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# CITY OF BUNBURY

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CAT ACT 2011  
LOCAL GOVERNMENT ACT 1995

## CATS LOCAL LAW 2018

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LOCAL GOVERNMENT ACT 1995

## PARKING AND PARKING FACILITIES LOCAL LAW 2018



**CAT ACT 2011  
LOCAL GOVERNMENT ACT 1995**

CITY OF BUNBURY

**CATS LOCAL LAW 2018**

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Bunbury resolved on 11 December 2018 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *City of Bunbury Cats Local Law 2018*.

**1.2 Commencement**

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

**1.3 Application**

This local law applies throughout the district.

**1.4 Definitions**

In this local law unless the context otherwise requires—

*Act* means the *Cat Act 2011*;

*applicant* means the occupier of the premises who makes an application for a permit under this local law;

*authorised person* means a person authorised by the local government to perform the functions conferred on an authorised person under this local law;

*cat* means an animal of the species *felis catus* or a hybrid of that species;

*cat management facility* means—

- (a) a facility operated by a local government that is, or may be, used for keeping cats;
- (b) a facility for keeping cats that is operated by a person or body prescribed; or
- (c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

*cattery* means any premises where more than 3 cats are kept, bred, boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary owner of the cats;

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

*City* means the City of Bunbury;

*district* means the district of the local government;

*effective control* in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape;

*grouped dwelling* (commonly referred to as a duplex, villa or townhouse) means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

*local government* means the City of Bunbury;

**multiple dwelling** (often called flats, apartments or units) means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but—

- (a) does not include a grouped dwelling; and
- (b) includes any dwellings above the ground floor in a mixed use development;

**nuisance** means—

- (a) excretes or urinates on property where the cat does not normally reside or is registered at;
- (b) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (c) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;
- (d) interference which causes material damage to land or other property on the land affected by the interference; or
- (e) is, or is likely to be, injurious or dangerous to the health of any person or domestic or native fauna;

**owner** has the meaning given to it in the Act;

**penalty unit** has the meaning given in the *City of Bunbury Penalty Units Local Law 2018*;

**permit** means a permit issued by the local government under Part 3;

**permit holder** means a person who holds a valid permit under Part 3;

**premises** includes the following—

- (a) land (whether or not vacant);
- (b) the whole or part of a building or structure (whether of a permanent or temporary nature); and
- (c) a vehicle;

**RSPCA** means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

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

**Scheme** means a planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents; and

**Veterinarian** means a registered veterinary surgeon as defined in the *Veterinary Surgeons Act 1960* section 2.

## PART 2—CAT CONTROL

### 2.1 Cat not to be a nuisance

- (1) An owner shall not allow a cat to be or create a nuisance.
- (2) Where in the opinion of an authorised person, or where the City receives signed complaints in the form of Schedule 2 from two or more persons each of whom occupy different premises that a cat is creating a nuisance, the City may give written notice to the owner of the cat requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the City in the notice or until the City withdraws the notice.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

### 2.2 Cat prohibited areas

- (1) A cat shall not be in the places specified in Schedule 4 at any time, whether or not under effective control.
- (2) If a cat is in a Cat Prohibited Area in contravention of subclause (1), then the owner of the cat commits an offence unless the owner of the cat has first obtained written authorisation from the City.

## PART 3—PERMITS FOR KEEPING CATS

### 3.1 Interpretation

In this part, and for the purposes of applying the definition of ‘cattery’, *cat* does not include a cat less than 6 months old.

### 3.2 Cats for which a permit is required

- (1) Subject to subclause (2) a person is required to have a permit to—
  - (a) keep more than 2 cats on any premises; or
  - (b) use any premises as a cattery or cat management facility.
- (2) A permit is not required under subclause (1) if the premises concerned are—
  - (a) a refuge of the RSPCA or any other body prescribed in regulation 4 of the *Cat Regulations 2012*;

- (b) a cat management facility which has been approved by the local government;
- (c) a veterinary surgery; or
- (d) a pet shop.

### 3.3 Application for permit

- (1) An application for a permit under clause 3.2 shall be—
- (a) made in writing by an occupier of the premises in relation to those premises;
  - (b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
  - (c) accompanied by a brief reason and justification for the request;
  - (d) accompanied by the plans of the premises to which the application relates in the form determined by the local government from time to time;
  - (e) accompanied by the consent in writing of the owner of the premises where the occupier is not the owner of the premises to which the application relates; and
  - (f) accompanied by the application fee for the permit determined by the local government from time to time.

### 3.4 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.3.

### 3.5 Factors relevant to the determination of application

- (1) In determining an application for a permit the local government may have regard to—
- (a) the reasons and justification provided for the request;
  - (b) the physical suitability of the premises for the proposed use;
  - (c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the proposed use;
  - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
  - (e) the structural suitability of any enclosure in which any cat is to be kept;
  - (f) the likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
  - (g) the likely effect on the amenity of the surrounding area of the proposed use;
  - (h) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the use;
  - (i) any submissions received under subclause (2) within the time specified in subclause (2); and
  - (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to—
- (a) consult with nearby landowners; or
  - (b) advise nearby landowners that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice,

before determining the application for the permit.

(3) The local government may specify the extent of consultation with nearby residents, as specified in subclause 3.5(2)(a) and may specify which properties should be consulted.

### 3.6 Decision on application

- (1) The local government may—
- (a) approve an application for a permit as it was submitted, in which case it shall approve it subject to the conditions in clause 3.7 and may approve it subject to any other conditions it sees fit;
  - (b) approve an application but specify an alternative number of cats permitted to be housed at the address; or
  - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue a permit to the applicant in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1) then it shall advise the applicant accordingly in writing.

### 3.7 Conditions

- (1) Every permit is issued subject to the following conditions—
- (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
  - (b) each cat shall be contained on the premises unless under the effective control of a person;
  - (c) the permit holder will provide adequate space for the exercise of the cats;

- (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
- (e) those conditions contained in Schedule 1.

(2) In addition to the conditions in subclause (1) of this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

### **3.8 Compliance with conditions of permit**

A permit holder shall comply with each condition of a permit.

### **3.9 Duration of a permit**

(1) Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires—

- (a) if it is revoked; or
- (b) if the permit holder ceases to reside at the premises to which the permit relates.

### **3.10 Revocation**

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

### **3.11 Permit not transferable**

A permit is not transferrable either in relation to the permit holder or the premises.

### **3.12 Permit to be kept at premises and available for view**

(1) A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.

(2) In the case of a registered cattery or cat management facility, the permit shall be displayed in a prominent place within the premises.

## **PART 4—MISCELLANEOUS**

### **4.1 Giving of an infringement notice**

(1) A notice given under this local law may be given to a person—

- (a) personally;
- (b) by postal mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

## **PART 5—OBJECTIONS AND APPEALS**

### **5.1 Objections and appeal rights**

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

## **PART 6—OFFENCES AND PENALTIES**

### **6.1 Offences**

(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) Unless otherwise specified, any person who commits an offence under this local law is liable on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

### **6.2 Prescribed offences**

(1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 63 of the Act.

(2) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit, as specified in the *City of Bunbury Penalty Units Local Law 2018*, by the number of penalty units specified in this local law.

### **6.3 Forms**

(1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.

(2) An infringement notice in respect of an offence against this local law may be given under section 62 of the Act and is to be in the form of Schedule 1, Form 6 of the *Cat Regulations 2012*.

(3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Schedule 1, Form 7 of the *Cat Regulations 2012*.

**SCHEDULE 1—ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS**

[Clause 3.7]

**A. Permit to keep more than 2 cats**

Additional conditions—

- (1) In the case of a grouped dwelling where there is no suitable dividing fence or multiple dwellings on the same level, the written consent to the application for a permit of the occupier of the adjoining dwellings has been obtained.
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat—
  - (a) dies; or
  - (b) is permanently removed from the premises.

**B. Permit to use premises as a Cattery or Cat Management Facility**

Additional conditions—

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the local government.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Washing basins with a minimum of running cold water are to be available to the satisfaction of the local government.
- (7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
- (8) A register is to be kept recording in respect of each cat the—
  - (a) date of admission;
  - (b) date of departure;
  - (c) breed, age, colour and sex; and
  - (d) name and residential address of the owner.
- (9) The register is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats kept on the premises.
- (12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

**SCHEDULE 2**

[Clause 2.1]

*City of Bunbury—Cats Local Law 2018*

**Nuisance Form**

TAKE NOTICE THAT a cat, believed to be a (1) .....  
 has created a nuisance by (2) .....  
 the cat is believed to belong to (3) .....  
 and is kept at (4) .....  
 and I (5) .....  
 of .....

request the City of Bunbury to institute proceedings, if the nuisance does not stop, and undertake—

- (a) to give full information to the City of Bunbury as to this matter; and
- (b) to appear in Court and give evidence as a witness to the truth of this complaint.

Dated this ..... day of ..... 20.....

.....  
(to be signed by complainant)

- (1) Insert breed or kind of cat and, where possible, its sex and identifying marks.
- (2) Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the cat was at the time of the nuisance.
- (3) State name and address of the person believed to be the owner.
- (4) State, if known, where the cat is usually kept.
- (5) Insert name and address of complainant.

**SCHEDULE 3—PRESCRIBED OFFENCES**

[Clause 6.2]

Item No.	Clause No.	Nature of Offence	Penalty Units
1	2.1	Cat causing a nuisance	20
2	2.2	Cat in prohibited area	20
3	3.2	Failure of a person to hold a permit when required	20
4	3.8	Breach of a condition of a permit	20

**SCHEDULE 4—CAT PROHIBITED AREAS**

[Clause 2.2]

Places where cats are prohibited—

Common Name	Physical Boundaries	Description
Big Swamp Reserve	Prince Phillip Drive and Tuart Street	Wetlands and vegetation, including boardwalks, in the area contained within the concrete footpath around the perimeter of the Big Swamp Reserve.
Maidens Reserve	Ocean Drive, Maiden Park Road, Nyabing Road, Lefroy Place, Costello Court, Dermer Place, and Collinsville Way	Eastern Boundary: all bushland along physical boundaries and rear of residential properties on these roads. Northern extent: Car park on Ocean Drive at Hastie Street/Ocean Drive intersection. Southern Extent: City Boundary adjacent to Water Corporation site. Western Extent: High tide mark along beach.
Manea Park	Bussell Highway, Somerville Drive, Peppermint Boulevard, Malaleuca Drive, Lakeside Drive, Robertson Drive, Halifax Drive, Worcester Bend, South West Highway, Bunbury Airport, and Centenary Road	All bushland along physical boundaries and rear of residential and industrial properties on these roads.
Hartley Anderson Park	Crowea Street, Sturt Street, Parkdale Avenue, Ocean Drive, Kalari Rise, and Mindalong Close	All bushland along physical boundaries and rear of residential properties on these roads.
Hay Park	Bussell Highway, Rotary Avenue, and Fire Brigade Running Track	All bushland within boundaries of the listed roads.
Loughton Park	Brittain Road, Palmer Crescent, Armanta Drive, Young Close, and Godwin Street	All bushland along physical boundaries and rear of residential and industrial properties on these roads.
Katherine Chauhan Reserve	Parade Road, Westwood Street, Sweeting Way, and Guile Fairway	All bushland along physical boundaries and rear of residential properties on these roads.
Brother Valentine Flynn Reserve	Dunstan Street, Remilles Street, Nile Place, Mangles Street, Ashbank Green, Ione Street, Mansfield Street, and West Road	All bushland along physical boundaries and rear of residential properties on these roads.
Irwin Reserve	Irwin Street, Macnish Close, Swansen Place, Sherry Place, and Roberts Crescent	All bushland along physical boundaries and rear of residential properties on these roads.
Horseshoe Lake Reserve	Sandridge Road, Bunning Boulevard, and Fairway Court	All bushland and parkland within boundaries of the listed roads.
Dodson Lake Reserve	Dodson Road, Eades Street, South Western Highway, and the Railway	All bushland and parkland within boundaries of the listed roads.
Charterhouse Reserve	Charterhouse Close, Flynn Street, and Robertson Drive	All bushland and parkland within boundaries of the listed roads.

Dated 11 December 2018.

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

GARY BRENNAN, Mayor.  
MAL OSBORNE, Chief Executive Officer.



**LOCAL GOVERNMENT ACT 1995**

## CITY OF BUNBURY

**PARKING AND PARKING FACILITIES LOCAL LAW 2018**

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## LOCAL GOVERNMENT ACT 1995

## CITY OF BUNBURY

## PARKING AND PARKING FACILITIES LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Bunbury resolved on 11 December 2018 to make the following local law.

## PART 1—PRELIMINARY

**1.1 Repeal**

The *City of Bunbury Parking and Parking Facilities Local Law* published in the *Government Gazette* on 25 November 2005 is repealed.

**1.2 Citation**

This local law may be cited as the *City of Bunbury Parking and Parking Facilities Local Law 2018*.

**1.3 Commencement**

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

**1.4 Definitions**

In this local law unless the context otherwise requires—

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

**AS** means an Australian Standard as published by Standards Australia and 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 and where the context requires, any member of the Western Australian Police Service;

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

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

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

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

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

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

**carriageway** has the meaning given to it in the *Road Traffic Code 2000*;

**centre** has the same meaning given to it in the *Road Traffic Code 2000*;

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

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

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

**City** means the City of Bunbury;

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

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

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

**delivery vehicle** means a motor vehicle on which a business name as defined in the *Business Names Act 1962* or a trade mark as defined in the *Trade Marks Act 1995* is permanently affixed and readily legible which is being used for the conveyance of goods therein or thereon;

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

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

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

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

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

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

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

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

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

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

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

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

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

**marked foot crossing** has the meaning given to it in the *Road Traffic Code 2000*;

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

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

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

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

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

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

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

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

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

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

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

**owner—**

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

**park** has the meaning given to it in the *Road Traffic Code 2000*;

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

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

**parking bay** means a section or part of a parking facility, road, reserve or parking station that is marked or defined by painted lines or similar devices for the purpose of indicating where a vehicle may stop or park with or without payment of a fee;

**parking facility**—

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

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

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

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

**parking station** means any land, building or other structure providing for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered stall or private garage;

**parking ticket** means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle;

**parking permit** means a card, permit or voucher which is purchased from the local government and which authorises the parking of a vehicle in a parking stall, parking station or part of a parking station;

**pedestrian** has the same meaning as in the *Road Traffic Code 2000*;

**pedestrian crossing** has the same meaning as in the *Road Traffic Code 2000*;

**pedestrian mall** has the meaning given to it in the *Road Traffic Code 2000*;

**penalty unit** has the meaning given in the *City of Bunbury Penalty Units Local Law 2018*;

**person** includes a proprietary limited company or association;

**properly displayed** means displayed inside a vehicle on the dashboard and clearly visible to and able to be read from outside the vehicle through the windscreen or either front window by an authorised person at all times while the vehicle remains parked;

**property line** means the lateral boundary of a road;

**public bus** means any bus available to the general public in the course of general transport services but does not include a charter bus;

**public bus zone** means a parking bay designated for use by a public bus;

**reserve** includes any land—

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

**road** includes a highway, road, lane, thoroughfare, carriageway or similar place, or part thereof, which is within the parking region of the local government, which the public are allowed to use and includes every part of the highway, lane, thoroughfare or similar place and other things including bridges and culverts appurtenant thereto and includes all of the land lying between the property lines including the road verge and footpath;

**road verge** means a portion of a road which lies between the boundary of a carriageway and the property line adjacent thereto, and includes any park or reserve or any other land proclaimed by the local government for any purpose whatsoever and also includes the term “nature strip” and also includes any crossover, but does not include the footpath;

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

**service vehicle** has the same meaning as given to it in the *Road Traffic Code 2000*;

**shared zone** means the network of roads in an area with—

- (a) “shared zone” signage on each road into the area; and
- (b) an “end shared zone” sign on each road out of the area;

**sign** includes a traffic sign, permissive parking sign, inscription, mark, painted line, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed or erected on or near a road, reserve or parking station for the purpose of prohibiting, regulating, guiding, directing or regulating the stopping or parking of vehicles and any sign bearing a reasonable likeness of any representation of a traffic sign or permissive parking sign contained within the *Road Traffic Code 2000*;

**stop** has the meaning given to it in the *Road Traffic Code 2000*;

**street** has the same meaning as road;

**symbol** includes any symbol specified by the *Road Traffic Code 2000*;

**taxi** has the meaning given to it in the *Road Traffic Code 2000*;

**ticket issuing machine** means any equipment, installed from time to time by the local government, at any place, which upon the placing therein of a prescribed coin, coins, or a token, pass, card, key or device issues a ticket indicating the period of parking permitted;

**ticket machine zone** means a parking facility in which a ticket issuing machine is installed;

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

**T-Intersection** means an intersection where the end of a road intersects with the continuous side of a continuing road;

**traffic island** means any physical provision, other than lines marked on a carriageway, to guide vehicular traffic;

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

**truck** has the meaning given to it in the *Road Traffic Code 2000*;

**truck bay** means a parking bay designated for use by trucks only;

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

**unexpired parking ticket** means a parking ticket on which a date and expiry time is printed and that time has not expired; and

**vehicle** includes—

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels or tracks, by any means; and
- (b) where the context permits, an animal being driven or ridden.

## PART 2—ADMINISTRATION

### 2.1 Application of particular definitions

(1) For the purposes of the application of the definitions of “no parking area”, “no stopping area” and “parking area”, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the general direction in which it would point if the signs were viewed from the centre of the road, perpendicular to the sign post.

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

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

### 2.2 Undefined terms

Where a term is used but is not defined in the Act or in this local law and that term is defined in the *Road Traffic Act 1974* or the *Road Traffic Code 2000* then, unless the context otherwise requires, the term is to have the meaning given to it in the *Road Traffic Act 1974* or the *Road Traffic Code 2000*.

### 2.3 Delegation

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

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

### 2.4 Determination of fees and charges

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

### 2.5 Application of local law

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

- (a) is owned, controlled or occupied by the local government; or

- (b) is owned by the local government but is leased to another person, persons or company; or
- (c) is owned or occupied by another person, persons or company whom have a current agreement with the local government to enforce these local laws.

### **2.6 Sign erected by the Commissioner of Main Roads**

- (1) Any sign that—
- (a) was erected by the Commissioner of Main Roads prior to the coming into operation of this local law; and
  - (b) relates to the restriction, parking or standing of vehicles,
- shall be deemed, for the purposes of this local law, to have been erected by the local government under the authority of this local law.

### **2.7 Application of signs**

- (1) This local law applies to the stopping or parking of vehicles within the district which is controlled by a sign. Such sign shall be read as applying to that part of the road or road verge which—
- (a) lies beyond the sign; or
  - (b) lies between the sign and the next sign beyond that sign; and
  - (c) is that half or side of the carriageway of the road or road verge nearest to the sign.
- (2) For the purposes of this local law a sign may, by the use of any symbol or other traffic control device specified in accordance with AS 1745.11—
- (a) prohibit or regulate parking and stopping; or
  - (b) specify maximum times; or
  - (c) specify permitted classes of vehicles.

### **2.8 Class of vehicles**

- (1) For the purpose of this local law vehicles are divided into classes as follows—
- (a) buses;
  - (b) commercial vehicles;
  - (c) motor cycles;
  - (d) bicycles;
  - (e) taxis; and
  - (f) all other vehicles not otherwise classified, which includes motor cycles with sidecars attached.

## **PART 3—STOPPING AND PARKING GENERALLY**

### **3.1 Power to prohibit and regulate**

- (1) The local government may prohibit or regulate by signs or otherwise the stopping and parking of any vehicle or class of person and vehicle, or both, but is to do so consistently with the provisions of this local law.
- (2) The local government may establish, determine, vary and indicate by signs—
- (a) parking facilities; or
  - (b) permitted times and conditions of stopping and parking which may vary with the locality; or
  - (c) permitted persons who may stop or park their vehicles; or
  - (d) permitted classes of vehicles which may stop or park; and
  - (e) the manner of stopping or parking.

(3) Where the local government makes a determination under this clause it shall erect signs to give effect to the determination.

### **3.2 Stopping or parking in accordance with signs**

- (1) A person must not stop or park a vehicle in a parking facility—
- (a) if by a sign it is set apart for the stopping or parking of vehicles of a different class; or
  - (b) if by a sign it is set apart for the stopping or parking of vehicles by persons of a different class; or
  - (c) during any period when the stopping or parking of vehicles is prohibited by a sign—
    - (i) other than wholly within a parking bay or metered space; or
    - (ii) if a vehicle is too wide or long to fit completely within a single parking bay, the person stopping the vehicle shall park with the vehicle within the minimum number of parking bays needed to park that vehicle; or
  - (d) otherwise than in accordance with a sign applying to the place where the vehicle is stopping or parked.
- (2) A person must not stop or park a vehicle—
- (a) in a no stopping area; or
  - (b) in a parking area, except in accordance with the signs referable to the parking area and this local law; or

- (c) partly within and partly outside a parking area; or
- (d) in a bay marked 'M/C' unless it is a motorcycle without a sidecar; or
- (e) in a bus lane; or
- (f) in a transit lane; or
- (g) in a truck lane; or
- (h) in a bicycle lane,

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

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

### **3.3 Parking without consent**

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

### **3.4 Parking positions**

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

### **3.5 Angle parking**

- (1) Where a sign referable to a parking area is inscribed with the words "angle parking" a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by marks on the carriageway.
- (2) Where a sign referable to a parking area is inscribed with the words "angle parking" a person stopping or parking a vehicle in the area must stop or park the vehicle in such a manner that the front of the vehicle is closest to the kerb or side of the road, in the same direction as the adjacent traffic lane, unless otherwise instructed on adjacent signage.

### **3.6 Loading zone**

- (1) A person must not stop or park a vehicle in a loading zone unless—
  - (a) the vehicle is a commercial vehicle or delivery vehicle or a vehicle authorised by permit that is current and prominently displayed; and
  - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle.
- (2) A person must not stop or park a commercial vehicle or a delivery vehicle or an authorised vehicle in a loading zone for longer than shown on adjacent signage, and if no time is shown on adjacent signage, a limit of 20 minutes shall apply.



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

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

(2) Unless authorised by the local government, a person—

- (a) must not, for the purposes of conducting a business, stop or park a vehicle on any part of a reserve; or
- (b) must not stop or park a vehicle or part of a vehicle on or over any footpath constructed across a reserve.

### **3.8 Occupied parking bays**

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

### **3.9 Payment for parking**

A person must not insert into a ticket issuing machine, fee collection machine or parking meter anything other than the designations of coin or banknote or other permitted form of payment indicated by a sign on the ticket issuing machine, fee collection machine or parking meter and only in accordance with the instructions printed on the ticket issuing machine, fee collection machine or parking meter.

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

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

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

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

(2) A person who has been permitted by the local government to make alternative methods of payment for parking is exempt from paying fees at the parking station providing that he or she complies with the terms of the alternative method of payment including displaying the current approved permit (where applicable) so that the extent of the permit is fully visible from the outside of the vehicle.

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

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

(1) Where a parking facility has been set aside under clauses 3.1(2)(c) or (d) the local government—

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

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

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

### **3.13 Eating areas**

A person must not stop in a parking bay or metered space that has been established for a purpose other than the parking of vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

A person must not stop or park a vehicle in a parking facility so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking facility without the written authorisation of the local government or the approval of the facility owner.

### **3.18 Behaviour in a parking facility**

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

### **3.19 Damage to parking facilities**

- (1) A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.
- (2) A person shall not remove, damage, deface, misuse or interfere with any parking meter, ticket issuing machine, or pay station, or cause, attempt, suffer, permit or allow any such act.

### **3.20 Removal and impounding of vehicles**

- (1) The powers of the local government to remove and impound goods including vehicles are set out in Part 3 Division 3 Subdivision 4 of the Act.
- (2) Any offence against any provision of this local law is prescribed to be a contravention that can lead to impounding for the purposes of section 3.37 of the Act.
- (3) An authorised person may remove and impound any vehicle that is involved in a contravention that can lead to impounding in accordance with section 3.39 of the Act and this clause.
- (4) An authorised person may use reasonable force to exercise the power given by subclause (3).
- (5) The form of the notice referred to in section 3.42 of the Act shall be in the form as determined by the local government from time to time.
- (6) A person is not entitled to make any claim, by way of damages or otherwise, against the authorised person or the local government in respect of a vehicle removed and impounded under the provisions of this local law, or against any person who purchases a vehicle disposed of by the local government under the provisions of the Act.

### **3.21 Council resolution**

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

## **PART 4—STOPPING AND PARKING ON ROADS AND OTHER AREAS**

### **4.1 Stopping and parking on a carriageway**

- (1) Subject to clause 3.2, a person stopping or parking a vehicle on a carriageway must stop or park the vehicle—
  - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked; or
  - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked; or
  - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopping or parked on the opposite side of the carriageway; or
  - (d) so that it is more than 1.2 metres from any other vehicle, except a motorcycle without a trailer stopping or parked in accordance with this local law; and
  - (e) headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopping or parked.

### **4.2 Median strips and traffic islands**

- (1) A person must not stop or park a vehicle on any part of a road so that any portion of the vehicle is—
  - (a) on a median strip; or
  - (b) adjacent to a median strip other than in a parking bay or metered space.

#### 4.3 Prohibited parking of vehicles

- (1) A person must not park a vehicle on any portion of a road—
  - (a) if that vehicle is not licensed under the Road Traffic Act or any corresponding law of another State or Territory or of the Commonwealth; or
  - (b) if that vehicle is a trailer or caravan unattached to a motor vehicle; or
  - (c) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road.
- (2) A person may advertise a vehicle for sale on a road only when—
  - (a) the vehicle is located on the verge of the vehicle owners residence and does not obstruct any vehicles or pedestrians passing the vehicle for sale; or
  - (b) the vehicle is within a parking facility for a period not exceeding 12 continuous hours; and
  - (c) the vehicle is parked in accordance with all parking signs and local laws of that location; and
  - (d) the advertisement does not exceed one (1) A4 size piece of paper (297mm x 210mm) per side of the vehicle; and
  - (e) the advertisement is not displayed on the front windscreen.

#### 4.4 Traffic obstructions

- (1) This clause does not apply to—
  - (a) a vehicle stopping or parked in a parking bay or metered space established by the local government; or
  - (b) a bicycle in a bicycle rack established by the local government.
- (2) Subclauses (3)(b) and (3)(d) do not apply to a vehicle stopping or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is—
  - (a) on any road so as to cause an obstruction on the road unless it is a public bus stopping next to a sign inscribed with the words “Bus Zone”; or
  - (b) obstructing a thoroughfare or so close as to deny vehicles reasonable access to or egress from—
    - (i) a driveway to a private residential or business property; or
    - (ii) an access road to a private or public carpark; or
    - (iii) any gate or access point to parks and reserves; or
  - (c) on an intersection except adjacent to a carriageway boundary that is not broken by an intersecting carriageway; or
  - (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals, unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place in accordance with this local law; or
  - (e) on a carriageway so that any portion of the vehicle is within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked unless the vehicle stops or parks—
    - (i) at a place on a carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this local law; or
    - (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection; or
  - (f) alongside or opposite any excavation, work, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic; or
  - (g) on or over a footpath, pedestrian crossing, children’s crossing or a place for pedestrians; or
  - (h) on a bridge or other elevated structure or within a tunnel or underpass; or
  - (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line.

#### 4.5 Double parking

- (1) A person 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) Subclause (1) does not apply to—
  - (a) a person stopped in traffic; or
  - (b) a person angle parked on the side of the carriageway or in a median strip parking area, in accordance with this local law.

#### 4.6 Verge parking

- (1) A person must not—
  - (a) stop or park a bus or trailer or caravan unattached to a motor vehicle, so that any portion of it is on a road verge; or

- (b) stop or park a vehicle so that any portion of the vehicle is on a road verge during any period when the stopping or parking vehicles on the road verge is prohibited by a sign adjacent and referable to that road verge; or
- (c) stop or park a vehicle on a road verge in a manner that obstructs pedestrians; or
- (d) stop or park a vehicle on a verge for a period of time or in a manner that causes damage to that verge.

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

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

#### **4.7 Parking near fire hydrant or post box**

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

- (a) within 1 metre of a fire hydrant, fire plug, or any sign or mark indicating the existence of a fire hydrant or fire plug unless—
  - (i) the driver is driving a public bus, and the driver stops in a bus zone or a at a bus stop and does not leave the bus unattended; or
  - (ii) the driver is driving taxi, and the driver stops in a taxi zone and does not leave the taxi unattended; or
- (b) within 3 metres of a public post box, unless the vehicle—
  - (i) is being used for the purpose of dropping off or picking up passengers or collecting postal articles from the post box; or
  - (ii) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop or park at that place under this local law.

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

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

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

- (a) a bus embayment or a sign inscribed with the words “Bus Zone” unless the vehicle is a bus stopped to take up or set down passengers; or
- (b) a pedestrian crossing; or
- (c) a children’s crossing.

(3) Subject to subclause (4), a person must not stop a vehicle so that any portion of the vehicle is within 10 metres of the approach side or within 3 metres of the departure side of—

- (a) a marked foot crossing, that is not at an intersection; or
- (b) a bicycle crossing equipped with bicycle crossing lights, that is not at an intersection.

(4) Subclauses (1), (2) or (3) do not apply if—

- (a) the vehicle is stopping or parked in a marked bay to which a parking sign applies; or
- (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
- (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

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

(1) Where stopping or parking on a road is permitted for a limited time, a person must not move a vehicle within that section of road so that the total time of parking exceeds the maximum time permitted, unless—

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

#### **4.10 Public bus bays**

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

#### **4.11 Charter bus bays**

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

#### **4.12 Bus parking**

(1) Unless otherwise stated on a sign—

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

#### 4.13 Construction site vehicle parking

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

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

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

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

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

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

“**eligible person**” means an owner or occupier of a construction site or any builder carrying out work on a construction site;

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

“**heavy goods vehicle**” means a vehicle which is defined in the First Schedule of the *Road Traffic Act 1974* as a tractor (prime mover type) or a tractor (other than prime mover type) and includes any other vehicle constructed primarily for the conveyance of goods which is attached to a heavy goods vehicle;

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

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

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

(a) the number and location of work zones the applicant may use;

(b) the period during which the stopping or parking of construction site vehicles is permitted in the work zone; and

(c) the amount of the establishment fee.

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

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

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

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

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

(a) the vehicle is a construction site vehicle; or

(b) the vehicle is stopping or parked during a period in which the stopping or parking of a construction site vehicle in that zone is permitted by a sign; and

(c) a person is continuously engaged in loading or unloading goods—

(i) to or from the construction site vehicle; or

(ii) to or from the construction site.

(9) A person must not stop or park a vehicle in a shared zone unless the vehicle—

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

(b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law; or

(c) the vehicle is dropping off, or picking up, passengers or goods; or

(d) the vehicle is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage.

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

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

(a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or

(b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

(2) Nothing in this clause mitigates the limitations or conditions imposed by any other regulation or traffic sign relating to the parking or stopping of vehicles.

**PART 5—METERED ZONES****5.1 Fees in metered zones**

- (1) A person must not stop or park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.
- (2) The payment of the fee referred to in subclause (1) entitles a person to stop or park a vehicle in a metered space for the period shown on a sign referable to the space, but does not authorise the parking of the vehicle during any time when stopping or parking in that space is prohibited under this local law or the sign on the parking meter referable to the metered space.
- (3) Unless authorised by the local government, a person must not leave or permit a vehicle to remain stopping or parked in a metered space—
  - (a) during the hours when a fee is payable to stop or park a vehicle in the space when the parking meter referable to that space exhibits the sign ‘Expired’, a negative time or a series of red flashing lights; or
  - (b) for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted; or
  - (c) if the parking meter is hooded with a covering bearing the words “No Parking”, “Reserved Parking”, “Temporary Bus Stop” or with an equivalent symbol depicting one of these purposes.

**5.2 Parking position in metered space**

- (1) A person must not stop or park a vehicle in a metered space other than—
  - (a) parallel to the kerb; and
  - (b) as close to the kerb as practicable; and
  - (c) wholly within the metered space; and
  - (d) headed in the direction of the movement of traffic on the part of the road on which the space is situated.
- (2) A person must not stop or park a vehicle in a metered space which is not parallel to a kerb other than wholly within the metered space.

**5.3 No parking within 1 hour**

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

**PART 6—TICKET MACHINE ZONES****6.1 Fees in ticket machine zones**

- (1) A person must not stop or park a vehicle in a ticket machine zone unless the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone is inserted into the ticket issuing machine.
- (2) The payment of the fee referred to in subclause (1) entitles a person to stop or park a vehicle in a ticket machine zone for the period shown on the parking ticket, but does not authorise the stopping or parking of the vehicle in a space during any time when stopping or parking in that zone is prohibited—
  - (a) under this local law; or
  - (b) by the sign on the ticket issuing machine referable to the zone; or
  - (c) by a sign referable to that space.

**6.2 Display of parking tickets and parking limits**

- (1) A person must not stop or park a vehicle in a ticket machine zone during the period stated on the ticket issuing machine referable to the zone during which stopping or parking is permitted upon the purchase of a parking ticket (the “permitted period”) unless—
  - (a) an unexpired parking ticket issued by a ticket issuing machine in that ticket machine zone; and
  - (b) the date and time of issue or expiry, as the case may be, and the number (if any) of the ticket printed on the ticket, are properly displayed.
- (2) Where more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of the aggregate of those periods providing that the aggregate does not exceed the permitted period.
- (3) A driver of a vehicle who parks the vehicle in a ticket machine zone must, on purchasing a ticket from the ticket issuing machine for a period of parking, place the ticket inside the vehicle in a position where—
  - (a) the ticket is clearly visible; and
  - (b) the date, location and expiry time or time which the ticket remains valid is able to be read by and authorised person examining the ticket from outside the vehicle.

**6.3 Parking limits**

- (1) A person shall not stop or park a vehicle in a ticket machine zone—
- (a) except during the period stated on signs referable to the zone during which stopping or parking is permitted; and
  - (b) for longer than the maximum period stated on the ticket issuing machine in the zone during which the continuous parking of a vehicle in the zone is permitted.

**6.4 Parking position in ticket machine zones**

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

**PART 7—PARKING STATIONS****7.1 Fees in ticket machine zones**

- (1) A person must not enter a parking station without first obtaining the authorisation of an authorised person if one is on duty or an entrance ticket or a parking ticket unless that person is—
- (a) employed at the parking station and is in the course of his or her duties; or
  - (b) a police officer and is in the course of his or her duties; or
  - (c) the driver of or a passenger in a vehicle stopping or parked in that station.

**7.2 Stopping or parking in a parking station**

- (1) A person must not stop or park a vehicle in—
- (a) an attended parking station, unless the appropriate fee as indicated by a sign is paid when demanded; or
  - (b) a parking station with a ticket issuing machine, unless the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine and the person complies with the relevant provisions of Part 6 of this local law; or
  - (c) a parking station with a fee collection machine, unless the appropriate fee as indicated by a sign is inserted into the machine and the ticket is validated immediately prior to departure.

**7.3 No entrance ticket**

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

**7.4 Removal of vehicles**

- (1) A person must not remove a vehicle which has been stopping or parked in a parking station until—
- (a) that person or another person has paid the appropriate fee for the period for which the vehicle has been stopping or parked; or
  - (b) the local government has issued a notice stating the fee and that the stated fee must be paid within the time specified in the notice.
- (2) A person who receives a notice under subclause (1)(b) must pay the fee within 3 working days from the time of issue of the notice.

**7.5 Maximum parking period in parking stations**

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

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

- (1) The Council in respect of any local government parking station and in respect of any period or time may, by the use of a sign, set aside any parking station where entry is prohibited by vehicles other than vehicles carrying in addition to the driver at least one other person.
- (2) A person must not stop or park a vehicle in any parking station which has been set aside under subclause (1) at the times or within the period specified under subclause (1) unless the vehicle is carrying at least one other person.
- (3) A person must not enter any parking station which has been set aside under subclause (1) at the times or within the period specified under subclause (1) unless that person is the driver of or passenger in a vehicle carrying at least one other person.
- (4) The fee payable, and the manner of payment, for the parking of a vehicle in any parking station which has been set aside under subclause (1) and the manner of payment may be determined by Council from time to time in accordance with the Act.

### 7.7 Parking station closure

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

### 7.8 Elected Member parking permit

- (1) The local government may issue to any member of the Council an Elected Member parking permit and may vary or revoke a permit at any time.
- (2) The holder of an Elected Member parking permit is exempt from those clauses of this local law specified in the permit.
- (3) The exemptions conferred by subclause (2) apply only—
  - (a) if the Elected member parking permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be properly displayed; and
  - (b) if the Elected Member parking permit is valid; and
  - (c) if the holder of the Elected member parking permit is carrying out his or her duties or performing his or her functions as a member of the Council.
- (4) A, Elected Member parking permit ceases to be valid—
  - (a) when the holder of the permit ceases to be a member of the Council; or
  - (b) after the expiry date specified in the permit; or
  - (c) when revoked by the local government.

## PART 8—RESIDENTIAL AND VISITOR PARKING PERMITS

### 8.1 Interpretation

In this part unless the context otherwise requires—

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

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

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

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

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

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

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

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

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

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

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

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

### 8.3 Issue of permits

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

### 8.4 Issue of permits

(1) Subject to clause 8.5—

- (a) The local government shall not issue more than two residential parking permits or two visitor parking permits to any single house occupier where the single house is situated on land having no provision for parking;



- (b) The local government shall not issue more than one residential parking permit or one visitor parking permit to any single house occupier where the single house is situated on land which has provision of parking of one vehicle only; and
- (c) The local government shall not issue a residential parking permit or a visitor parking permit to any single house occupier where the single house is situated on land having provision for parking of two or more vehicles.

#### **8.5 Restrictions on issue of permits to unit owners**

- (1) Where no parking is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue more than two residential parking permits or two visitor parking permits to the unit owner.
- (2) Where parking for one vehicle only is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue more than one residential parking permit or one visitor parking permit to the unit owner.
- (3) Where parking for two or more vehicles is available to a unit owner on the land upon which the residential unit is situated the local government shall not issue a residential parking permit or a visitor parking permit to the unit owner.

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

- (1) Where no parking is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue more than two residential parking permits or two visitor parking permits to the unit occupier.
- (2) Where parking for one vehicle only is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue more than one residential parking permit or one visitor parking permit to the unit occupier.
- (3) Where parking for two or more vehicles is available to a unit occupier on the land upon which the residential unit is situated the local government shall not issue a residential parking permit or a visitor parking permit to the unit occupier.

#### **8.7 Restrictions on number of permits**

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

#### **8.8 Validity of permits**

- (1) A residential parking permit or visitor parking permit shall cease to be valid—
  - (a) upon the expiry of a period of 12 months from and including the date on which it is issued; or
  - (b) upon the holder of such permit ceasing to be an eligible person; or
  - (c) where the permit is revoked in accordance with clause 8.9.
- (2) The holder of a residential parking permit or visitor parking permit shall forthwith upon such permit ceasing to be valid remove such permit from the vehicle in which it is properly displayed where—
  - (a) no fee has been paid; or
  - (b) dates shown on supplied permit are no longer current; or
  - (c) as directed in writing from the City.

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

- (1) Where the local government is satisfied that a parking permit is not being used in accordance with Part 8 of this local law, the local government may revoke a permit.
- (2) The local government may give a person to whom a permit has been issued in accordance with clause 8.3 of this local law a notice—
  - (a) indicating that the permit may be revoked;
  - (b) explaining the reason why the permit may be revoked; and
  - (c) requiring the person to notify the local government within 14 days, of any reason why the permit should not be revoked.
- (3) After the expiry of 14 days from the date of service of the notice referred to in subclause (2) on the person to whom the permit has been issued, whether or not a response has been received, the local government may revoke the permit.
- (4) Where the local government revokes a permit, it is to notify the person that the permit has been revoked.
- (5) A holder of a permit which is revoked by the local government shall forthwith remove such permit from the vehicle to which it is affixed and shall forthwith return such permit to the local government.

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

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

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

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

**PART 9—MISCELLANEOUS****9.1 Authorised person—certificate of appointment**

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

**9.2 Authorised persons**

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

**9.3 Necessary power**

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

**9.4 Impersonating an authorised person**

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

**9.5 Obstructing of an authorised person**

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

**9.6 Removal of notices**

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

**9.7 Display of signs**

(1) A person must not without the authorisation of the Council—

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law; or
- (b) remove, deface or misuse a sign or property set up by the local government under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to or paint or write on any part of a sign, parking meter, ticket issuing machine or fee collecting machine.

**9.8 Use of parking tickets**

(1) A person must not—

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

**9.9 Marking vehicles**

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

- (a) mark the face of tyres of a vehicle with chalk or any other non-indelible substance; or
- (b) record the position of a vehicle; or
- (c) take a valve stem reading of a vehicle; or
- (d) record vehicle details and vehicle registration numbers; for a purpose connected with his or her duties or powers.

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

**9.10 Exemption when complying with directions**

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

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

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

**9.12 Power of an authorised person**

(1) An authorised person is hereby authorised by the local government to—

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

**9.13 Special purpose and emergency vehicles**

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

**PART 10—PARKING POLICY****10.1 Policy**

- (1) The Council may make a policy in accordance with clause 10.2 in specifying—
- (a) any matter which may be the subject of a Council resolution under this local law; and
  - (b) any matter ancillary or necessary to give effect to a policy.

**10.2 Procedure for making a policy**

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

**10.3 Register of the parking policy**

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

**10.4 Amendment or revocation of the parking policy**

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

**PART 11—OFFENCES AND PENALTIES****11.1 Offences**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (3) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

### 11.2 Infringement and infringement withdrawal notices

(1) For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*.

### 11.3 Modified penalty

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

(2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in the Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.

(3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit, as specified in the *City of Bunbury Penalty Units Local Law 2018*, by the number of penalty units specified in this local law.

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

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

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

### 11.4 Court proceedings

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

### 11.5 Records

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

### 11.6 Transitional provisions

Schedule 2 to this local law, which contains transitional provisions, has effect.

## SCHEDULE 1—MODIFIED PENALTIES

[Clause 11.3]

Item No.	Clause	Nature of Offence	Modified Penalty Units
1	3.2(1)	Stop or park vehicle contrary to signs	3
2	3.2(2)(a)	Stop or park vehicle in no stopping area	3
3	3.2(2)(d)	Stop or park vehicle in motorcycle stall	3
4	3.2(3)	Park vehicle in no parking area	6
5	3.2(4)	Stop vehicle contrary to yellow edge line	6
6	3.2(6)	Stop motorcycle in vehicle stall	3
7	3.2(8)	Stop or Park in Authorised Vehicle Only bay	6
8	3.2(9)	Stop or park longer than permitted	3
9	3.2(10)	Park vehicle within road closed area during event/works	10
10	3.3(1)	Stop or park on private property	6
11	3.3(2)	Park vehicle on private property contrary to signs	3
12	3.4(2)	Not wholly within parking stall	6
13	3.6(1)	Stop or park a non-commercial vehicle in loading zone	5

Item No.	Clause	Nature of Offence	Modified Penalty Units
14	3.6(2)	Stop or park a vehicle for over 20 minutes in loading zone	5
15	3.7(1)	Stop or park a vehicle on a reserve	15
16	3.13	Stop or park vehicle in eating area	6
17	3.15	Fail to move vehicle when directed by authorised person	6
18	3.16	Unauthorised sale/hire of goods within parking facility	6
19	3.17	Obstruct Vehicle in parking station	6
20	3.18(1)	Remaining in Parking Facility when directed to leave by authorised person	6
21	3.18(2)	Loitering in parking facility	6
22	3.19	Damage to Parking Facility or Parking equipment	6
23	4.1(1)(c)	Stop or Park a vehicle within 3m of centre of road	6
24	4.1(1)(e)	Stop or park a vehicle facing wrong direction	6
25	4.2(1)(a)	Stop or Park a vehicle on a median strip	6
26	4.2(1)(b)	Stop or Park a Vehicle Adjacent to a median strip	6
27	4.3(1)(b)	Stop or Park unattached trailer or caravan	6
28	4.3(2)	Display Vehicle for Sale in Street	6
29	4.4(3)(a)	Obstruction—Street or Roadway	6
30	4.4(3)(b)	Obstruction—Right of Way/ Private Drive	6
31	4.4(3)(d)	Stop or park a vehicle within 20m of Traffic Lights	6
32	4.4(3)(e)	Stop or park a vehicle within 10m of an intersection	6
33	4.4(3)(f)	Stop or Park opposite excavation, work, scaffolding that would cause obstruction	6
34	4.4(3)(g)	Stop or Park a vehicle on a footpath or pedestrian crossing	6
35	4.4(3)(h)	Stop or Park on Bridge or Tunnel	6
36	4.5(1)	Double parked	6
37	4.6(1)(c)	Stop or Park vehicle on Verge causing obstruction to pedestrians	6
38	4.7(1)(a)	Stop or park vehicle within 1 metre of fire hydrant	6
39	4.7(1)(b)	Stop or Park vehicle within 3 metres of public post box	6
40	4.8(2)(a)	Stop or Park within 20m of bus bay	6
41	4.8(2)(b)	Stop or Park within 20m of pedestrian crossing	6
42	4.8(2)(c)	Stop or Park with 20m of children's crossing	6
43	4.9	Park same vehicle in same zone within 1 hour	3
44	4.10	Stop or park vehicle in Bus Bay	6
45	4.13(8)	Stop or Park unauthorised vehicle in work zone	6
46	4.14(1)(a)	Park long/heavy vehicle in built up area for more than 1 hour	6
47	6.2(1)	Ticket expired or wrongly displayed	3
48	7.1	Unauthorised entry to parking station	6
49	7.5	Repark vehicle in Parking Station with 1 hour after time expired	3
50	8.8(2)	Display invalid parking permit	6
51	8.9(5)	Display a revoked parking permit	6
52	9.5	Obstruction of authorised person	6
53	9.6	Unauthorised removal of notice on vehicle	6
54	9.7(1)(a)	Erect or display unauthorised sign	6
55	9.7(1)(b)	Unauthorised removal of sign	6
56	9.7(1)(c)	Unauthorised covering of sign	6
57	9.8	Produce or Park a vehicle with a voucher/ticket that has been altered or defaced	6
58	9.9(2)	Unauthorised removal of Chalk/mark from tyre	6
59		Any other clauses	6

## SCHEDULE 2—TRANSITIONAL PROVISIONS

[Clause 11.6]

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

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

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

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

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

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

**“the repealed local laws”** means the repealed City of Bunbury local laws stated in clause 1.1 of this local law.

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

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

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

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

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

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

(a) be treated as though it had been imposed, made or ordered under this local law where a provision of this local law corresponds with a provision of the repealed local laws concerned; and

(b) be taken into account for the purposes of assessing appropriate penalty.

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Dated 11 December 2018.

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

GARY BRENNAN, Mayor.  
MAL OSBORNE, Chief Executive Officer.

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