

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**

| ITEM NO. | CLAUSE NO. | NATURE OF OFFENCE | MODIFIED PENALTY \$ |
|-----------------|-------------------|--|----------------------------|
| 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 |

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|----|------------------|--|-----|
| 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 |

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|----|------|--|-----|
| 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:)

I B COLLARD
Shire President

A COOK
Chief Executive Officer