tractor (other than prime mover type) and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle;

**“work zone”** means any road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the local government by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.

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

(3) Where the local government approves an application, it is to give the applicant written notice specifying—

- (a) the number and location of work zones the applicant may use;
- (b) the period during which the stopping or parking of construction site vehicles is permitted in the work zone; and
- (c) the amount of the establishment fee.

(4) The local government is to set aside a work zone in accordance with the notice referred to in sub-clause (3) within 14 days from the date of payment of the establishment fee.

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

(6) The daily fee is payable monthly in advance.

(7) If the daily fee is at any time in arrears (whether or not any formal or legal demand is made), the local government may remove any signs used to set aside the work zone.

(8) A person must not stop or park a vehicle in a work zone unless—

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

4.15 A person must not stop or park a vehicle in a shared zone unless the vehicle—

- (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law;
- (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;
- (c) the vehicle is dropping off, or picking up, passengers or goods; or
- (d) the vehicle is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage.

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

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

- (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 sub clause mitigates the limitations or conditions imposed by any other regulation or traffic sign relating to the parking or stopping of vehicles.

### **PART 5—METERED ZONES**

#### **Fees in metered zones**

5.1 (1) A person must not stop or park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

(2) The payment of the fee referred to in sub-clause (1) entitles a person to stop or park a vehicle in a metered space for the period shown on a sign referable to the space, but does not authorise the parking of the vehicle during any time when stopping or parking in that space is prohibited under this local law or the sign on the parking meter referable to the metered space.

5.2 Unless authorised by the local government a person must not leave or permit a vehicle to remain stopping or parked in a metered space—

- (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired', a negative time or a series of red flashing lights;
- (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted; or
- (c) if the parking meter is hooded with a covering bearing the words "No Parking", "Reserved Parking", "Temporary Bus Stop" or with an equivalent symbol depicting one of these purposes.

#### **Parking position in metered space**

5.3 (1) A person must not stop or park a vehicle in a metered space other than—

- (a) parallel to the kerb;
- (b) as close to the kerb as practicable;
- (c) wholly within the metered space; and
- (d) headed in the direction of the movement of traffic on the part of the road on which the space is situated.

(2) A person must not stop or park a vehicle in a metered space which is not parallel to a kerb other than wholly within the metered space.

#### **No parking within 1 hour**

5.4 A person who removes a vehicle from a metered zone must not stop or park that vehicle in that metered zone for at least 1 hour after the removal.

### **PART 6—TICKET MACHINE ZONES**

#### **Fees in ticket machine zones**

6.1 (1) A person must not stop or park a vehicle in a ticket machine zone unless the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone is inserted into the ticket issuing machine.

(2) The payment of the fee referred to in sub-clause (1) entitles a person to stop or park a vehicle in a ticket machine zone for the period shown on the parking ticket, but does not authorise the stopping or parking of the vehicle in a space during any time when stopping or parking in that zone is prohibited—

- (a) under this local law;
- (b) by the sign on the ticket issuing machine referable to the zone; or
- (c) by a sign referable to that space.

#### **Display of parking tickets and parking limits**

6.2 (1) A person must not stop or park a vehicle in a ticket machine zone during the period stated on the ticket issuing machine referable to the zone during which stopping or parking is permitted upon the purchase of a parking ticket (the "permitted period") unless—

- (a) an unexpired parking ticket issued by a ticket issuing machine in that ticket machine zone; and
- (b) the date and time of issue or expiry, as the case may be, and the number (if any) of the ticket printed on the ticket, are properly displayed.

(2) Where more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of the aggregate of those periods providing that the aggregate does not exceed the permitted period.

#### **Parking limits**

6.3 A person shall not stop or park a vehicle in a ticket machine zone—

- (a) except during the period stated on signs referable to the zone during which stopping or parking is permitted; and
- (b) for longer than the maximum period stated on the ticket issuing machine in the zone during which the continuous parking of a vehicle in the zone is permitted.

#### **Parking position in ticket machine zones**

6.4 (1) A person must not stop or park a vehicle in a ticket machine zone that has parking bays parallel to a kerb other than—

- (a) parallel to the kerb;
- (b) as close to the kerb as practicable;
- (c) wholly within a parking bay; and

- (d) headed in the direction of the movement of traffic on the part of the road on which the parking bay is situated.
- (2) A person must not stop or park a vehicle in a ticket machine zone that does not have parking bays parallel to a kerb, other than wholly within a parking bay.

## **PART 7—PARKING STATIONS**

### **Restrictions on entering a parking station**

7.1 A person must not enter a parking station without first obtaining the authorisation of an authorised person if one is on duty or an entrance ticket or a parking ticket unless that person is—

- (a) employed at the parking station and is in the course of his or her duties;
- (b) a police officer and is in the course of his or her duties; or
- (c) the driver of or a passenger in a vehicle stopping or parked in that station.

### **Stopping or parking in a parking station**

7.2 A person must not stop or park a vehicle in—

- (a) an attended parking station, unless the appropriate fee as indicated by a sign is paid when demanded; or
- (b) a parking station with a ticket issuing machine, unless the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine and the person complies with the relevant provisions of Part 6 of this local law; or
- (c) a parking station with a fee collection machine, unless the appropriate fee as indicated by a sign is inserted into the machine and the ticket is validated immediately prior to departure.

### **No entrance ticket**

7.3 Where no entrance ticket is produced by the driver of a vehicle which is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station.

### **Removal of vehicles**

7.4 (1) A person must not remove a vehicle which has been stopping or parked in a parking station until—

- (a) that person or another person has paid the appropriate fee for the period for which the vehicle has been stopping or parked; or
- (b) the local government has issued a notice stating the fee and that the stated fee must be paid within the time specified in the notice.

(2) A person who receives a notice under paragraph (1)(b) must pay the fee within 3 working days from the time of issue of the notice.

### **Maximum parking period in parking stations**

7.5 Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a person must not stop or park a vehicle for a period exceeding the maximum time permitted, unless the vehicle has first been removed from that parking station for at least 1 hour.

### **Parking restrictions for vehicles with multiple occupants**

7.6 (1) The Council in respect of any local government parking station and in respect of any period or time may, by the use of a sign, set aside any parking station where entry is prohibited by vehicles other than vehicles carrying in addition to the driver at least one other person.

(2) A person must not stop or park a vehicle in any parking station which has been set aside under subclause (1) at the times or within the period specified under subclause (1) unless the vehicle is carrying at least one other person.

(3) A person must not enter any parking station which has been set aside under sub-clause (1) at the times or within the period specified under sub-clause (1) unless that person is the driver of or passenger in a vehicle carrying at least one other person.

(4) The fee payable, and the manner of payment, for the parking of a vehicle in any parking station which has been set aside under sub clause (1) and the manner of payment may be determined by Council from time to time in accordance with the Act.

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

(2) The local government is not responsible for any loss of or damage to a vehicle or its accessories or contents or for any other loss, claim or liability as a result of any action taken under sub-clause (1).

### **Councillor parking permit**

7.8 (1) The local government may issue to any member of the Council a councillor parking permit and may vary or revoke a permit at any time.

(2) The holder of a councillor parking permit is exempt from those clauses of this local law specified in the permit.

(3) The exemption conferred by sub-clause (2) applies only—

- (a) if the councillor parking permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be properly displayed;

- (b) if the councillor parking permit is valid; and
  - (c) if the holder of the councillor parking permit is carrying out his or her duties or performing his or her functions as a member of the Council.
- (4) A councillor parking permit ceases to be valid—
- (a) when the holder of the permit ceases to be a member of the Council;
  - (b) after the expiry date specified in the permit; or
  - (c) when revoked by the local government.

## PART 8—RESIDENTIAL AND VISITOR PARKING PERMITS

### Interpretation

8.1 In this part unless the context otherwise requires—

“**dwelling unit**” means a building or part of a building used for self-contained living quarters;

“**eligible person**” means a single house occupier, a single house owner, a unit occupier or a unit owner;

“**parking permit**” means a residential parking permit and a visitor parking permit issued by the Council pursuant to clause 8.3

“**residential unit**” means a dwelling unit in a building which is adjacent to a part of a road whereon the standing of vehicles is prohibited for more than a period specified by a sign referable thereto which is adjacent to a metered space and which contains—

- (a) two or more dwelling units; or
- (b) in addition to the dwelling unit, one or more non-residential uses;

“**single house**” means a dwelling unit constructed on its own lot and used for self contained living quarters and which is adjacent to a part of a road whereon the standing of vehicles is prohibited for more than a period specified by a sign referable thereto or which is adjacent to a metered space;

“**unit occupier**” means a person who is an occupier of a residential unit but does not include a unit owner.

“**unit owner**” means a person who is an owner and occupier of a residential unit.

### Conditions of exemption for residential parking permits and visitors parking permits

8.2 (1) Where the stopping or parking of a vehicle on any part of a road within the district, whether such part be marked as a parking stall or not is prohibited for more than a specified time, the holder of a Residential Parking Permit is exempted from such prohibition, and the driver of a vehicle who is visiting a dwelling the occupant of which is the holder of a Visitor's Parking Permit is exempted from such prohibition, provided that such exemption shall apply only—

- (a) to the road, roads or parking station specified in the permit, but excluding areas of road adjacent to retail premises or other public facilities, where parking of all classes of vehicles are subject to time restrictions;
- (b) if such Residential Parking Permit or Visitor's Parking Permit is properly displayed;
- (c) if the period in respect of which the permit was issued has not expired; and
- (d) if the holder of the permit at the time of stopping or parking such vehicle still resides in the premises in respect of which the permit was granted.

(2) The exemption conferred by subclause (1) hereof shall not apply during any period in which the standing of vehicles is prohibited in the road or the part of a road specified in the residential parking permit.

### Issue of permits

8.3 The local government may upon the written application of an eligible person and upon payment of the fee referred to in clause 8.11 issue a parking permit.

### Restrictions on issue of permits to single house occupiers

8.4 Subject to clause 8.5—

- (1) The local government shall not issue more than two residential parking permits or two visitor parking permits to any single house occupier where the single house is situated on land having no provision for parking.
- (2) The local government shall not issue more than one residential parking permit or one visitor parking permit to any single house occupier where the single house is situated on land which has provision of parking of one vehicle only.
- (3) The local government shall not issue a residential parking permit or a visitor parking permit to any single house occupier where the single house is situated on land having provision for parking of two or more vehicles;

### Restrictions on issue of permits to unit owners

8.5 (1) Where no parking is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue more than two residential parking permits or two visitor parking permits to the unit owner;

(2) Where parking for one vehicle only is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue more than one residential parking permit or one visitor parking permit to the unit owner;

(3) Where parking for two or more vehicles is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue a residential parking permit or a visitor parking permit to the unit owner.

#### **Restrictions on issue of permits to unit occupiers**

8.6 (1) Where no parking is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue more than two residential parking permits or two visitor parking permits to the unit occupier;

(2) Where parking for one vehicle only is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue more than one residential parking permit or one visitor parking permit to the unit occupier;

(3) Where parking for two or more vehicles is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue a residential parking permit or a visitor parking permit to the unit occupier.

#### **Restrictions on Number of Permits**

8.7 The local government shall not issue more than two residential parking permits or two visitor parking permits in respect of any single house or residential unit.

#### **Validity of Permit**

8.8(1) A residential parking permit or visitor parking permit shall cease to be valid—

- (a) upon the expiry of a period of 12 months from and including the date on which it is issued; or
- (b) upon the holder of such permit ceasing to be an eligible person; or
- (c) where the permit is revoked in accordance with clause 8.9;

(2) The holder of a residential parking permit or visitor parking permit shall forthwith upon such permit ceasing to be valid remove such permit from the vehicle in which it is properly displayed.

#### **Revocation of parking permits**

8.9 Where the local government is satisfied that a parking permit is not being used in accordance with Part 8 of this local law, the local government may revoke a permit—

- (a) The local government may give a person to whom a permit has been issued in accordance with clause 8.3 of this local law a notice—
  - (i) indicating that the permit may be revoked;
  - (ii) explaining the reason why the permit may be revoked; and
  - (iii) requiring the person to notify the local government within 14 days, of any reason why the permit should not be revoked.
- (b) After the expiry of 14 days from the date of service of the notice referred to in subclause 8.9(a) on the person to whom the permit has been issued, whether or not a response has been received, the local government may revoke the permit.
- (c) Where the local government revokes a permit, it is to notify the person that the permit has been revoked.
- (d) A holder of a permit which is revoked by the local government shall forthwith remove such permit from the vehicle to which it is affixed and shall forthwith return such permit to the local government.

#### **Removal of residential or visitor parking permit from vehicle**

8.10 A holder of a residential parking permit or visitor parking permit who changes their place of residence or changes their vehicle, which is subject to a residential parking permit or visitor parking permit, shall forthwith remove such permit from the vehicle to which it is affixed and shall forthwith return such permit to the local government.

#### **Fees for residential parking permit and visitor's parking permits**

8.11 Fees payable for residential parking permits and visitor's parking permits shall be set by Council from time to time in accordance with the Act.

### **PART 9—MISCELLANEOUS**

#### **Authorised person—certificate of appointment**

9.1 An authorised person shall be issued a certificate of his or her appointment in the form determined by the local government.

#### **Authorised persons**

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

#### **Necessary power**

9.3 An authorised person has all necessary power for the purpose of performing all duties vested in or imposed on him or her by the Act and this local law.



**Impersonating an authorised person**

9.4 A person who is not an authorised person must not impersonate an authorised person.

**Obstructing of an authorised person**

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

**Removal of notices**

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

**Display of signs**

9.7 A person must not without the authorisation of the Council—

- (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 by the local government under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to or paint or write on any part of a sign, parking meter, ticket issuing machine or fee collecting machine.

**Use of parking tickets**

9.8 A person must not—

- (a) park a vehicle in a parking facility which requires a parking ticket if there is displayed in that vehicle so as to be visible from outside the vehicle a parking ticket which has been altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking ticket which has been defaced, altered, added to, erased, obliterated or interfered with.

9.9 (1) An authorised person may in a parking area, parking stall or parking facility—

- (a) mark the tyres of a vehicle with chalk or any other non-indelible substance;
- (b) record the position of a vehicle;
- (c) take a valve stem reading of a vehicle; or
- (d) record vehicle details and vehicle registration numbers;

for a purpose connected with his or her duties or powers.

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

**Exemption when complying with directions**

9.10 A person who complies with a direction given by a police officer or an authorised person does not commit an offence against this local law while complying with that direction.

**Sign presumed to have been established by the local government**

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

**Power of an authorised person**

9.12 An authorised person is hereby authorised by the local government to—

- (a) carry into effect the provisions of this local law;
- (b) report to the local government on the working effectiveness and functioning of this local law;
- (c) make inquiries and investigations concerning any alleged, purported or actual offences against any of the provisions of this local law, with power to interview, question and obtain particulars from person(s) wheresoever living in respect of offences and suspected offences within the parking region;
- (d) recommend to the local government the institution of prosecutions; and
- (e) institute and conduct prosecutions as directed by the local government or the Chief Executive Officer, from time to time.

**Special purpose and emergency vehicles**

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

**PART 10—PARKING POLICY****Policy**

10.1 The Council may make a policy in accordance with clause 10.2 in specifying—

- (a) any matter which may be the subject of a Council resolution under this local law; and
- (b) any matter ancillary or necessary to give effect to a policy.

**Procedure for making a policy**

- 10.2 (1) The local government is to give local public notice of its intention to make the parking policy.
- (2) The local public notice referred to in sub-clause (1) is to state that—
- (a) the local government intends to make a parking policy, the purpose and effect of which is summarised in the notice;
  - (b) a copy of the proposed parking policy may be inspected and obtained from the offices of the local government; and
  - (c) submissions in writing about the proposed parking policy may be lodged with the local government within 14 days after the day of publication.
- (3) If no submissions are received in accordance with paragraph (2)(c), the Council is to decide to—
- (a) give local public notice that the proposed parking policy has effect as a policy on and from the date of publication;
  - (b) amend the proposed parking policy, in which case sub-clause (5) will apply; or
  - (c) not continue with the proposed parking policy.
- (4) If submissions are received in accordance with paragraph (2)(c), the Council is to—
- (a) consider those submissions; and
  - (b) decide—
    - (i) whether or not to amend the proposed parking policy; or
    - (ii) not to continue with the proposed parking policy.
- (5) If the Council decides to amend the proposed parking policy, it is to give local public notice—
- (a) of the effect of the amendments; and
  - (b) that the proposed policy has effect as a policy on and from the date of publication.
- (6) If the Council decides not to amend the proposed parking policy, it is to give local public notice that the proposed parking policy has effect as a policy on and from the date of publication.
- (7) A proposed policy is to have effect as a policy on and from the date of publication of the local public notice referred to in sub-clauses (3), (5) and (6).
- (8) A decision under sub-clauses (3) or (4) is not to be delegated by the Council.

**Register of the parking policy**

- 10.3 (1) The local government is to keep a register of the parking policy made under clause 10.1 and of any amendments to or revocations of the parking policy made under clause 10.4.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in sub-clause (1) and for that purpose, the register is to be taken to be information within section 5.94(u)(i) of the Act.

**Amendment or revocation of the parking policy**

- 10.4 (1) The Council may amend or revoke the parking policy.
- (2) The provisions of section 10.2 are to apply to an amendment of the parking policy as if the amendment were a proposed parking policy.
- (3) If the Council revokes the parking policy it is to give local public notice of the revocation and the parking policy is to cease to have effect on the date of publication.

**PART 11—OFFENCES AND PENALTIES****Offences**

- 11.1 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is 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.
- (3) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

**Infringement and infringement withdrawal notices**

- 11.2 For the purposes of this local law—
- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the First Schedule of the local government (Functions and General) Regulations 1996; and
  - (b) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the local government (Functions and General) Regulations 1996; and
  - (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the local government (Functions and General) Regulations 1996.

**Modified penalty**

- 11.3 (1) Subject to sub clauses 11.3(3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the modified penalty payable for the particular offence.

(2) The amount appearing in the final column of the table in the First Schedule directly opposite an offence described in the Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.

(3) If it appears to the local government that an alleged offence cannot be adequately punished by the payment of the modified penalty then the local government may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.

(4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign—

- (a) the amount of the modified penalty shall be the amount referred to in clause 11.3(2) where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
- (b) the amount of the modified penalty shall again be payable in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500.00 on the amount of modified penalties payable for each offence.

### Court proceedings

11.4 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

### Records

11.5 The local government must keep adequate records of all infringement notices served and modified penalties received.

### Transitional provisions

11.6 The second schedule to this local law, which contains transitional provisions, has effect.

#### *First Schedule* [Modified Penalties]

ITEM OFFENCE No.	CLAUSES	MODIFIED PENALTY
1	3.5;	<b>\$120.00</b>
2	3.3(1)(b); 3.3(2)(a); 3.3(4), 3.3(5), 3.3(8); 3.4(1), 3.4(2); 3.9(1); 3.9(2)(a), 3.9(2)(b); 3.11; 3.12; 3.15; 3.16(4)(a); 3.16(4)(b); 3.16(4)(c); 3.17; 3.18; 3.19; 3.20(1); 3.20(2); 3.21; 4.1(e); 4.3(b); 4.3(c); 4.3(d); 4.4(3)(a), 4.4(3)(b), 4.4(3)(c), 4.4(3)(d); 4.4(3)(d)(i), 4.4(3)(d)(ii), 4.4(3)(e); 4.4(3)(f); 4.4(3)(g); 4.4(3)(h); 4.5(1); 4.6(1)(c); 4.8(1)(a); 4.8(1)(b); 4.8(1)(c); 4.8(1)(d); 4.8(2)(a); 4.8(2)(b); 4.11; 4.12; 4.13(a); 4.13(b); 4.16(1)(a); 4.16(1)(b); 7.1; 7.2(1)(a); 7.2(1)(c); 7.4(1)(a); 7.4(1)(b); 8.8(2); 8.9(d); 8.10; 9.5; 9.6; 9.7(a); 9.7(b); 9.7(c); 9.8(a); 9.8(b); 9.9(2).	<b>\$60.00</b>
3	3.3(3); 3.8(1)(a); 3.8(1)(b); 3.8(2); 4.2(a); 4.2(b); 4.3(a); 4.7(a); 4.7(b); 4.10; 4.14(8); 5.2(c); 6.2; 7.6(2); 7.6(3).	<b>\$50.00</b>
4	3.3(9); 5.1(1); 5.1(2); 5.2(a); 5.2(b); 5.3(a); 5.3(b); 5.3(c); 5.3(d); 5.3(2); 5.4; 7.5	<b>\$30.00</b>
5	Any other clauses	<b>\$30.00</b>

#### *Second Schedule* TRANSITIONAL PROVISIONS

### Interpretation

1. In this Schedule, unless the context otherwise requires—

“**local law**” refers to the local law relating to City of Bunbury Parking and Parking Facilities Local Law to which this Second Schedule is attached.

“**permit**” includes a permit granted by the City of Bunbury under the repealed local law.

“**infringement**” includes an infringement issued by the City of Bunbury under the repealed local law.

“**approval**” means any Approval, Licence, Consent Order or other permission issued by the City of Bunbury permitting any activity, conduct or recreation upon any land or area within the District of the City of Bunbury.

**“prohibition”** includes any ban, barring order, prohibition or regulation of any activity, conduct or recreation upon any land or part thereof located within the District of the City of Bunbury.

**“the repealed local laws”** means the repealed City of Bunbury local laws stated in clause 1.4 of this local law.

2. This Schedule does not limit the operation of the Interpretation Act, 1984.

3. Any reference, whether express or implied or having effect as such a reference, in any written Law or document to any provision of the repealed local laws shall be construed as a reference to this local law or, as the case may be, to the specific corresponding provisions of this local law.

4. Any Notice given or thing done, or having effect as being made, given or done under a provision of the repealed local laws which corresponds to a provision of this local law shall have effect as if it had been made, given or done under the corresponding provision of this local law.

5. Any Licence, permit approval or consent given by the local government under the repealed local laws corresponding to a type of consent approval or permission under this local law, shall if in force immediately before the date of gazettal of this local law be deemed converted into an approval consent or permission under this local law by operation of this Schedule.

6. Any infringement issued under the repealed local laws shall be dealt with in the same manner as if it were an infringement issued under the corresponding provisions of this local law.

7. A conviction imposed by any competent Court under the repealed local laws shall for the purposes of this local law—

- a. be treated as though it had been imposed, made or ordered under this local law where a provision of this local law corresponds with a provision of the repealed local laws concerned; and
- b. be taken into account for the purposes of assessing appropriate penalty.

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Dated: 30 May 2005.

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

D. L. SMITH, Mayor.  
G. K. TREVASKIS, Chief Executive Officer.



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