

## **Local Government Act 1995**

### **Shire of Gingin**

#### **Parking and Parking Facilities Amendment Local Law 2018**

Under the powers conferred on it by the *Local Government Act 1995* and all other relevant powers, the Council of the Shire of Gingin resolved on 20 November 2018 to make this local law.

#### **1. Title**

This local law may be cited as the *Shire of Gingin Parking and Parking Facilities Amendment Local Law 2018*.

#### **2. Commencement**

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

#### **3. Principal Local Law**

This local law amends the *Shire of Gingin Parking and Parking Facilities Local Law 2004* as published in the *Government Gazette* on 13 September 2004 and as amended in the *Government Gazette* on 10 October 2006.

#### **4. Enacting clause amended**

The enacting clause is amended by deleting “Local Law” and substituting “local law”.

#### **5. Clause 1.3 amended**

In clause 1.3 –

- (a) Delete the definition for ‘**ACROD sticker**’;
- (b) In the definition for ‘**authorised person**’ delete “Local Law” and insert “local law”;
- (c) Delete the definition for ‘**carriageway**’ and insert –  
‘**carriageway**’ has the meaning given to it by the Code;
- (d) Delete the definition for ‘**centre**’ and insert –  
‘**centre**’ has the meaning given to it by the Code;
- (e) In the definition for ‘**commercial vehicle**’ -
  - (i) Insert “, adapted or fitted” between “constructed” and “for”;
  - (ii) Insert “, materials” between “goods” and “or”;

- (iii) Delete “or” following “merchandise,” and insert “and includes a vehicle which is used”; and
  - (iv) Delete the remainder of the definition following “passengers,” and insert “which is used for that purpose”.
- (f) Insert new definitions in alphabetical order as follows -
- ‘disability parking permit’** has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;
- ‘driveway’** means the portion of land which lies between the boundary of a carriageway and the boundary of the adjacent property that is constructed for the purpose of ingress and egress to and from the property;
- ‘kerb’** means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;
- ‘length of carriageway’** means the same side of the road between intersections on that side of the road;
- ‘loading zone sign’** means a sign with the words ‘loading zone’ in white letters on a red background and may have an arrow pointing in a direction;
- ‘obstruction’** has the meaning given to it in the Code;
- ‘parking control sign’** has the meaning given to it by the Code;
- ‘unattended’** means the driver has left the vehicle so that the driver is more than three metres from the closest point of the vehicle.
- (g) Delete the definition for **‘edge line’** and insert –
- ‘edge line’** has the meaning given to it by the Code;
- (h) Delete the definition for **‘Loading Zone’** and insert –
- ‘Loading Zone’** has the meaning given to it by the Code;
- (i) Delete the definition for **‘owner’** and insert –
- ‘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, 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;
- (j) Delete the definition for **‘park’** and insert –
- ‘park’** has the meaning given to it by the Code;

- (k) In the definition for **'parking station'**, delete the remainder of the definition following "vehicles".
- (l) In the definition for **'schedule'**, delete "Local Law" and insert "local law".
- (m) Delete the definition for **'stop'** and insert –  
**'stop'** has the meaning given to it by the Code;
- (n) In the definition for **'symbol'**, delete "Local Law" and insert "local law".
- (o) Delete the definition for **'taxi'** and insert –  
**'taxi'** has the meaning given to it by the Code;
- (p) Delete the definition for **'trailer'** and insert –  
**'trailer'** has the meaning given to it by the Code;
- (q) In the definition for **'vehicle'**, insert "and" at the end of the definition.

**6. Clause 1.4 amended**

In clause 1.4(2) delete "Local Law" and insert "local law".

**7. Clause 1.5 amended**

In clause 1.5 delete "Local Law" wherever it appears in the clause and insert "local law".

**8. Clause 1.6 amended**

In clause 1.6 delete "Local Law" and insert "local law".

**9. Clause 1.7 amended**

In clause 1.7 delete "Local Law" and insert "local law".

**10. Clause 1.8 amended**

In clause 1.8 delete "Local Law" and insert "local law".

**11. Clause 2.10 amended**

In clause 2.10 delete "Local Law" and insert "local law".

**12. Clause 3.1 amended**

In clause 3.1 –

- (a) After the clause title, redesignate the remaining text as clause 3.1(1).
- (b) After clause 3.1(1) insert the following –
  - (2) Where the local government makes a determination under subclause 3.1(1) it shall erect signs to give effect to the determination.

**13. Clause 3.8 amended**

In clause 3.8(3) delete “an ACROD sticker” wherever it appears and insert “a disability parking permit”.

**14. Clause 4.1 amended**

In clause 4.1 –

- (a) In subclause 4.1(2)(a) delete “an ACROD sticker” wherever it appears in the subclause and insert “a disability parking permit”.
- (b) In subclause 4.1(3)(b) delete “Local Law” and substitute “local law”.

**15. Clause 4.2 amended**

In clause 4.2(1)(d) delete “Local Law” and insert “local law”.

**16. Clause 4.6 amended**

In clause 4.6 delete “Local Law” and insert “local law”.

**17. Clause 4.8 amended**

In clause 4.8(2) delete “two” and insert “2”.

**18. Clause 5.1 amended**

In clause 5.1(2) –

- (a) Delete “is” at the end of the first part of the clause;
- (b) Insert “is” at the beginning of clause 5.1(2)(a).

**19. Clause 7.1 amended**

In clause 7.1 delete “these local laws” wherever it appears in the clause and insert “this local law”.

**20. Clause 7.2 amended**

In clause 7.2(20)(b) delete “these Local Laws” and insert “this local law”.

**21. Clause 7.4 amended**

In clause 7.4(1)(b) delete “these local laws” and insert “this local law”.

**22. Clause 7.5 amended**

In clause 7.5(2) delete “these Local Laws” and insert “this local law”.

**23. Clause 7.7 amended**

In clause 7.7 –

(a) In clause 7.7(1), delete “10m” and insert “10 metres”.

(b) In clause 7.7(1)(b), delete “these Local Laws” and insert “this local law”.

**24. Clause 7.8 amended**

In clause 7.8 delete “these Local Laws” and insert “this local law”.

**25. Clause 7.10 amended**

In clause 7.10 delete “these Local Laws” wherever it appears in the clause and insert “this local law”.

**26. Clause 7.11 amended**

In clause 7.11(b) delete “these Local Laws” and insert “this local law”.

**27. Clause 7.12 amended**

In clause 7.12(a) delete “one” and insert “1”.

**28. Clause 7.15 deleted**

Delete clause 7.15.

**29. Clause 9.2 amended**

In clause 9.2 delete “Local Law” wherever it appears in the clause and insert “local law”.

**30. Clause 9.3 amended**

In clause 9.3 delete “Local Law” and insert “local law”.

**31. Clause 9.4 amended**

In clause 9.4(1) delete “Local Law” and insert “local law”.

**32. Clause 9.5 amended**

In clause 9.5 delete “Local Law” and insert “local law”.

**33. Clause 10.1 amended**

In clause 10.1 delete “Local Law” wherever it appears in the clause and insert “local law”.

**34. Clause 10.2 amended**

Delete clause 10.2 and insert the following -

**10.2 Form of notices**

For the purposes of this local law -

- (a) 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 referred to in section 9.17 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 infringement withdrawal 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*.

**35. Schedule 2 amended**

Delete Schedule 2 insert the following -

**Schedule 2**

**PARKING AND PARKING FACILITIES LOCAL LAW 2004  
PRESCRIBED OFFENCES**

<b>ITEM NO.</b>	<b>CLAUSE NO.</b>	<b>NATURE OF OFFENCE</b>	<b>MODIFIED PENALTY \$</b>
1	2.2	Failure to pay fee for metered space	100
2	2.3	Parking in excess of period shown on metered space	75

3	2.4	Parking when meter has expired	100
4	2.6(1)	Failure to park wholly within metered space	75
5	2.6(3)	Parking outside metered zone	75
6	2.7	Non-permitted insertion in parking meter	100
7	2.8	Failure to display ticket clearly in metered zone	100
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	75
9	2.10	Parking contrary to a meter hood	100
10	3.2	Failure to park wholly within parking stall	75
11	3.2(4)	Failure to park wholly within parking area	75
12	3.3	Failure to pay parking station fee	100
13	3.5	Leaving without paying parking station fee	100
14	3.7	Failure to display ticket clearly in parking station	100
15	3.8(1)(a)	Causing obstruction in parking station	100
16	3.8(1)(b)	Parking contrary to sign in parking station	100
17	3.8(1)(c)	Parking contrary to directions of Authorised Person	100
18	3.8(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	75
19	4.1(1)(a)	Parking wrong class of vehicle	75
20	4.1(1)(b)	Parking by persons of a different class	75
21	4.1(1)(c)	Parking during prohibited period	75
22	4.1(3)(a)	Parking in no parking area	100
23	4.1(3)(b)	Parking contrary to signs or limitations	75
24	4.1(3)(c)	Parking vehicle in motor cycle only area	75
25	4.1(4)	Parking motor cycle in stall not marked "M/C"	75
36	4.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	90
27	4.2(1)(a)	Failure to park on the left of two-way carriageway	75
28	4.2(1)(b)	Failure to park on boundary of one-way carriageway	75
29	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	90
30	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	90
31	4.2(1)(d)	Parking closer than 1 metre from another vehicle	75
32	4.2(1)(e)	Causing obstruction	100
33	4.3(b)	Failure to park at approximate right angle	75
34	4.4(2)	Failure to park at an appropriate angle	75
35	4.5(2)(a) and 7.2	Double parking	90

36	4.5(2)(b)	Parking on or adjacent to a median strip	75
37	4.5(2)(c)	Denying access to private drive or right of way	100
38	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
39	4.5(2)(e)	Parking within 10 metres of traffic island	90
40	4.5(2)(f)	Parking on footpath/pedestrian crossing	100
41	4.5(2)(g)	Parking contrary to continuous line markings	90
42	4.5(2)(h)	Parking on intersection	90
43	4.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	100
44	4.5(2)(j)	Parking within 3 metres of public letter box	75
45	4.5(2)(k)	Parking within 10 metres of intersection	90
46	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
47	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
48	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
49	4.6	Parking contrary to direction of Authorised Person	100
50	4.7(2)	Removing mark of Authorised Person	100
51	4.8	Moving vehicle to avoid time limitation	75
52	4.9(a)	Parking in thoroughfare for purpose of sale	100
53	4.9(b)	Parking unlicensed vehicle in thoroughfare	100
54	4.9(c)	Parking a trailer/caravan on a thoroughfare	75
55	4.9(d)	Parking in thoroughfare for purpose of repairs	75
56	4.10(1) or (2)	Parking on land that is not a parking facility without consent	100
57	4.10(3)	Parking on land not in accordance with consent	75
58	4.11	Driving or parking on reserve	75
59	5.1(1)	Stopping contrary to a "no stopping" sign	75
60	5.1(2)	Parking contrary to a "no parking" sign	75
61	5.1(3)	Stopping within continuous yellow lines	75
62	6.1	Stopping unlawfully in a loading zone	75
63	6.2	Stopping unlawfully in a taxi zone or bus zone	75
64	6.3	Stopping unlawfully in a mail zone	75
65	6.4	Stopping in a zone contrary to a sign	75
66	7.1	Stopping in a shared zone	75
67	7.3	Stopping near an obstruction	90



68	7.4	Stopping on a bridge or tunnel	75
69	7.5	Stopping on crests/curves etc	100
70	7.6	Stopping near fire hydrant	100
71	7.7	Stopping near bus stop	90
72	7.8	Stopping on path, median strip or traffic island	75
73	7.9	Stopping on verge	75
74	7.10	Obstructing path, a driveway etc	75
75	7.11	Stopping near letter box	75
76	7.12	Stopping heavy or long vehicles on carriageway	90
77	7.13	Stopping in bicycle parking area	75
78	7.14	Stopping in motorcycle parking area	75
79	8.3	Failure to remove permit when residence changed	75
80	9.6	Leaving vehicle so as to obstruct a public place	100
81		All other offences not specified	75

**36. Schedule 3 deleted**

Delete Schedule 3.

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

The Common Seal of the Shire of Gingin )  
was affixed by authority )  
of a resolution of the Council in the )  
presence of: )

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I B COLLARD  
Shire President

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A COOK  
Chief Executive Officer