



**WESTERN  
AUSTRALIAN  
GOVERNMENT**  
**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



**PERTH, THURSDAY, 11 OCTOBER 2012 No. 179 SPECIAL**

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

© STATE OF WESTERN AUSTRALIA

# **CITY OF NEDLANDS**

---

LOCAL GOVERNMENT ACT 1995

## **PARKING AND PARKING FACILITIES LOCAL LAW 2012**

---

DOG ACT 1976

## **DOGS LOCAL LAW 2012**



**LOCAL GOVERNMENT ACT 1995**

## CITY OF NEDLANDS

**PARKING AND PARKING FACILITIES LOCAL LAW 2012**

## ARRANGEMENT

**PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Purpose and effect
- 1.3 Commencement
- 1.4 Repeal
- 1.5 Application
- 1.6 Interpretation
- 1.7 Classes of vehicles
- 1.8 Powers of the local government
- 1.9 Determination of fees, charges and costs

**PART 2—SIGNS**

- 2.1 Erection of signs
- 2.2 Compliance with signs
- 2.3 Unauthorised signs and defacing of signs
- 2.4 General provisions about signs
- 2.5 Application of this local law to pre-existing signs and private properties
- 2.6 Part of thoroughfare to which sign applies

**PART 3—PARKING STALLS AND PARKING STATIONS**

- 3.1 Determination of parking stalls and parking stations
- 3.2 Vehicles to be within parking stalls on thoroughfares
- 3.3 Parking prohibitions and restrictions

**PART 4—PARKING GENERALLY**

- 4.1 Interpretation
- 4.2 Restrictions on parking in particular areas
- 4.3 Parking vehicle on a carriageway
- 4.4 When parallel and right-angled parking apply
- 4.5 When angle parking applies
- 4.6 General prohibitions on parking
- 4.7 Authorised person may order vehicle on thoroughfare to be moved
- 4.8 No movement of vehicles to avoid time limitation
- 4.9 No parking of vehicles exposed for sale and in other circumstances
- 4.10 Parking on private land
- 4.11 Parking on reserves
- 4.12 Suspension of parking limitations for urgent, essential or official duties
- 4.13 Parking in a parking station
- 4.14 Event parking

**PART 5—PARKING AND STOPPING***Division 1—Parking and stopping generally*

- 5.1 “No stopping” and “no parking” signs, and yellow edge lines

*Division 2—Stopping in zones for particular vehicles*

- 5.2 Stopping in a loading zone
- 5.3 Stopping in a taxi or bus zone
- 5.4 Stopping in a mail zone
- 5.5 Other limitations in zones

*Division 3—Other places where stopping is restricted*

- 5.6 Stopping in a shared zone
- 5.7 Double parking
- 5.8 Stopping near an obstruction
- 5.9 Stopping on a bridge or in a tunnel, etc.
- 5.10 Stopping on crests, curves, etc.
- 5.11 Stopping near a fire hydrant, etc.
- 5.12 Stopping at or near a bus stop
- 5.13 Stopping on a path, median strip, or traffic island
- 5.14 Stopping on a verge/nature strip
- 5.15 Obstructing access to and from a path, driveway, etc.
- 5.16 Stopping near a public letter box
- 5.17 Stopping on a carriageway—heavy and long vehicles
- 5.18 Stopping on a carriageway with a bicycle parking sign
- 5.19 Stopping on a carriageway with a motor cycle parking sign
- 5.20 Motor cycle stalls

**PART 6—PARKING PERMITS**

- 6.1 Interpretation

*Division 1—Residential parking permits*

- 6.2 Exemption for permit holders
- 6.3 Issue of permits
- 6.4 Discretionary authority
- 6.5 Validity of permit
- 6.6 Revocation of a permit
- 6.7 Removal of a permit from a vehicle
- 6.8 Replacement of permit
- 6.9 Display of residential parking permits or visitor parking permits

*Division 2—Parking facility permits*

- 6.10 Permits in parking facilities

**PART 7—MISCELLANEOUS**

- 7.1 Authorised persons
- 7.2 Necessary power
- 7.3 Authorised person to be obeyed
- 7.4 Persons may be directed to leave local government property
- 7.5 Marking of tyres
- 7.6 Removal of notices on a vehicle
- 7.7 Special purpose and emergency vehicles
- 7.8 Vehicles not to obstruct a public place or thoroughfare
- 7.9 Causing or attempting to cause damage to Council property
- 7.10 Interfere with or damage to detection devices
- 7.11 Local government may lock parking stations

**PART 8—OBJECTIONS AND REVIEW**

- 8.1 Objections and review

**PART 9—PENALTIES**

- 9.1 Offences and penalties
- 9.2 Modified Penalties
- 9.3 Form of notices

**SCHEDULES**

- Schedule 1—Parking region
- Schedule 2—Prescribed offences
- Schedule 3—Notice to vehicle owner
- Schedule 4—Infringement notice

## LOCAL GOVERNMENT ACT 1995

## CITY OF NEDLANDS

## PARKING AND PARKING FACILITIES LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling the local government, the City of Nedlands resolved on 28 August 2012 to adopt the following local law by an absolute majority resolution.

## PART 1—PRELIMINARY

**1.1 Citation**

This local law may be cited as the *City of Nedlands Parking and Parking Facilities Local Law 2012*.

**1.2 Purpose and effect**

(1) The purpose of this local law is to make provisions about the regulation of parking or stopping of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

(2) The effect of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

**1.3 Commencement**

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

**1.4 Repeal**

The *City of Nedlands Local Law Relating to Parking and Parking Facilities* published in the *Government Gazette* on 8 May 2002 is repealed.

**1.5 Application**

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

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

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

(4) The provisions of Parts 2 and 3 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

**1.6 Interpretation**

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

**ACROD sticker** has the meaning given to it by the *Local Government (Parking for Disabled Persons) Regulations 1988*;

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

**AS** means an Australian Standard published by Standards Australia;

**AS 1742.11:1999** means the standard published by Standards Australia as AS 1742.11:1999 and called “Manual of uniform traffic control devices-parking controls”, as amended from time to time;

**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;

**authorised vehicle** means a vehicle authorised by the local government, the Chief Executive Officer or an authorised person or by any written law to park on a thoroughfare or parking facility;

**bicycle** has the meaning given to it by the Code;

**bicycle path** has the meaning given to it by the Code;

**bus** has the meaning given to it by the Code;

**bus embayment** has the meaning given to it by the Code;

- bus stop** has the meaning given to it by the Code;
- bus zone** has the meaning given to it by the Code;
- caravan** means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self propulsion;
- carriageway** means a portion of a thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a thoroughfare 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 a series of lines, marks or other indications—
- (a) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or
  - (b) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;
- CEO** means the Chief Executive Officer of the local government;
- children's crossing** has the meaning given to it by the Code;
- Code** means the *Road Traffic Code 2000*;
- commercial vehicle** means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to;
- detection device** means an electronic device placed in any position to detect or record the parking time of a vehicle on any road, parking facility or other public place and includes any instruments, display panels or transmitting apparatus associated with the device;
- driveway** means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of providing access and egress to and from that property, whether or not the property is accessible via that driveway and does not include a footpath. "crossover" shall have a corresponding meaning;
- district** means the district of the local government;
- driver** means any person driving or in control of a vehicle;
- edge line** for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;
- emergency vehicle** has the meaning given to it by the Code;
- fire hydrant** means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of fire or other emergency and "fire plug" shall have a corresponding meaning;
- footpath** has the meaning given to it by the Code;
- General Regulations** mean the *Local Government (Functions and General) Regulations 1996*;
- GVM** (which stands for "gross vehicle mass") has the meaning given to it by the Code;
- kerb** means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;
- loading zone** means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked "Loading Zone";
- local government** means the City of Nedlands;
- mail zone** has the meaning given to it by the Code;
- median strip** has the meaning given to it by the Code;
- motor cycle** has the meaning given to it by the Code;
- motor vehicle** means a self-propelled vehicle that is not operated on rails, and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle but does not include a power-assisted pedal cycle;
- no parking area** means a portion of a carriageway to which a "no parking" sign applies or an area to which a "no parking" sign applies;
- no parking sign** means a sign with the words "no parking" in red letters on a white background, or the letter "P" within a red annulus and a red diagonal line across it on a white background;
- no stopping area** means a portion of a carriageway to which a "no stopping" sign applies or an area to which a "no stopping" sign applies;
- no stopping sign** means a sign with the words "no stopping" or "no standing" in red letters on a white background or the letter "S" within a red annulus and a red diagonal line across it on a white background;
- obstruct** means to prevent or impede or to make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian and "obstruction" and "obstructing" shall have a corresponding meaning;
- occupier** has the meaning given to it by the Act;

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

**park** in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (maximum of 2 minutes);

**parking area** means a portion of a carriageway to which a “permissive parking” sign applies or an area to which a permissive parking sign applies;

**parking facilities** includes land, buildings, shelters, road reserves, parking areas, parking bays, parking stations, parking stalls and other facilities open to the public generally for the parking of vehicles whether or not a fee is charged, and includes any signs, notices and facilities used in connection with the parking of vehicles;

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

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

**parking station** means any land, or structure provided for the purpose of accommodating vehicles;

**pedestrian crossing** has the meaning given to it by the Code;

**permit** means a permit issued under this local law;

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

**reserve** means any land—

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

**right of way** means a portion of land that is—

- (a) shown and marked “*Right of Way*” or “*ROW*” or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a “right of way” and vested in the Crown under section 152 of the *Planning and Development Act 2005*; and
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include—
  - (i) private driveways; and
  - (ii) a “right of way” created by a deed of easement between two or more parties;

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

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

**shared zone** has the meaning given to it by the Code;

**sign** includes a traffic sign, inscription, road marking, mark, structure or device on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking or stopping of vehicles;

**special purpose vehicle** has the meaning given to it by the Code;

**stop** in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

**symbol** includes, but is not limited to, any symbol specified by AS 1742.11: 1999 and any symbol specified from time-to-time by Standards Australia for use in the regulation of parking;

**taxi** means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

**taxi zone** has the meaning given to it by the Code;

**thoroughfare** has the meaning given to it by the Act;

**traffic island** has the meaning given to it by the Code;

**trailer** means any vehicle without motive 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;

**unattended** in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle;

**vehicle** has the meaning given to it by the Road Traffic Act;

**verge** means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath and can also be referred to as a nature strip;

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

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

(4) A reference to a parking station includes a reference to part of the parking station.

(5) Unless the context otherwise requires, where a term is used but not defined in this local law and—  
(a) it is defined in the Act, it shall have the meaning given to it in the Act; and  
(b) it is defined in the Road Traffic Act or in the Code, it shall have the meaning given to it in the Road Traffic Act or the Code.

### 1.7 Classes of vehicles

For the purpose of this local law, vehicles are divided into the following classes—

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

### 1.8 Powers of the local government

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

### 1.9 Determination of fees, charges and costs

All fees, charges and costs referred to in this local law shall be determined and imposed by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

## PART 2—SIGNS

### 2.1 Erection of signs

The local government may erect a sign for the purposes of this local law on any land, building or other structure within the parking region.

### 2.2 Compliance with signs

(1) A person shall comply with the direction on every sign displayed, marked, placed or erected pursuant to this local law.

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

### 2.3 Unauthorised signs and defacing of signs

A person shall not without the approval of the local government—

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

### 2.4 General provisions about signs

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

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

(3) For the purpose of this local law, the local government may use AS 1742.11: 1999 as a guide for the development or marking of signs, but is not bound to do so and, where it does use it as a guide may vary any of the provisions of AS 1742.11: 1999 as it sees fit.



**2.5 Application of this local law to pre-existing signs and private properties**

(1) A sign that—

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

(2) A sign that was erected on a private property prior to the coming into operation of this local law, and that states or stated to the effect that there was no unauthorised parking and that the local law repealed under clause 1.4 (the “repealed local law”) applied to the private property, shall be deemed for the purposes of this local law to have been erected under the authority of this local law and to refer to this local law instead of the repealed local law.

(3) An inscription or symbol on a sign referred to in subclause (1) or (2) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

**2.6 Part of thoroughfare to which sign applies**

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

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

**PART 3—PARKING STALLS AND PARKING STATIONS****3.1 Determination of parking stalls and parking stations**

The local government may constitute, determine and vary and also indicate by signs—

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

**3.2 Vehicles to be within parking stalls on thoroughfares**

(1) Subject to subclauses (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—

- (a) parallel to and as close to the kerb as is practicable;
- (b) wholly within the stall; and
- (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.

(2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

(3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.

(4) A person shall not park a vehicle partly within and partly outside a parking area.

**3.3 Parking prohibitions and restrictions**

(1) A person shall not—

- (a) stop or park a vehicle in a parking station so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking station;
- (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking station if an authorised person directs the driver of such vehicle to move the vehicle from such part or from the parking station; or
- (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked “M/C”, if the bicycle is parked in accordance with subclause (2).

(2) No person shall park any bicycle—

- (a) in a parking stall other than in a stall marked “M/C”; and
- (b) in such stall other than against the kerb, unless it is parked at a bicycle rail or in a bicycle rack.

(4) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a parking facility (except in a parking area for people with disabilities) for twice the period of time permitted by the sign, provided that—

- (a) the driver's vehicle displays a valid ACROD sticker; and
- (b) person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

## PART 4—PARKING GENERALLY

### 4.1 Interpretation

In this Part, unless the context otherwise requires—

**continuous dividing line** under clause 4.3 means—

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) two parallel continuous dividing lines.

**driver** means a driver where—

- (a) the driver's vehicle displays a valid ACROD sticker; and
- (b) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle under clause 4.2.

**event** means any event or occurrence considered by the local government likely to attract a substantial number of persons driving vehicles referred to in clause 4.14.

**land** does not include land under clause 4.10—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*;
- (c) which is an “otherwise unvested facility” within section 3.53 of the *Act*; or
- (d) which is the subject of an agreement referred to in clause 1.5(2).

### 4.2 Restrictions on parking in particular areas

(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

- (a) if by a sign it is set apart for the parking of vehicles of a different class;
- (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
- (c) during any period when the parking of vehicles is prohibited by a sign.

(2) A driver may park a vehicle in a thoroughfare or part of a thoroughfare or part of a parking station, except in a thoroughfare or part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period of time permitted by a sign referable to the thoroughfare or the part of the thoroughfare or the part of the parking station.

(3) A person shall not park a vehicle—

- (a) in a no parking area;
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law; or
- (c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C”.

(5) A person shall not, without the prior permission of the local government or an authorised person park a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.

### 4.3 Parking vehicle on a carriageway

(1) A person parking a vehicle on a carriageway other than in a parking stall shall park it—

- (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 thoroughfare on which the vehicle is 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 that carriageway;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous dividing line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that the front and the rear of the vehicle respectively are not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated by a sign.

#### 4.4 When parallel and right-angled parking apply

Where a sign associated with a parking area is not inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is—

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

#### 4.5 When angle parking applies

(1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

#### 4.6 General prohibitions on parking

(1) This clause does not apply to a vehicle parked in a parking stall.

(2) Subclauses (3) (b) and (d) do not apply to a vehicle which parks in a bus embayment.

(3) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (c) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (d) between the boundaries of a carriageway and any single continuous line or 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 single or double longitudinal line;
- (e) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (f) within 3 metres of a public letter box, unless the vehicle is being used for the purposes of collecting postal articles from the letter box; or
- (g) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked, unless a sign indicates otherwise.

(4) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of a children’s crossing or pedestrian crossing.

(5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a children’s crossing or pedestrian crossing.

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

#### 4.7 Authorised person may order vehicle on thoroughfare to be moved

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

#### 4.8 No movement of vehicles to avoid time limitation

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

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

(3) Where parking in a thoroughfare is restricted as to time and a vehicle has been parked in that thoroughfare a person shall not park that vehicle again in that thoroughfare unless there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked another thoroughfare that meets or intersects that thoroughfare.

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

A person shall not park a vehicle on any part of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or

- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

#### **4.10 Parking on private land**

- (1) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (2) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

#### **4.11 Parking on reserves**

No person other than an employee or approved contractor of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

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

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

#### **4.13 Parking in a parking station**

##### *(1) Fees payable for vehicles parking in parking stations—*

- (a) a fee payable for the parking of a vehicle and the period of application of the fee in a parking station may be determined and imposed by the local government; and
- (b) the local government shall not be obliged to accept payment of any fee referred to in this clause.

##### *(2) Parking positions for motor cycles*

A person shall not stop or park a motor cycle in a parking station unless—

- (a) wholly within a parking stall marked with the symbol “M/C” or otherwise designated as being set aside for the parking of motor cycles;
- (b) that person has paid to the local government the fee; and
- (c) during the period for which the fee is applicable.

##### *(3) Set aside parking stations for multiple occupants*

The local government in respect of any period or time may by the use of signs set aside any parking station or any part of a parking station and prohibit entry thereto by vehicles other than vehicles carrying at least one other person in addition to the driver.

##### *(4) Parking restrictions for vehicles with multiple occupants—*

- (a) the local government may determine and impose a fee payable for the parking of a vehicle in any parking station or part of a parking station at any time or for specified times;
- (b) a person shall not stop or park a vehicle in any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless the vehicle is carrying at least one other person; and
- (c) a person shall not enter any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless that person is the driver of or passenger in a vehicle carrying at least one other person.

#### **4.14 Event parking**

- (1) The local government may by the use of signs, set aside and impose restrictions for any period specified on the signs, any parking station, parking facility or other land owned or controlled by the local government for the parking of vehicles by persons attending an event.
- (2) A person shall not park or stop a vehicle in a parking station, parking facility or land owned or controlled by the local government set aside under subclause (1) during the period for which it is set aside unless a ticket purchased on entry to that parking station, parking facility or land with respect to the event is clearly visible to and readable by an authorised person from outside a vehicle.
- (3) A fee payable for event parking may be determined and imposed by the local government.

## **PART 5—PARKING AND STOPPING**

### *Division 1—Parking and stopping generally*

#### **5.1 “No stopping” and “no parking” signs, and yellow edge lines**

##### *(1) No stopping—*

- (a) a driver shall not stop on a part of a carriageway, or in an area, to which a “no stopping” sign applies.

(2) *No parking*—

A driver shall not stop on a part of a carriageway or in an area to which a “no parking” sign applies, unless the driver is—

- (a) dropping off, or picking up passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up of the passengers or goods within 2 minutes of stopping and drives on.

(3) *No stopping on a carriageway with yellow edge lines*—

- (a) a driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

*Division 2—Stopping in zones for particular vehicles*

**5.2 Stopping in a loading zone**

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

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

**5.3 Stopping in a taxi or bus zone**

(1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.

(2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the “bus zone” sign applying to the bus zone.

**5.4 Stopping in a mail zone**

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

**5.5 Other limitations in zones**

A person shall not stop a vehicle in a zone to which a sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a sign that applies to the zone.

*Division 3—Other places where stopping is restricted*

**5.6 Stopping in a shared zone**

A driver shall not stop in a shared zone unless—

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

**5.7 Double parking**

(1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.

(2) This clause does not apply to—

- (a) a driver stopped in traffic; or
- (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

**5.8 Stopping near an obstruction**

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

**5.9 Stopping on a bridge or in a tunnel, etc.**

(1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless—

- (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a sign does not prohibit stopping or parking; or
- (b) the driver stops at a place on a part of a carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place by the sign.

(2) A driver shall not stop a vehicle in a tunnel or underpass unless—

- (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or

- (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

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

(1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.

(2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area to which a sign applies and the driver is permitted to stop at that place by the sign.

#### **5.11 Stopping near a fire hydrant, etc.**

A driver shall not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

- (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
- (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.

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

(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—

- (a) the vehicle is a public bus stopped to take up or set down passengers; or
- (b) the driver stops at a place on a part of a carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place by the sign.

(2) In this clause—

- (a) distances are measured in the direction in which the driver is driving; and
- (b) a trailer attached to a public bus is deemed to be a part of the public bus.

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

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in an area, to which a sign applies and the driver is permitted to stop at that place by the sign.

#### **5.14 Stopping on a verge/nature strip**

(1) A person shall not—

- (a) stop a vehicle (other than a bicycle);
- (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
- (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge, so that any portion of it is on a verge.

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

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

(4) The owner or occupier of premises adjacent to a verge shall not charge a fee to authorise a person to stop on a verge in accordance with subclause (2) of this clause.

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

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

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

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

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

#### **5.16 Stopping near a public letter box**

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

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

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

Subject to any clause to the contrary or sign referable to the carriageway, 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 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

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

**5.18 Stopping on a carriageway with a bicycle parking sign**

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

**5.19 Stopping on a carriageway with a motor cycle parking sign**

The driver of a vehicle shall not stop on a part of a carriageway, or in an area to which a “motor cycle parking” sign applies, or an area marked “M/C” unless—

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

**5.20 Motor cycle stalls**

(1) A person shall not stop or park a vehicle other than a bicycle or a motor cycle to which no side car or side-box is attached in a parking stall—

- (a) marked with the symbol “M/C”; or
- (b) in which the parking of bicycles or motor cycles is permitted by a sign referable to that parking stall.

(2) A person shall not stop or park a bicycle or motor cycle in a parking stall marked with the symbol “M/C”—

- (a) for longer than the maximum period permitted for parking in that parking stall by a sign referable to that parking stall;
- (b) if there is no sign referable to that parking stall than for longer than the maximum period during which a vehicle may stop or be parked as specified on any sign referable to any parking stall adjacent thereto; or
- (c) otherwise than wholly within the stall.

**PART 6—PARKING PERMITS****6.1 Interpretation**

In this Part, unless the context otherwise requires—

**dwelling unit** means premises lawfully used for self contained living quarters;

**eligible person** where used in relation to an application for a—

- (a) residential parking permit means a single house occupier, a unit occupier or a unit owner;
- (b) visitor’s parking permit means—
  - (i) a single house occupier;
  - (ii) a strata company;
  - (iii) a unit owner of a residential unit which is not a strata lot;

**off street parking bay** means a parking bay on private property;

**residential parking permit** means a permit issued to a resident by the local government pursuant to clause 6.3(1);

**residential unit** means a dwelling unit which is part of a building adjacent to a part of a thoroughfare on which thoroughfare the stopping or parking of vehicles is prohibited for more than a specified period and which building contains—

- (a) two or more dwelling units with or without any non residential units;
- (b) one dwelling unit with one or more non residential units;

**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 on which the stopping or parking of vehicles is prohibited for more than a specified period;

**single house occupier** means an occupier of a single house;

**strata company** has the meaning given to it in the *Strata Titles Act 1985*;

**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 of a residential unit; and

**visitor parking permit** means a permit issued by the local government pursuant to clause 6.3(2).

*Division 1—Residential parking permits***6.2 Exemption for permit holders**

(1) Where on any part of a thoroughfare the stopping or parking of vehicles is prohibited by a sign for more than a specified period, the holder of a residential parking permit or a visitor parking permit is exempted from such prohibition;

(2) The exemption conferred by subclause (1) shall apply only—

- (a) to that part of a thoroughfare specified in the permit;
- (b) where the time restriction applicable to that part of the thoroughfare is for a period exceeding 30 minutes;
- (c) where the permit displayed is a residential parking permit to the vehicle specified in the residential parking permit;
- (d) if the permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read by an authorised person from outside the vehicle; and
- (e) if the permit is valid.

(3) The exemption conferred by subclause (1) shall not, unless specifically noted on the permit, apply during any period in which the stopping or parking of vehicles is prohibited in the thoroughfare or the part of the thoroughfare specified in the permit.

**6.3 Issue of permits**

(1) The local government may upon a written application of an eligible person issue a residential parking permit.

(2) The local government may upon a written application of an eligible person issue for the occasional use of visitors, a visitor parking permit.

(3) The local government's power to issue, replace and revoke permits under this Part may be exercised by an authorised officer.

(4) Notwithstanding any other provisions in this local law, the local government may approve the issue of a number of residential parking permits or visitor parking permits to any owner or occupier on such terms and conditions as the local government sees fit.

(5) The maximum number of residential parking permits and visitor parking permits that shall be issued by the local government in relation to a dwelling must comply with the following table—

Number of off street parking bays for the dwelling	Maximum number of Residential Parking Permits	Maximum number of Visitor Parking Permits
0	2	2
1	1	2
2	0	2
3	0	1
4 or more	0	0

(6) Fees payable for residential parking permits and visitor parking permits shall be set by the local government from time to time in accordance with the Act.

**6.4 Discretionary authority**

Notwithstanding any other provisions in this local law which restrict the number of residential parking permits or visitor parking permits that may be issued, the local government may approve the issue of one additional residential parking permit or one additional visitor parking permit to any occupier on such terms and conditions as the local government sees fit.

**6.5 Validity of permit**

Every residential parking permit or visitor parking permit as the case may be shall cease to be valid upon—

- (a) the expiry of a period of 12 months from and including the date on which it is issued;
- (b) the holder of the permit ceasing to be an eligible person;
- (c) the revocation of the permit by the local government pursuant to clause 6.6; and
- (d) the replacement of any permit by a new permit issued by the local government pursuant of clause 6.3.

**6.6 Revocation of a permit**

(1) The local government may at any time give an eligible person to whom a permit was issued pursuant to the provisions of this local law notice requiring that person to notify the local government of any reason why that permit should not be revoked.

(2) The local government shall give notice referred to in subclause (1) by serving a notice on the eligible person to whom the permit was issued.



(3) If within 7 days after the date of receipt of the notice referred to in subclause (2) the eligible person to whom the permit was issued—

- (a) fails to give the local government notice in writing of any reason why the permit should not be revoked; or
- (b) gives the local government notice in writing of any reasons why the permit should not be revoked; then the local government may in its absolute discretion revoke that permit.

(4) For the purpose of subclause (3) the date of receipt of the notice shall be the date the notice was served.

(5) The local government shall give notice of the revocation by serving a notice on the eligible person to whom the permit was issued.

#### **6.7 Removal of a permit from a vehicle**

The holder of a residential parking permit or visitor parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.

#### **6.8 Replacement of permit**

(1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential parking permit or visitor's parking permit which is lost, destroyed or stolen.

(2) The local government may determine and impose a fee for the issue of a replacement permit pursuant to this clause.

(3) Notwithstanding subclause (2), no fee shall be payable for the issue of a replacement permit if evidence is produced in writing to the satisfaction of the local government—

- (a) that the vehicle in which the permit is displayed has been disposed of;
- (b) that the vehicle's windscreen in which the permit is displayed has been replaced; or
- (c) which the local government considers waiving of the fee is warranted.

#### **6.9 Display of residential parking permits or visitor parking permits**

A person shall not stop or park a vehicle in an area set aside for persons or vehicles of a particular class during any permitted period unless a residential parking permit or a visitor parking permit is displayed inside the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in the zone.

### *Division 2—Parking facility permits*

#### **6.10 Permits in parking facilities**

(1) The local government or authorised person may, whether upon payment of a fee or not, issue a written temporary parking permission which allows a specific vehicle to park—

- (a) in a specified kerbside area;
- (b) in a car park which is controlled by a sign, in contravention of the restriction specified on that sign; or
- (c) in any other place under the control of the local government.

(2) A permit issued under subclause (1) may—

- (a) authorise the stopping or parking of the vehicle continuously for a specified period or periods 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 or an authorised person before the expiration of any time or period specified in the permit without responsibility for any liability or loss or claim.

(3) A person shall not stop or park a vehicle in respect of which a permit has been issued pursuant to subclause (2)—

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

(4) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law relating to a person's right of appeal against the local government revoking or suspending a permit.

## **PART 7—MISCELLANEOUS**

### **7.1 Authorised persons**

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

### **7.2 Necessary power**

An authorised person has all necessary powers for the purpose of performing or observing all of the functions conferred on him or her under the Act and this local law.

### **7.3 Authorised person to be obeyed**

A person who is given a direction by an authorised person or a member of the WA Police Service under this local law or in relation to a contravention of this local law shall comply with that direction.

**7.4 Persons may be directed to leave local government property**

An authorised person may direct a person to leave local government property or a local government building where the authorised person reasonably suspects that the person has contravened a provision of this local law.

**7.5 Marking of tyres**

(1) For the purposes of ascertaining whether or not a parked vehicle has been or may be parked in contravention of any provision of this local law an authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance.

(2) A person shall not remove or interfere with any such mark referred to in subclause (1) so that the purpose of affixing that mark is or may be defeated.

**7.6 Removal of notices on a vehicle**

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

**7.7 Special purpose and emergency vehicles**

Notwithstanding anything to the contrary in this local law, the driver of—

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

**7.8 Vehicles not to obstruct a public place or thoroughfare**

(1) A person shall not leave a vehicle or any part of a vehicle in a public place so that it obstructs the use of any part of that public place or thoroughfare without the permission of the local government or unless authorised under any written law.

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours, unless the vehicle is causing or may cause a danger to the public or is jeopardising or may jeopardise the safety of a person.

**7.9 Causing or attempting to cause damage to Council property**

A person shall not cause or attempt to cause damage to the property of the local government in any way.

**7.10 Interfere with or damage to detection devices**

(1) A person shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any road, parking facility or in any other public place.

(2) A person shall not interfere with, damage or obstruct the operation of any display panels or transmitting equipment in relation to parking detection devices or instruments operated by the local government.

**7.11 Local government may lock parking stations**

(1) At the expiration of the hours of operation of a parking station, 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, or to or from the parking station.

(2) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law relating to the locking of a parking station.

**PART 8—OBJECTIONS AND REVIEW****8.1 Objections and review**

When the local government makes a decision as to whether it will—

- (a) grant a person a permit under this local law; or
- (b) renew, vary, or cancel a permit that a person has under this local law, the provisions of Division 1 of Part 9 of the Act and Regulation 33 of the General Regulations shall apply to that decision.

**PART 9—PENALTIES****9.1 Offences and penalties**

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

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

Penalty: a fine not less than \$250, a fine not exceeding \$5,000 and if the offence is of a continuing nature, a daily penalty of \$500.

**9.2 Modified Penalties**

Where an authorised person has reason to believe that a person has committed an offence under this local law, he or she may issue to that person an infringement notice in accordance with the modified penalties set out in the Schedule 2. The amount appearing in the final column of the Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against the clause.

**9.3 Form of notices**

For the purposes of this local law the form of the—

- (a) notice referred to in sections 9.13 and 9.17 of the Act is that of the form in Schedule 3; and
- (b) notice referred to in section 9.20 of the Act is that of the form in Schedule 4.

---

**SCHEDULES**
***Schedule 1—Parking region***

[cl. 1.5(1)]

Local Government Act 1995

*City of Nedlands Parking and Parking Facilities Local Law 2012***PARKING REGION**

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

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

---

***Schedule 2—Prescribed offences***

[cl. 9.1(3)]

Local Government Act 1995

*City of Nedlands Parking and Parking Facilities Local Law 2012***PRESCRIBED OFFENCES**

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1.	2.2(1), (2)	Failure to comply with signs	70
2.	2.3(a)	Unauthorised display, marking, setting up, exhibiting of a sign	60
3.	2.3(b)	Unauthorised removal, defacing or misuse of a sign	60
4.	2.3(c)	Unauthorised affixing anything to a sign	60
5.	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	60
6.	3.2(1)(b)	Failure to park wholly within parking stall	60
7.	3.2(1)(c)	Failure to park in the direction of the movement of traffic in a parking stall	60
8.	3.2(4)	Failure to park wholly within parking area	60
9.	3.3(1)(a)	Causing obstruction in parking station	90
10.	3.3(1)(b)	Parking contrary to sign in parking station	70
11.	3.3(1)(c)	Parking contrary to directions of authorised person	90
12.	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	60
13.	4.2(1)(a)	Parking by vehicles of a different class	60
14.	4.2(1)(b)	Parking by persons of a different class	60
15.	4.2(1)(c)	Parking during prohibited period	60
16.	4.2(3)(a)	Parking in no parking area	70
17.	4.2(3)(b)	Parking contrary to signs or limitations	70

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
18.	4.2(3)(c)	Parking vehicle in motor cycle only area	60
19.	4.2(4)	Parking motor cycle in stall not marked "M/C"	60
20.	4.2(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	80
21.	4.3(1)(a)	Failure to park on the left of two-way carriageway	80
22.	4.3(1)(b)	Failure to park on boundary of one-way carriageway	80
23.	4.3(1)(a) or 4.3(1)(b)	Parking against the flow of traffic	80
24.	4.3(1)(c)	Parking when distance from farther boundary less than 3 metres	80
25.	4.3(1)(d)	Parking closer than 1 metre from another vehicle	60
26.	4.3(1)(e)	Causing obstruction	90
27.	4.4(b)	Failure to park at approximate right angle	60
28.	4.5(2)	Failure to park at an appropriate angle	60
29.	4.6(3)(a)	Double parking	90
30.	4.6(3)(b)	Denying access to private drive or right of way	90
31.	4.6(3)(c)	Parking beside excavation or obstruction so as to obstruct traffic	80
32.	4.6(3)(d)	Parking closer than 3 metres to single or double longitudinal lines	90
33.	4.6(3)(e)	Parking on intersection	90
34.	4.6(3)(f)	Parking within 3 metres of public letter box	60
35.	4.6(3)(g)	Parking within 10 metres of intersection	90
36.	4.6(4)	Parking vehicle within 10 metres of departure side of a children's crossing or pedestrian crossing	80
37.	4.6(5)	Parking vehicle within 20 metres of approach side of a children's crossing or pedestrian crossing	80
38.	4.6(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	80
39.	4.7	Parking contrary to direction of authorised person	90
40.	4.8(1), (2) or (3)	Moving vehicle to avoid time limitation	70
41.	4.9(a)	Parking in thoroughfare for purpose of sale	60
42.	4.9(b)	Parking unlicensed vehicle in thoroughfare	60
43.	4.9(c)	Parking a trailer/caravan on a thoroughfare	60
44.	4.9(d)	Parking in thoroughfare for purpose of repairs	60
45.	4.10(1)	Parking on land that is not a parking facility without consent	80
46.	4.10(2)	Parking on land not in accordance with consent	80
47.	4.11	Driving or parking on a reserve	80
48.	5.1(1)	Stopping contrary to a "no stopping" sign	90
49.	5.1(2)	Parking contrary to a "no parking" sign	70
50.	5.1(3)	Stopping within continuous yellow lines	90
51.	5.2	Stopping unlawfully in a loading zone	80
52.	5.3	Stopping unlawfully in a taxi zone or bus zone	80
53.	5.4	Stopping unlawfully in a mail zone	80
54.	5.5	Stopping in a zone contrary to a sign	80
55.	5.6	Stopping in a shared zone	80
56.	5.8	Stopping near an obstruction	80
57.	5.9	Stopping on a bridge or tunnel	80
58.	5.10	Stopping on crests/curves etc	80
59.	5.11	Stopping near fire hydrant or fire plug	80
60.	5.12(1)	Stopping near bus stop	80
61.	5.13	Stopping on path, median strip or traffic island	80
62.	5.14(1)	Stopping on verge	80

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
63.	5.14(4)	Owner or occupier of premises adjacent to a verge charging a fee to authorise a person to stop on a verge	500
64.	5.15	Obstructing path, a driveway etc	80
65.	5.16	Stopping near public letter box	60
66.	5.17	Stopping heavy or long vehicles on carriageway	60
67.	5.18	Stopping in bicycle parking area	60
68.	5.19	Stopping in motorcycle parking area	60
69.	5.20	Stopping or parking a vehicle (other than a bicycle or motor cycle) in a parking stall approved for motor cycles	60
70.	6.9	Failure to display a valid permit	70
71.	6.10(3)	Stopping or parking contrary to requirements of a permit	70
72.	7.3	Failure to comply with a lawful direction of an authorised person	90
73.	7.4	Failure to leave local government property when lawfully directed to do so by an authorised person	90
74.	7.5(2)	Removing or interfering with a lawful mark on a tyre	80
75.	7.6	Removing a notice on a vehicle	80
76.	7.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	90
77.	7.9	Causing or attempting to cause damage to Council property	500
78.	7.10(1)	Interfere or damage an electronic detection device	500
79.	7.10(2)	Interfere or damage a display panel or transmitting device	500
80.		All other offences not specified	60

**Schedule 3—Notice to vehicle owner**

[cl. 9.3(a)]

Local Government Act 1995  
City of Nedlands Parking and Parking Facilities Local Law 2012

**PARKING INFRINGEMENT NOTICE  
NOTICE TO THE OWNER/DRIVER**

It is alleged that the following vehicle was parked or stopped as indicated below.

Infringement No: ..... Issue date: ..... / ..... / .....

Alleged Offence: .....  
.....  
.....

Location: .....

Vehicle: .....

Colour: .....

Make: .....

Model: .....

Offence Date: .....

Offence Time: .....

Penalty: .....

Due Date: ..... / ..... / .....

Unless within 28 days after the date of the service of this notice—

- (a) The modified penalty is paid; or
- (b) you inform the Chief Executive Officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the alleged offence; or
- (c) you satisfy the Chief Executive Officer of the local government that the above vehicle had been stolen, or was being unlawfully used, at the time of the above offence,

You will, in the absence of proof to the contrary, be deemed to have committed the alleged offence and Court proceedings may be instituted against you.

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid within 28 days after the giving of this notice.

**PAYMENT METHODS**

Payment by phone: (Visa or Mastercard)

Please call 1300 276 468 to make payment from your nominated account, quoting the infringement number shown overleaf.

Payment by Internet: (Visa or Mastercard)

[www.nedlands.wa.gov.au](http://www.nedlands.wa.gov.au) and select the payment option.

Payment by Mail—

Make cheques payable to City of Nedlands and crossed Not Negotiable. Complete your name and address in block letters in the space provided below and return this notice and payment to City of Nedlands, PO Box 9, Nedlands, WA, 6909.

Payment in person at Council—

Present this notice intact to the cashier at the City of Nedlands, 71 Stirling Hwy, Nedlands, between 8.30 am and 5.00 pm Mon—Fri.

**Schedule 4—Infringement notice**

[cl. 9.3(b)]

Local Government Act 1995

*City of Nedlands Parking and Parking Facilities Local Law 2012*

**WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No .....

Date ..... / ..... / .....

To: (1) .....

of: (2) .....

Infringement Notice No. .... dated ..... / ..... / .....

in respect of vehicle—

make: .....

model: .....

registration: .....

for the alleged offence of. ....

.....

.....

.....

has been withdrawn.

The modified penalty of \$ .....

has been paid and a refund is enclosed.

has not been paid and should not be paid.

*delete as appropriate.*

(3) .....

(4) .....

Insert—

(1) Name of alleged offender to whom infringement notice was given or “the owner”.

(2) Address of alleged offender.

(3) Signature of authorised person

(4) Name and title of authorised person giving notice

Dated this 21st day of September 2012.

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

MAX HIPKINS, Mayor.  
MICHAEL COLE, A/Chief Executive Officer.

**DOG ACT 1976**

## CITY OF NEDLANDS

**DOGS LOCAL LAW**

## ARRANGEMENT

**PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Repeal
- 1.3 Definitions
- 1.4 Application

**PART 2—SIGNS**

- 2.1 Charges and costs
- 2.2 Attendance of pound keeper at pound
- 2.3 Release of impounded dog
- 2.4 No breaking into or destruction of pound

**PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS**

- 3.1 Dogs to be confined
- 3.2 Limitation on the number of dogs

**PART 4—APPROVED KENNEL ESTABLISHMENTS**

- 4.1 Interpretation
- 4.2 Application for license for approved kennel establishment
- 4.3 Notice of proposed use
- 4.4 Exemption from notice requirements
- 4.5 When application can be determined
- 4.6 Determination of application
- 4.7 Where application cannot be approved
- 4.8 Conditions of approval
- 4.9 Compliance with conditions of approval
- 4.10 Fees
- 4.11 Form of license
- 4.12 Period of license
- 4.13 Variation or cancellation of license
- 4.14 Transfer of license
- 4.15 Notification
- 4.16 Inspection of kennel

**PART 5—DOGS IN PUBLIC PLACES**

- 5.1 Places where dogs are prohibited absolutely
- 5.2 Places which are dog exercise areas

**PART 6—MISCELLANEOUS**

- 6.1 Offence to excrete

**PART 7—ENFORCEMENT**

- 7.1 Interpretation
- 7.2 Modified penalties
- 7.3 Issue of infringement notice
- 7.4 Failure to pay modified penalty
- 7.5 Payment of modified penalty
- 7.6 Withdrawal of infringement notice
- 7.7 Service
- 7.8 Delegation

**SCHEDULES**

Schedule 1—Application for a license for an approved kennel establishment

Schedule 2—Conditions of a license for an approved kennel establishment

Schedule 3—Offences in respect of which modified penalty applies

Schedule 4—Places where dogs are prohibited absolutely

Schedule 5—Places which are dog exercise areas



**DOG ACT 1976**

## CITY OF NEDLANDS

**DOGS LOCAL LAW**

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Nedlands resolved on 28 August 2012 to make the following local law.

**PART 1—PRELIMINARY****1.1 Citation**

This local law may be cited as the *City of Nedlands Dogs Local Law*.

**1.2 Repeal**

The *City of Nedlands Local Law Relating to Dogs* published in the *Government Gazette* on 10 November 2000 is repealed.

**1.3 Definitions**

In this local law unless the context otherwise requires—

**act** means the *Dog Act 1976*;

**authorised person** means a person appointed by the local government to perform all or any of the functions conferred on an authorized person under this local law;

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

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

**food premises** means any premises or vehicle in which a food business, as defined in section 10 of the *Food Act 2008*, is being carried on;

**food transport vehicle** has the meaning given to it in the *Food Act 2008*;

**local government** means the City of Nedlands;

**pound keeper** means a person authorized by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

**regulations** means the *Dog Regulations 1976*;

**schedule** means a schedule in this local law;

**thoroughfare** has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

**town planning scheme** means a town planning scheme made by the local government under the *Planning and Development Act 2005* which applies throughout the whole or a part of the district.

**1.4 Application**

This local law applies throughout the district.

**PART 2—IMPOUNDING DOGS****2.1 Charges and costs**

The following are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

**2.2 Attendance of pound keeper at pound**

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the Chief Executive Officer.

### 2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the Chief Executive Officer.
- (2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—
- (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
  - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

### 2.4 No breaking into or destruction of pound

A person who—

- (a) unless he or she is the pound keeper or a person authorized to do so, releases or attempts to release a dog from a pound; or
- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
  - (i) any pound; or
  - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,
 commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

## PART 3—REQUIREMENTS AND LIMITATIONS OF THE KEEPING OF DOGS

### 3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
  - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
  - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
  - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
  - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

### 3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
- (a) licensed under Part 4 as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.

## PART 4—APPROVED KENNEL ESTABLISHMENTS

### 4.1 Interpretation

In this Part and in Schedule 2, unless the context otherwise requires—

**licence** means a licence to keep an approved kennel establishment on premises;

**licensee** means the holder of a licence;

**premises** in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

**transferee** means a person who applies for the transfer of a licence to her or him under clause 4.14.

### 4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

#### 4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

#### 4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a town planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

#### 4.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

#### 4.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

#### 4.7 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

#### 4.8 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

#### 4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

**Penalty:** \$1,000 and a daily penalty of \$100.

**4.10 Fees**

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

**4.11 Form of licence**

The licence is to be in the form determined by the local government and is to be issued to the licensee.

**4.12 Period of licence**

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

**4.13 Variation or cancellation of licence**

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
  - (a) on the request of the licensee;
  - (b) following a breach of the Act, the Regulations or this local law; or
  - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
  - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
  - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

**4.14 Transfer of license**

- (1) An application for the transfer of a valid license from the licensee to another person must be—
  - (a) made in the form determined by the local government;
  - (b) made by the transferee;
  - (c) made with the written consent of the licensee; and
  - (d) lodged with the local government together with—
    - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
    - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid license until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid license.
- (4) Where the local government approves an application for the transfer of a valid license, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the license for the purposes of this local law.

**4.15 Notification**

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

**4.16 Inspection of kennel**

With the consent of the occupier, an authorized person may inspect an approved kennel establishment at any time.

**PART 5—DOGS IN PUBLIC PLACES****5.1 Places where dogs are prohibited absolutely**

(1) Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*, dogs are prohibited from entering or being in any of the following places—

- (a) a public building, unless permitted by a sign;
- (b) a theatre or picture gardens;
- (c) all food premises and food transport vehicles;
- (d) a public swimming pool; and
- (f) Beaches, reserves and freehold land as specified in Schedule 4.

(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

**5.2 Places which are dog exercise areas**

(1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, those areas listed in Schedule 5 are dog exercise areas.

(2) Subclause (1) does not apply to—

- (a) land which has been set apart as a children's playground;
- (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
- (c) a car park.

**PART 6—MISCELLANEOUS****6.1 Offence to excrete**

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

**Penalty:** \$1000.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

**PART 7—ENFORCEMENT****7.1 Interpretation**

In this Part, unless the context otherwise requires—

***infringement notice*** means the notice referred to in clause 7.3; and

***notice of withdrawal*** means the notice referred to in clause 7.6(1).

**7.2 Modified penalties**

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the dog is not a dangerous dog; or
- (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

**7.3 Issue of infringement notice**

Where an authorized person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

**7.4 Failure to pay modified penalty**

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

**7.5 Payment of modified penalty**

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

**7.6 Withdrawal of infringement notice**

- (1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.
- (2) A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

**7.7 Service**

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

**7.8 Delegation**

The local government may delegate any of the powers, functions and duties in this local law to the Chief Executive Officer.

---

**Schedule 1**

**APPLICATION FOR A LICENSE FOR AN APPROVED KENNEL ESTABLISHMENT**

(clause 4.2)

I/we (full name) .....

of (postal address) .....

(telephone number) .....

(facsimile number) .....

(E-mail address) .....

Apply for a licence for an approved kennel establishment at (address of premises) .....

For (number and breed of dogs).....

\* (insert name of person) ..... will be residing at the premises on and from (insert date) .....

\* (insert name of person) .....will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at..... (insert address of residence) on and from ..... (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

Signature of applicant .....

Date .....

\*delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27.5 of the *Dog Act 1976*.

---

**OFFICE USE ONLY**

Application fee paid on [insert date].

---

**Schedule 2**

**CONDITIONS OF A LICENSE FOR AN APPROVED KENNEL ESTABLISHMENT**

(clause 4.8(1))

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;

- (b) each kennel and each yard must be at a distance of not less than—
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
  - (i) 2m; or
  - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorized person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap;
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
  - (i) at the premises; or
  - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare;
- (s) the licensee must provide a hand basin for employees in all food preparation areas and areas where dogs are washed or where possible contact with animal faeces occur, to enable staff to wash their hands;
- (t) the licensee is to ensure that the hand basin is provided with soap and paper towel;
- (u) the licensee is to provide and maintain at all times an adequate supply of hot and cold water to every hand basin;

- (v) the licensee must take or cause to be taken any effective action necessary to prevent the entry of and to eradicate vermin on the premises;
- (w) the food preparation areas and food storage area and areas where pet litter is emptied to be kept in a clean and sanitary condition and in a state of good repair at all times; and
- (x) the licensee is to ensure that all appliances in the premises are maintained in a clean and sanitary condition and in a state of good repair at all times.

---

**Schedule 3**

**OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES**

(clause 7.2)

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorized release of a dog from a pound	200	400
2.4(b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	400
3.1	Failing to provide means for effectively confining a dog	100	200
4.9	Failing to comply with the conditions of a licence	100	
5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	200	

---

**Schedule 4**

**PLACES WHERE DOGS ARE PROHIBITED ABSOLUTELY**

(clause 5.1(f))

Dogs are prohibited absolutely from entering or being in any of the following places—

- (a) SWANBOURNE BEACH RESERVE No. 23729, being the sand and dune area adjacent to the Swanbourne Beach development, between the area north of the access pathway at the intersection of Odern Crescent and Marine Parade, and south of the northernmost access pathway of the development.
- (b) INFANT HEALTH CENTRE PLAYGROUND, Strickland Street, being Lot number 254;
- (c) HOLLYWOOD RESERVE TENNIS COURTS area and surrounds, being Reserve number A20838;
- (d) KARELLA STREET PLAYGROUND Lot 164 Smyth Road;
- (e) LEURA STREET PLAYGROUND Lot 300 Leura Street;
- (f) CAMPSIE STREET PLAYGROUND Lot 46 Campsie Street.

---

**Schedule 5**

**PLACES WHICH ARE DOG EXERCISE AREAS**

(clause 5.2(1))

Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas—

- (a) ALLEN PARK, Clement St Swanbourne
- (b) ASQUITH PARK, Lot: 251 Rochdale Rd Mt Claremont
- (c) BAINES PARK, Lot: 300 Driftwood Pl Swanbourne
- (d) BEATON PARK, Esplanade Nedlands
- (e) BEATRICE ROAD RESERVE, Loc: 58367 Beatrice Rd Dalkeith
- (f) BIRDWOOD PARADE RESERVE, Reserve: 17391 Birdwood Parade Dalkeith
- (g) BISHOP ROAD RESERVE, Lot: 1627 Bishop Rd Dalkeith
- (h) BLAIN PARK, Lot: 825 Genesta Cr Dalkeith
- (i) BROCKMAN RESERVE, 150 Wavell Rd Dalkeith
- (j) CARRINGTON PARK, Lot 325: Broome St Nedlands



- (k) CAVENDISH GARDENS, Lot: 342 Gainsford Lane Mt Claremont
- (l) CHARLES COURT RESERVE, Esplanade Dalkeith
- (m) COLLEGE GREEN, Lot: 435 Mimosa Ave Mt Claremont
- (n) COLLEGE PARK, Princess Rd Dalkeith
- (o) DALKEITH MEWS, Adelma Rd Dalkeith
- (p) DARAN PARK, Reserve: 45730 Montgomery Ave Mt Claremont
- (q) DAVID CRUICKSHANK RESERVE, 84 Beatrice Rd Dalkeith
- (r) DIRECTORS GARDENS, Grainger Drive Mt Claremont
- (s) DOT BENNETT PARK, Lot: 1 Smyth Rd Nedlands
- (t) FORESHORE 3, Esplanade Dalkeith
- (u) GENESTA PARK, Lot: 824 Genesta Cr Dalkeith
- (v) GOLDSMITH RESERVE, Lot: 3857 Garland Rd Dalkeith
- (w) GRAINGER RESERVE, Grainger Drive Mt Claremont
- (x) GRANBY PARK, Granby Cr Dalkeith
- (y) HAMILTON PARK, Hamilton Gardens, Mt Claremont
- (z) HARRIS PARK, Lot 304 Tide Court Swanbourne
- (aa) HIGHVIEW PARK, Verdun St Nedlands
- (bb) JONES PARK, Reserve No 47257 Jameson St Swanbourne
- (cc) LAWLER PARK, Draper St Floreat
- (dd) LESLIE GRAHAM RESERVE, Corner Bromilow Green & Camelia Ave Mt Claremont
- (ee) LIMEKILN FIELD, Reserve: 30403 North St Swanbourne
- (ff) MELVISTA PARK, Reserve: 1669 Melvista Ave Dalkeith
- (gg) MOORO PARK, Corner Heritage Lane & Mooro Drive Mt Claremont
- (hh) MOSSVALE GARDENS, Moss Vale Floreat
  - (ii) MT CLAREMONT OVAL, Corner Alfred Rd & Montgomery Ave Mt Claremont
  - (jj) MT CLAREMONT RESERVE, Haldane St Mt Claremont
- (kk) NARDINA CRESCENT RESERVE, Corner Nardina Cr & Beatrice Rd Dalkeith
- (ll) NEW COURT GARDENS, Reserve: 43380 New Court Gardens Mt Claremont
- (mm) PAIERA PARK, Reserve: 47367 Van Kleef Circuit, Mt Claremont
- (nn) PAUL HASLUCK RESERVE, Esplanade Nedlands
- (oo) PEACE MEMORIAL ROSE GARDENS, Lots: 1-16, 76-78 Stirling Highway Nedlands
- (pp) PINE TREE PARK, Reserve 41549 Pine Tree Lane Mt Claremont
- (qq) POPLAR GARDENS, Reserve: 42253 Godetia Gardens Mt Claremont
- (rr) POINT RESOLUTION RESERVE, Reserve: 1624 Corner Jutland Parade & Victoria Avenue Dalkeith
- (ss) ROGERSON GARDENS, Reserve: 39653 Underwood Avenue Floreat
- (tt) SHIRLEY FYFE PARK, Lot: 823 Cygnet Cr Dalkeith
- (uu) ST PETERS SQUARE GARDENS, Reserve: 46178 Caladenia Parade Mt Claremont
- (vv) STUBBS TERRACE RESERVES (3), Stubbs Tce Mt Claremont
- (ww) SWANBOURNE BEACH RESERVE NORTH, Lot : 279 Reserve: 27250
- (xx) SWANBOURNE OVAL, Lot: 282
- (yy) TERRACE GARDENS, 49 Caladenia Pde Mt Claremont
- (zz) VANKLEEF WALKWAY, Vankleef Circuit Mt Claremont
- (aaa) ZAMIA PARK, Corner Zamia St and Nandina Ave Mt Claremont

---

Dated this 21st day of September 2012.

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

MAX HIPKINS, Mayor.  
MICHAEL COLE, A/Chief Executive Officer.

---