

## Local Law

# Parking and Parking Facilities Local Law 2018



# ***Local Government Act 1995***

## **City of Kwinana**

### **PARKING AND PARKING FACILITIES LOCAL LAW 2018**

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# **Local Government Act 1995**

## **City of Kwinana**

### **PARKING AND PARKING FACILITIES LOCAL LAW 2018**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the City of Kwinana resolved on 14 November 2018 to adopt the following local law.

#### **PART 1 — PRELIMINARY**

##### **1.1 Citation**

This local law may be cited as the *City of Kwinana Parking and Parking Facilities 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 Purpose and effect**

- (1) The purpose of this local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.
- (2) The effect of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

##### **1.4 Repeal**

The *Town of Kwinana Parking Local Law 2000* published in the *Government Gazette* on 11 January 2011 is repealed.

##### **1.5 Application**

- (1) Subject to subclause (2), this local law applies to the parking region as described in Schedule 1.
- (2)
  - (a) The local government may enter into an agreement in writing with the owner or occupier of a parking facility or a parking station that is not owned or occupied by the local government for the application of this local law to the facility or station.
  - (b) The agreement referred to in subclause (2)(a) may be made on such terms and conditions as the parties may agree.
- (3) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (4) Where a parking facility or a parking station is identified in a register maintained by the local government, the facility or station shall be deemed to be a facility or station to which this local law applies.

- (5) The provisions of Parts 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

## **1.6 Interpretation**

- (1) In **this** local law unless the context requires otherwise –

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

**Australian Standard** means an Australian Standard published by Standards Australia and as amended from time to time;

**attended parking station** means a parking station attended by an officer of the local government and in respect of which fees for the parking of a vehicle are payable immediately prior to the removal of the vehicle from the station;

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

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

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

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

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

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

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

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

**caravan** means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

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

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

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

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

**children's crossing** has the meaning given to it by the *Code*;

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

**coin** means any coin which is legal tender pursuant to the *Currency Act 1965* (Commonwealth);

**commercial vehicle** means a vehicle whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes and/or which is greater than 7 metres in length and 2.4 metres in height, including –

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);

**costs** of the local government include its administrative costs;

**cul-de-sac** means a carriageway closed at one end that has the same entry and exit point;

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

**display** means to place in a prominent place inside the vehicle on the front passenger's side, preferably on the dashboard, in order that the text may readily be seen and read from outside of the vehicle;

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

**driver** means any person driving or having control of a vehicle;

**eating area** means an area in which tables, chairs and other structures are provided for the purpose of the supply of food and beverages to a member of the public or the consumption of food and beverages by a member of the public;

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

**emergency vehicle** has the meaning given to it by the *Code*;

**fire hydrant** means an upright pipe with a spout, nozzle or other outlet for drawing water from a main or service pipe in case of fire or other emergency;

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

**GTM** means 'gross trailer mass' as given to it by the *Code*;

**GVM** means 'gross vehicle mass' as given to it by the *Code*;

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

**laneway** means a narrow carriageway generally situated at the rear of a lot, the purpose of which is to service the lots adjacent to it and not as a general thoroughfare for through traffic;

**loading zone** means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'Loading Zone';

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

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

**median strip** has the meaning given to it by the *Code*;

**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;

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

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

**no parking area** means a portion of a carriageway to which a no parking sign applies or an area to which a no parking sign applies;

**no parking sign** means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;

**no stopping area** means a portion of a carriageway to which a no stopping sign applies or an area to which a no stopping sign applies;

**no stopping sign** means a sign with the words 'no stopping' or 'no standing' in red letters on a white background or the letter 'S' within a red annulus and a red diagonal line across it on a white background;

**obstruct** means to prevent or impede or to make difficult the normal passage of any vehicle, wheelchair, perambulator or pedestrian and obstruction shall have a corresponding meaning;

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

**owner -**

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974* means the person in whose name the vehicle has been registered under the *Road Traffic Act 1974*;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the *Act*;



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

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

**parking area** means a portion of a carriageway to which a permissive parking sign applies or a parking facility managed by the local government to which a permissive parking sign applies;

**parking facilities** includes land, buildings, shelters, road reserve, parking area, metered zone, ticket machine zone, parking bay, parking station, attended parking station, parking stalls and other facilities open to the public generally for the parking of vehicles whether or not a fee is charged, and includes any signs, notices and facilities used in connection with the parking of vehicles;

**parking region** means the whole of the district except for those areas, roads, bridges and subways under the control and direction of the Commissioner of Main Roads;

**parking stall** means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

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

**parking ticket** means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle in a parking stall or a parking station or part of a parking station;

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

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

**reserve** means any land –

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

**residential street** means a thoroughfare where the majority of properties abutting the thoroughfare are used for residential purposes;

**residential zone** means land within the residential zone specified within the City of Kwinana's town planning scheme dealing with zoning;

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

- (a) shown and marked “Right of Way” or “ROW”, or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; and
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*,

but does not include:

- (a) private driveways; and
- (b) a right of way created by a deed of easement between two or more parties;

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

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

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

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

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

**special residential zone** means land within the special residential zone specified within the City of Kwinana’s town planning scheme dealing with zoning;

**Standards Australia** means Standards Australia Limited ACN 087 326 690;

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

**symbol** includes, but is not limited to, any symbol specified by the current Australian Standard 1742.11 and any symbol specified from time to time by Standards Australia for use in the regulation of parking;

**tare weight** in relation to a vehicle, means the weight of the vehicle without any passengers or load;

**taxi** means a taxi within the meaning of section 47Z of the *Transport Co-ordination Act 1966*;

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

**ticket issuing machine** means a machine or device which is installed in a parking facility and which upon the insertion of coins or a token, pass, card, key or device issues a parking ticket;

**ticket machine zone** means a parking facility in which ticket issuing machines are installed but does not include a parking station;

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

**town planning schemes** are local planning schemes as defined in the *Planning and Development Act 2005* and mean the Town of Kwinana Town Planning Schemes No 2 and No 3 or any subsequently adopted local planning scheme of the City of Kwinana;

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

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

**trailerable vessel** means a monohull or multi-hull boat which can be transported on the road on the same trailer used to launch and retrieve it;

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

**vehicle** has the meaning of every conveyance, whether licensed or not, a vessel or aircraft, and every object capable of being propelled or drawn including trailers and caravans, on wheels or tracks, or by any means;

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

- (2) For the purposes of the application of the definitions “no parking area” and “parking area” an arrow inscribed on a sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (3) A reference to a word or expression inscribed on a sign includes a reference to a symbol depicting the word or expression.
- (4) A reference to a parking station, ticket machine zone or metered zone includes a reference to part of the parking station, ticket machine zone or metered zone.
- (5) Unless the context otherwise requires, where a term is used, but not defined in this local law and –
  - (a) it is defined in the *Act*, it shall have the meaning given to it in the *Act*; and
  - (b) it is defined in the *Road Traffic Act* or in the *Code*, it shall have the meaning given to it in the *Road Traffic Act* or the *Code*.

### **1.7 Classes of vehicles**

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

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis;
- (e) trailers and caravans (a trailerable vessel is included in this class to the extent that it is located upon a trailer); and
- (f) all other vehicles.

### **1.8 Powers of the local government**

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

### **1.9 Determination of fees, charges and costs**

All fees, charges and costs referred to in this local law shall be determined and imposed by the local government from time to time in accordance with sections 6.16 to 6.20 of the Act.

### **1.10 Relationship with other laws**

In the event of any inconsistency with any Act, Regulation or local planning scheme, the provisions of those Acts, Regulations or local planning schemes are to prevail.

## **PART 2 — SIGNS**

### **2.1 Erection of signs**

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

### **2.2 Compliance with signs**

- (1) A person shall comply with the direction on every sign displayed, marked, placed, or erected pursuant to this local law.
- (2) An inscription or symbol on a sign operates and has effect according to its meaning and a person contravening the direction on a sign commits an offence under this local law.

### **2.3 Unauthorised signs and defacing of signs**

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

- (a) display, mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or



- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

## **2.4 General provisions about signs**

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare or in a parking station is, in the absence of evidence to the contrary to be deemed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.
- (3) For the purpose of this local law, the local government may use Australian Standard AS 1742.11, as a guide for the development or marking of signs, but is not bound to do so and, where it does use it as a guide may vary any of the provisions of Australian Standard AS 1742.11 as it sees fit.

## **2.5 Application of this local law to pre-existing signs**

A sign that –

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

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

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

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

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

## **3.1 Determination of parking stalls and parking stations**

- (1) The local government may by resolution constitute, determine and vary and also indicate by signs –
  - (a) parking stalls;
  - (b) parking stations;
  - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
  - (d) permitted classes of vehicles which may park in parking stalls and parking stations;

- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
  - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.

### **3.2 Vehicles to be within parking stall on thoroughfare**

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

### **3.3 Parking prohibitions and restrictions**

- (1) A person shall not –
- (a) stop or park a vehicle in a parking station so as to obstruct any entrance, exit, carriageway, passage or thoroughfare of the parking station;
  - (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
  - (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle from such part or from the parking station; or
  - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked “M/C”, if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle –
- (a) in a parking stall other than in a stall marked “M/C”; and
  - (b) in such stall other than against the kerb,
- unless it is parked at a bicycle rail or in a bicycle rack.

- (3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a parking stall or station (except in a parking area for people with disabilities) for twice the period of time permitted by the sign, provided that –
- (a) the driver's vehicle displays a disability parking permit; and
  - (b) a person with disabilities to which that disability parking permit relates is either the driver of, or a passenger in the vehicle.

## **PART 4 — PARKING GENERALLY**

### **4.1 Restrictions on parking in particular areas**

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station –
- (a) if by a sign it is set apart for the parking of vehicles of a different class;
  - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class;
  - (c) during any period when the parking of vehicles is prohibited by a sign; or
  - (d) by exceeding the length of time specified by a sign.
- (2) (a) In subclause(2)(b) **driver** means a driver where –
- (i) the driver's vehicle displays a disability parking permit; and
  - (ii) a disabled person to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (b) A driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period of time permitted by a sign referable to the thoroughfare or the part of the thoroughfare or the part of the parking station.
- (3) A person shall not park a vehicle –
- (a) in a no parking area;
  - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
  - (c) in a stall marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (4) A person shall not, without the prior permission of the local government, or an authorised person, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only".

### **4.1A Stopping in a parking area for people with disabilities**

- (1) In this clause, unless the contrary intention appears –

**authorised vehicle** means a vehicle —

- (a) used by the holder of a disability parking permit; and
- (b) identified in accordance with regulation 6 of the *Local Government (Parking for People with Disabilities) Regulations 2014*;

**disability parking permit** means a current document issued by the National Disability Service (ACN 008 445 485), consisting of —

- (a) an Australian Disability Parking Permit; and
  - (b) an ACROD Parking Program Card;
- (2) A vehicle shall not stop in a parking area for people with disabilities unless —
- (a) the vehicle displays an ACROD Program Card; and
  - (b) either the driver or a passenger of that vehicle possess a current Australian Disability Parking Permit.
- (3) In this clause, a parking area for people with disabilities is a parking stall —
- (a) to which a parking control sign of the kind referred to in regulation 3 paragraphs (i) and (k) of the definition of that term in the *Road Traffic Code 2000* applies; and
  - (b) a people with disabilities symbol (as depicted in the *Road Traffic Code 2000* regulation 171(2)), clearly marked on the ground within the limits of the permit parking.

#### **4.2 Parking vehicle on a carriageway**

- (1) A person parking a vehicle on a carriageway other than in a parking stall shall park it so that it complies with the requirements of clause 4.8 and —
- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
  - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law;



- (e) in a cul-de-sac so as to not obstruct the turning of vehicles within the cul-de-sac;
  - (f) in a laneway so as to not obstruct any vehicle on the carriageway, and
  - (g) so that it does not obstruct any vehicle on a carriageway;
- unless otherwise indicated by a sign.
- (2) In this clause, **continuous dividing line** means –
- (a) a single continuous dividing line only;
  - (b) a single continuous dividing line to the left or right of a broken dividing line; or
  - (c) 2 parallel continuous dividing lines.
- (3) (a) The driver of any vehicle standing on any carriageway in any park or reserve shall place and keep the vehicle close to and parallel with the road edge, kerb or footpath on the left of the vehicle, except where channels or other obstructions prevent this from being done;
- (b) Subclause (3)(a) shall not apply to a vehicle parked in an area where the parking bays have been marked other than parallel to the road edge.

#### **4.3 When parallel and right-angled parking apply**

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

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

#### **4.4 When angle parking applies**

- (1) Where a sign associated with a parking area is inscribed with the words “*angle parking*” (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.
- (2) This clause does not apply to –
- (a) a commercial vehicle; or
  - (b) any vehicle when it is being loaded or unloaded immediately with passengers, goods, merchandise or materials collected from or delivered to the premises.

#### **4.5 General prohibitions on parking**

- (1)
  - (a) This clause does not apply to a vehicle parked in a parking stall.
  - (b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (2) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle on a thoroughfare so that any portion of the vehicle is –
  - (a) between any other stationary vehicle or vehicles and the centre of the carriageway (double parking);
  - (b) on or adjacent to a median strip;
  - (c) obstructing a right of way, private driveway or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private driveway or carriageway;
  - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
  - (f) either wholly or partially on or overhanging any footpath or pedestrian crossing;
  - (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
  - (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
  - (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
  - (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
  - (k) within 10 metres of the commencement of the change of direction of the kerb of a road at an intersecting carriageway on either the approach or departure side;
 

unless a sign indicates otherwise.
- (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –
  - (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a children’s crossing or pedestrian crossing.

- (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of –
- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a children’s crossing or pedestrian crossing.
- (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

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

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

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

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.
- (3) Where parking in a thoroughfare is restricted as to time and a vehicle has been parked in that thoroughfare a person shall not park that vehicle again in that thoroughfare unless there is between the place where the vehicle had been parked and the place where the vehicle is subsequently parked another thoroughfare that meets or intersects that thoroughfare.

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

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

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the *Road Traffic Act 1974*;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, nor dismantle or construct it, other than to effect the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

#### **4.9 Parking on private land**

- (1) In this clause a reference to “**private land**” does not include land –
- (a) which belongs to the local government;
  - (b) of which the local government is the management body under the *Land Administration Act 1997*;
  - (c) which is an ‘otherwise unvested facility’ within section 3.53 of the *Act*;

- (d) which is the subject of an agreement referred to in clause 1.5(2); or
  - (e) which is identified in a register of parking stations maintained by the local government in accordance with clause 1.5.
- (2) Parking on private land other than land identified in sub-clause (1) is dealt with in the town planning schemes.
  - (3) Unless otherwise permitted by law, a person shall not park a vehicle on land identified in sub-clause (1) without the consent of the local government.

#### **4.10 Parking on reserves**

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

#### **4.11 Parking on verges**

- (1) Unless otherwise permitted by clause 7.3, a person shall not –
  - (a) park any vehicle (commercial or otherwise); or
  - (b) park a trailer or caravan unattached to a motor vehicle; or
  - (c) park a vehicle during any period when parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,
    - so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to;
  - (a) the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to park the vehicle so that any portion of it is on the verge; or
  - (b) a vehicle when it is being loaded or unloaded immediately with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the vehicle is parked. Provided that the person is authorised by the occupier of those premises and no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath; or
  - (c) a commercial vehicle associated with building works being carried out on the premises at that time and place.
- (3) Subclause 2(a) does not allow for or include the parking of commercial vehicles.

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

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government or an authorised person may, subject to the *Code*, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.



- (2) Where permission is granted under subclause (1), the local government or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

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

(1) Display of Tickets—

- (a) Subject to subclause (2) a person shall not stop or park a vehicle in any part of a parking station equipped with a ticket issuing machine or a parking facility during any permitted period unless:
- (i) an unexpired parking ticket or unexpired parking tickets applicable to that part of the parking station and issued on that day; and
  - (ii) the date and time of issue or expiry of the ticket, as the case may be, and the number of the ticket, if any, printed thereon, are displayed inside the vehicle and clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in that part of the parking station.
- (b) For the purposes of subclause (1), a parking ticket issued in respect of any parking station or any part of a parking station which has been set aside under this local law shall be applicable only to that parking station or that part of that parking station, as the case may be.
- (c) A reference in this clause to:
- (i) **permitted period** means the period stated on the ticket issuing machines in the parking station during which the parking of vehicle is permitted upon the purchase of a parking ticket;
  - (ii) **unexpired parking ticket** means a parking ticket on which:
    - (a) a date and expiry time is printed and that time has not expired; or
    - (b) a date and time of issue is printed and the period for which that ticket remains valid as stated on the ticket issuing machine from which the ticket was purchased has not expired.

(2) Use of Parking Tickets—

A person shall not—

- (a) deface, alter, add to, erase, obliterate or otherwise interfere with a parking ticket or any information, printing or imprint thereon;
- (b) park a vehicle in a parking station or parking facility if there is displayed in that vehicle so as to be visible from outside the vehicle a parking ticket which has been defaced, altered, added to, erased, obliterated or otherwise interfered with; or
- (c) produce to an authorised person or the local government to accept payment of parking fees, a parking ticket which is, or any information, printing or imprint on which is defaced, altered, added to, erased, obliterated or otherwise interfered with.

(3) Fees for Motorcycles in Parking Stations—

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

(4) Parking Position for Motorcycles—

A person shall not stop or park a motorcycle in a parking station equipped with a ticket issuing machine unless—

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

(5) Set aside Parking Stations for Multiple Occupants—

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

(6) Parking Restrictions for Vehicles with Multiple Occupants—

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

## **PART 5 — PARKING AND STOPPING**

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

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

(1) No stopping—

A driver shall not stop on a part of a carriageway, or in an area, to which a no stopping sign applies.

(2) No parking—

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

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

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

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

***Division 2 — Stopping in zones for particular vehicles***

**5.2 Stopping in a loading zone**

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

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

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

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

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

**5.4 Stopping in a mail zone**

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

**5.5 Other limitations in zones**

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

### ***Division 3 — Other places where stopping is restricted***

#### **5.6 Stopping in a shared zone**

A driver shall not stop in a shared zone unless –

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

#### **5.7 Double parking**

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

(2) This clause does not apply to –

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

#### **5.8 Stopping near an obstruction**

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

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

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

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

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

- (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
- (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

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

(1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking



vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.

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

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

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

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

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

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

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

- (2) In this clause –

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

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

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

#### **5.14 Stopping on verges**

- (1) Unless otherwise permitted by clause 7.3, a person shall not –

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

- (2) Subclause (1)(a) does not apply to;

- (a) the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge; or
  - (b) a vehicle when it is being loaded or unloaded immediately with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the vehicle is stopped provided that the person is authorised by the occupier of those premises and no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath; or
  - (c) a commercial vehicle associated with building works being carried out on the premises at that place.
- (3) Subclause 2(a) does not allow for or include the stopping of commercial vehicles for a period of longer than 4 hours.

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

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless –
- (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless –
- (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

**5.16 Stopping near a public letter box**

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

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

**5.17 Stopping on a thoroughfare – commercial vehicles**

Subject to any clause to the contrary or sign referable to the thoroughfare, a person shall not stop a commercial vehicle;

- (a) on a thoroughfare in a built-up area, for any period exceeding 4 hours, unless actively engaged in the picking up or setting down of goods; or

- (b) on a thoroughfare 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 such vehicles; or
- (c) on a thoroughfare in a residential or special residential zoned area between the hours of 6.00pm one day and 6.00am the following day; unless

a permit has been issued in accordance with clause 5.21 of this local law.

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

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

#### **5.19 Stopping on a carriageway with motorcycle parking sign**

The driver of a motorvehicle shall not stop on a part of a carriageway, or in an area, to which a "motorcycle parking" sign applies, or an area marked "M/C" unless –

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

#### **5.20 Eating areas in parking stalls**

A person shall not stop or park a vehicle in a parking stall which has been authorised in writing by the local government, to be set up or conducted as an eating area and which is designated by signs as such at that time.

#### **5.21 Permits in parking facilities**

- (1) The local government or authorised person may, whether upon payment of a fee or not, issue a Parking Facilities Permit which allows a specific vehicle or class of vehicle to stop or park –
  - (a) in a specified kerbside area;
  - (b) in a car park which is controlled by a sign, in contravention of the restriction specified on that sign; or
  - (c) in any other place under the control of the local government.
- (2) A permit issued under subclause (1) may –
  - (a) authorise the stopping or parking of the vehicle continuously for a specified period or periods between specified times or from time to time during a specified period; and
  - (b) be revoked or suspended at any time by the local government or an authorised person before the expiration of any time or period specified in the permit.
- (3) A person shall not stop or park a vehicle in respect of which a permit has been issued pursuant to subclause (2) –
  - (a) except at the times or during the period specified in the permit;
  - (b) for any purpose other than the purpose for which the permit was issued; or
  - (c) at any time after the cancellation, withdrawal or suspension of the permit.

- (4) Further conditions may be imposed in accordance with subclause (1) by the local government in relation to the issuing of such a permit.

#### **5.22 Motorcycle stalls**

- (1) A person shall not stop or park a vehicle other than a bicycle or a motorcycle to which no side car or side-box is attached in a parking stall –
- (a) marked with the symbol “M/C”; or
  - (b) in which the parking of bicycles or motorcycles is permitted by a sign referable to that parking stall.
- (2) A person shall not stop or park a bicycle or motorcycle in a parking stall marked with the symbol “M/C” –
- (a) for longer than the maximum period permitted for parking in that parking stall by a sign referable to that parking stall or metered space;
  - (b) if there is no sign referable to that parking stall than for longer than the maximum period during which a vehicle may stop or be parked as specified on any sign referable to any parking stall adjacent thereto; or
  - (c) otherwise than wholly within the stall.

### **PART 6 — TICKET ISSUING MACHINES AND ZONES**

#### **6.1 Ticket issuing machines**

- (1) Damage to Ticket Issuing Machines

A person shall not or attempt to remove, damage, deface, misuse or interfere with any ticket issuing machine.

- (2) Signs on Ticket Issuing Machines

A person shall not, without the permission of the local government, affix any board, sign, placard, notice, cover or other thing to or paint, mark or write upon any ticket issuing machine.

- (3) Use of Coins in Ticket Issuing Machines

A person shall not insert or cause to be inserted or attempt to insert into a coin slot of a ticket issuing machine any thing other than a coin appropriate to that slot.

- (4) Operating Ticket Issuing Machines

A person shall not operate or attempt to operate a ticket issuing machine except in accordance with the operating instructions appearing on the ticket issuing machine.

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

- (1) Fees for stopping and parking of vehicles in a ticket machine zone may be determined and imposed by the local government.



- (2) 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.
- (3) The payment of the fee referred to in subclause (1) in accordance with subclause (2) 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 parking space, or part of the zone during any time when stopping or parking in that zone is prohibited –
  - (a) under this local law;
  - (b) by the sign on the ticket issuing machine referable to the zone; or
  - (c) by a sign referable to that space.

### 6.3 Display of tickets

- (1) A person shall not stop or park a vehicle in a ticket machine zone during any permitted period unless –
  - (a) an unexpired 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 displayed inside the vehicle and are clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in the zone.

- (2) A reference in this clause to:
  - (a) **“permitted period”** means the period stated on the ticket issuing machines in the ticket machine zone during which the parking of vehicle is permitted upon the purchase of a parking ticket;
  - (b) **“unexpired parking ticket”** means a parking ticket on which –
    - (i) a date and expiry time is printed and that time has not expired;
    - (ii) a date and time of issue is printed and the period for which that ticket remains valid as stated on the ticket issuing machine from which the ticket was purchased has not expired.
- (3) For the purpose of this clause, where more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket referred to in subclause (2)(b) shall be aggregated and the tickets shall be deemed not to have expired until the expiry of the aggregate of those periods.

### 6.4 Parking limits

- (1) A person shall not stop or park a vehicle in a ticket machine zone during any permitted period for longer than the maximum period.
- (2) A reference in this clause to –

- (a) **“maximum period”** means the maximum period stated on the ticket issuing machines in the zone during which the continuous parking of a vehicle in the zone is permitted;
- (b) **“permitted period”** has the meaning given to it in clause 6.3(2)(a).

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

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

- (1) on any part of which there are parking stalls set out parallel to a kerb otherwise than –
  - (a) parallel to that kerb;
  - (b) as close to the kerb as practicable;
  - (c) wholly within a parking stall;
  - (d) headed in the direction of the movement of traffic on the part of the carriageway on which the parking stall is situated;
- (2) on any part of which there are parking stalls not set out parallel to a kerb otherwise than wholly within a parking stall.

## PART 7 — RESIDENTIAL PARKING PERMITS

### 7.1 Definitions

In this Part, unless the context otherwise requires –

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

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

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

**parking facilities parking permit** means a permit issued to a person by the local government pursuant to clause 7.3(3);

**residential parking permit** means a permit issued to a resident by the local government pursuant to clause 7.3(1);

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

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

**single house** means a dwelling unit constructed on its own lot and used for self contained living quarters and which is adjacent to a part of a road on which the stopping or parking of vehicles is prohibited for more than a specified period;

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

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

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

**unit owner** means a person who is an owner of a residential unit.

**visitor's parking permit** means a permit issued by the local government pursuant to clause 7.3(2).

### 7.2 Exemption for permit holders

- (1) (a) Where on any part of a thoroughfare the stopping or parking of vehicles is prohibited by a sign for more than a specified period or where any part of a thoroughfare is a metered space, the holder of a valid permit is exempted from such prohibition.

- (b) The local government may also issue a permit which exempts the holder from compliance with the requirements of clauses 7(2)(a) and 7(2)(b).
- (2) The exemption conferred by subclause (1) shall apply only –
- (a) to the part of a thoroughfare specified in the permit;
  - (b) where the time restriction applicable to that part of the thoroughfare is for a period exceeding 30 minutes;
  - (c) where the permit displayed is a residential parking permit to the vehicle specified in the residential parking permit;
  - (d) if the permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read by an authorised person from outside the vehicle;
  - (e) if the permit is valid.
- (3) The exemption conferred by subclause (1) shall not, unless specifically noted on the permit, apply during any period in which the stopping or parking of vehicles is prohibited in the thoroughfare or the part of the thoroughfare specified in the permit.

### **7.3 Issue of permits**

- (1) The local government may upon a written application of an eligible person, issue a residential parking permit in the form determined by the local government.
- (2) The local government may upon a written application of an eligible person issue, for the occasional use of visitors, a visitor's parking permit in the form determined by the local government;
- (3) The local government's power to issue, replace and revoke permits under this Part may be exercised by an authorised officer.
- (4) Notwithstanding any other provisions in this local law, the local government may approve the issue of a number of parking facility, residential or visitor's parking permits to any owner or occupier on such terms and conditions as the local government sees fit.

### **7.4 Discretionary authority**

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

### **7.5 Validity of permit**

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

- (a) the expiry of a period of twelve months or lesser term as determined by the local government from and including the date on which it is issued;
- (b) the holder of the permit ceasing to be an eligible person;



- (c) the revocation of the permit by the local government pursuant to clause 7.6;
- (d) the replacement of any permit by a new permit issued by the local government pursuant to clause 7.3.

#### **7.6 Revocation of a permit**

- (1) The local government may at any time give an eligible person to whom a permit was issued pursuant to the provisions of this local law notice requiring that person to notify the local government of any reason why that permit should not be revoked.
- (2) The local government shall give notice referred to subclause (1) in the form determined by the local government by serving the notice on the eligible person to whom the permit was issued.
- (3) If within seven (7) days after the date of receipt of the notice referred to in subclause (2) the eligible person to whom the permit was issued –
  - (a) fails to give the local government notice in writing of any reason why the permit should not be revoked; or
  - (b) gives the local government notice in writing of any reasons why the permit should not be revoked;
 then the local government may in its absolute discretion revoke that permit.
- (4) For the purpose of subclause (3) the date of receipt of the notice shall be the date the notice was served.
- (5) The local government shall give notice of the revocation in the form determined by the local government by serving the notice on the eligible person to whom the permit was issued.

#### **7.7 Removal of permit from vehicle**

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

#### **7.8 Replacement of permit**

- (1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential parking permit or visitor's parking permit which is lost, destroyed or stolen.
- (2) The local government may determine and impose a fee for the issue of a replacement permit pursuant to this clause.
- (3) Notwithstanding subclause (2), no fee shall be payable for the issue of a replacement permit if evidence is produced in writing to the satisfaction of the local government –
  - (a) that the vehicle in which the permit is displayed has been disposed of;
  - (b) that the vehicle's windscreen in which the permit is displayed has been replaced; or
  - (c) which the local government considers warrants the waiving of the fee.

### **7.9 Display of residential or visitor's parking permits**

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

## **PART 8 — MISCELLANEOUS**

### **8.1 Authorised persons**

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

### **8.2 Necessary power**

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

### **8.3 Authorised person to be obeyed**

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

### **8.4 Persons may be directed to leave local government property**

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

### **8.5 Marking of tyres**

- (1) For the purposes of ascertaining whether or not a parked vehicle has been or may be parked in contravention of any provision of this local law an authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance.
- (2) A person shall not remove or interfere with any such mark referred to in subclause (1) so that the purpose of affixing that mark is or may be defeated.

### **8.6 Removal of notices on vehicle**

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

### **8.7 Special purpose and emergency vehicles**

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

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

### **8.8 Vehicles not to obstruct a reserve, verge or thoroughfare**

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a reserve, verge or thoroughfare so that it obstructs the use of any part of that reserve, verge or thoroughfare without the permission of the local government or unless authorised under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours or is permitted to do so by the local government, unless the vehicle is causing an obstruction or may cause a danger to the public or is jeopardising or may jeopardise the safety of a person.
- (3) A vehicle found to be in contravention of sub-clause (2) may be impounded by an authorised officer.
- (4) The impounding of vehicles and other goods under sub-clause (3) shall be carried out in accordance with sections 3.37 and 3.48 of the Act and Regulation 29 of the *Local Government (Functions and General) Regulations 1996*.

#### **8.9 Damage to parking stations and facilities**

A person shall not, and shall not attempt to, remove, damage, deface, misuse or interfere with any part of a parking station or parking facility.

#### **8.10 Local government may lock parking stations**

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

### **PART 9 — PENALTIES**

#### **9.1 Offences and penalties**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable on conviction to a penalty not less than \$250 and 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.
- (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.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

#### **9.2 Forms of notices:**

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 Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.



## **Schedule 1 – Parking region**

[cl. 1.5(1)]

Local Government Act 1995  
City of Kwinana Parking and Parking Facilities Local Law 2018

### **PARKING REGION**

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

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

## Schedule 2 – Prescribed offences

[cl.9.1(4)]

Local Government Act 1995

City of Kwinana Parking and Parking Facilities Local Law 2018

### Offences and Modified Penalties

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1.	2.2(1)	Failure to comply with signs	50
2.	2.3(a)	Unauthorised display, marking, setting up, exhibiting of a sign	125
3.	2.3(b)	Unauthorised removal, defacing or misuse of a sign	70
4.	2.3(c)	Unauthorised affixing anything to a sign	60
5.	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	60
6.	3.2(1)(b)	Failure to park wholly within parking stall	60
7.	3.2(1)(c)	Failure to park in the direction of the movement of traffic in a parking stall	60
8.	3.2(4)	Failure to park wholly within parking area	50
9.	3.3(1)(a)	Causing obstruction in parking station	125
10.	3.3(1)(b)	Parking contrary to sign in parking station	50
11.	3.3(1)(c)	Parking contrary to directions of authorised person	150
12.	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	50
13.	3.3(2)(a)	Park in a stall other than in a stall marked M/C	85
14.	4.1(1)(a)	Parking by vehicles of a different class	85
15.	4.1(1)(b)	Parking by persons of a different class	85
16.	4.1(1)(c)	Parking during prohibited period	85
17.	4.1(1)(d)	Exceeding the length of time specified by a sign	85
18.	4.1(3)(a)	Parking in no parking area	85
19.	4.1(3)(b)	Parking contrary to signs or limitations	50
20.	4.1(3)(c)	Parking vehicle in motorcycle only area	50
21.	4.1(4 )	Parking without permission in an area designated for 'Authorised Vehicles Only'	85
22.	4.1A(2)(a)	Stopping a vehicle in a parking area for people with disabilities without the vehicle displaying a disability parking permit.	300
23.	4.1A(2)(b)	Stopping a vehicle in a parking area for people with disabilities when neither the driver nor a passenger of that vehicle is a person with a current Australian Disability Parking Permit	300
24.	4.2(1)(a)	Failure to park on the left of two-way carriageway	60
25.	4.2(1)(b)	Failure to park on boundary of one-way carriageway	60

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
26.	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	60
27.	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
28.	4.2(1)(d)	Parking closer than 1 metre from another vehicle	50
29.	4.2(1)(e)	Parking in a cul-de-sac so as to obstruct the turning of a vehicle within the cul-de-sac	100
30.	4.2(1)(f)	Parking in a laneway	100
31.	4.2(1)(g)	Causing obstruction to a vehicle on the carriageway	125
32.	4.3(a)	Failure to park parallel	50
33.	4.3(b)	Failure to park at approximate right angle	50
34.	4.4(1)	Failure to park at an appropriate angle	50
35.	4.5(2)(a)	Parking between any other stationary vehicle or vehicles and the centre of the carriageway (Double parking)	125
36.	4.5(2)(b)	Parking on or adjacent to a median strip	60
37.	4.5(2)(c)	Denying access to private drive or right of way	125
38.	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	125
39.	4.5(2)(e)	Parking within 10 metres of traffic island	60
40.	4.5(2)(f)	Parking on or overhanging footpath/pedestrian crossing	150
41.	4.5(2)(g)	Parking closer than 3 metres to double longitudinal lines	125
42.	4.5(2)(h)	Parking on intersection	150
43.	4.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	50
44.	4.5(2)(j)	Parking within 3 metres of public letter box	50
45.	4.5(2)(k)	Parking within 10 metres of intersection	60
46.	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	50
47.	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	50
48.	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	50
49.	4.6	Parking contrary to direction of authorised person	150
50.	4.7(1), (2) or (3)	Moving vehicle to avoid time limitation	85
51.	4.8(a)	Parking in thoroughfare for purpose of sale	125
52.	4.8(b)	Parking unlicensed vehicle in thoroughfare	100
53.	4.8(c)	Parking an unattached trailer/caravan on a thoroughfare	100
54.	4.8(d)	Parking in thoroughfare for purpose of repairs	125
55.	4.9(3)	Parking on land not in accordance with consent	125

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
56.	4.10	Driving or parking on a reserve	125
57.	4.11(1)	Parking on a verge	60
58.	4.13(1)(a)	Failure to display an unexpired parking ticket	60
59.	4.13(2)(a)	Deface, alter, add to, erase, obliterate or otherwise interfere with a parking ticket	150
60.	4.13(2)(b)	Display a defaced, altered obliterated or otherwise interfered with parking ticket	150
61.	4.13(2)(c)	Produce a defaced, altered obliterated or otherwise interfered with parking ticket	150
62.	4.13(4)	Motorcycle not parking wholly within a marked parking stall	100
63.	4.13(6)(b)	Stopping or parking a vehicle in any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless the vehicle is carrying at least one other person	100
64.	4.13(6)(c)	Entering any parking station or part of a parking station which has been set aside under this local law at the times or within such period specified pursuant to this local law unless that person is the driver of or passenger in a vehicle carrying at least one other person.	100
65.	5.1(1)	Stopping contrary to a no stopping sign	125
66.	5.1(2)	Parking contrary to a no parking sign	125
67.	5.1(3)	Stopping within continuous yellow lines	125
68.	5.2	Stopping unlawfully in a loading zone	85
69.	5.3	Stopping unlawfully in a taxi zone or bus zone	100
70.	5.4	Stopping unlawfully in a mail zone	70
71.	5.5	Stopping in a zone contrary to a sign	50
72.	5.6	Stopping in a shared zone	50
73.	5.7(1)	Double parking	125
74.	5.8	Stopping near an obstruction	125
75.	5.9	Stopping on a bridge or tunnel	100
76.	5.10	Stopping on crests/curves etc	100
77.	5.11	Stopping near fire hydrant	70
78.	5.12(1)	Stopping near bus stop	85
79.	5.13	Stopping on path, median strip or traffic island	125
80.	5.14(1)	Stopping on a verge	60
81.	5.15	Obstructing path, a driveway etc	125
82.	5.16	Stopping near letter box	50
83.	5.17	Stopping a commercial vehicle on a thoroughfare without or in contravention of a permit	85
84.	5.18	Stopping in bicycle parking area	60



ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
85.	5.19	Stopping in motorcycle parking area	60
86.	5.20	Stopping or parking in a stall set up as an eating area	85
87.	5.21	Stopping or parking contrary to requirements of a permit	60
88.	5.22	Stopping or parking a vehicle (other than a bicycle or motorcycle) in a parking stall approved for motorcycles	60
89.	6.1(1)	Damaging or interfering with ticket issuing machine	150
90.	6.1(2)	Affixing a board, sign, placard or notice or marking any ticket issuing machine	60
91.	6.1(3)	Inserting other than a coin in a ticket issuing machine	50
92.	6.1(4)	Operating a ticket issuing machine contrary to instructions	50
93.	6.2(2)	Failure to pay appropriate fee	60
94.	6.3(1)(a)	Failure to display an unexpired parking ticket	60
95.	6.3(1)(b)	Failure to display a valid parking ticket	60
96.	6.4(1)	Stopping or parking for longer than the maximum period	60
97.	6.5(1)(a)	Failure to stop or park parallel to the kerb in a ticket machine zone	60
98.	6.5(1)(b)	Failure to stop or park as close to the kerb as practicable in a ticket machine zone	60
99.	6.5(1)(c)	Failure to stop or park wholly within a parking stall in a ticket machine zone	60
100.	6.5(1)(d)	Failure to stop or park in direction of movement of traffic in a ticket machine zone	50
101.	7.9	Failure to display a valid permit	85
102.	8.3	Failure to comply with a lawful direction of an authorised person	150
103.	8.4	Failure to leave local government property when lawfully directed to do so by an authorised person	150
104.	8.5(2)	Removing or interfering with a lawful mark on a tyre	125
105.	8.6	Removing a notice on a vehicle	125
106.	8.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	125
107.	8.9	Attempting to or removing, damaging, defacing, misusing or interfering with any part of a parking station or parking facility	150
108.		All other offences not specified	85

Dated this *FIFTEENTH* day of *NOVEMBER* 20 *18*

The Common Seal of the )  
City of Kwinana was hereunto )  
affixed in the presence of : )



A handwritten signature in black ink, appearing to read "C. Adams", written over a horizontal line.

Carol Adams  
Mayor

A handwritten signature in black ink, appearing to read "Joanne Abbiss", written over a horizontal line.

Joanne Abbiss  
Chief Executive Officer