

# LOCAL GOVERNMENT ACT 1995

## SHIRE OF GINGIN

### PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2025

Under the powers conferred by the *Control of Vehicles (Off-road Areas) Act 1978*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Gingin resolved on \_\_\_\_\_ to make the following local law.

#### 1. Citation

This local law may be cited as the *Shire of Gingin Parking and Parking Facilities Amendment Local Law 2025*.

#### 2. Commencement

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

#### 3. Principal local law

This local law amends the *Shire of Gingin Parking and Parking Facilities Local Law 2004* published in the *Government Gazette* on 13 September 2004 and amended in the *Government Gazette* of 10 October 2006 and 11 December 2018.

#### 4. Table of Contents deleted

The Table of Contents is deleted.

#### 5. Clause 1.3 amended

In clause 1.3 –

- (a) in the definition of “Authorised Person” after the words “this local law” insert the words “and includes the CEO”;
- (b) delete the definition of “caravan” and replace with –  
**'caravan'** has the meaning given to it in section 5(1) of the *Caravan and Camping Grounds Act 1995*;
- (c) after the definition of “commercial vehicle” insert the following definition –  
**'Council'** means the council of the local government
- (d) in the definition of “Loading Zone” delete “Loading Zone” and replace with “loading zone”;
- (e) in the definition of “metered space” delete the words “a fee or charge” and replace with “the set fee”;
- (f) delete the definition of “motor vehicle” and replace with –  
**'motor vehicle' or 'vehicle'** –
  - (a) means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle;
  - (b) does not include –

- (i) a power assisted pedal cycle as defined in the *Road Traffic (Administration) Act 2008*;
- (ii) a motorised scooter or motorised wheelchair as defined in the Code;
- (g) in the definition of “parking station” after the word “vehicles” insert the words “and includes a parking station”;
- (h) after the definition of “pedestrian crossing” insert the following definition –

**‘permissive parking’** has the meaning given to it by the Code in the definition of ‘parking’ ;

- (i) after the definition of ‘Schedule’ insert the following definition –  
**‘set fee’** a fee determined by the local government in accordance with sections 6.16 to 6.19 of the Act;
- (j) in the definition of “ticket issuing machine” after the word “made,” insert the words “either at the time of parking or on exit,”;
- (k) in the definition of “unattended” after the semi-colon insert the word “and”; and
- (l) delete the definition of ‘vehicle’.

## **6. Clause 1.6 amended**

In clause 1.6(e) after the word “other” insert the word “motor”.

## **7. Clause 1.8 amended**

In the title of the clause delete the words “Local Government” and replace with the words “the local government”.

## **8. Clause 2.2 amended**

In clause 2.2 –

- (a) in the clause title delete the word “Parking” and replace with “Set”; and
- (b) in the clause text delete the word “appropriate” and replace with the word “set”.

## **9. Clause 2.3 amended**

In clause 2.3 –

- (a) delete the words “a fee” and replace with “the set fee”; and
- (b) delete the word “authorize” and replace with “authorise”.

## **10. Clause 2.4 amended**

In clause 2.4 delete the words “a fee” and replace with “the set fee”.

## **11. Clause 2.5 amended**

In the clause title after the word “pay”. insert the word “set”.

## **12. Clause 3.1 amended**

In clause 3.1 –

- (a) in subclause (1) –
  - (i) delete the words “local government may by resolution” and replace with the words “Council may”; and
  - (ii) delete the words “and also indicate by signs”; and

(b) in subclause (2) –

- (i) delete the words “local government” and replace with the Word “Council”; and
- (ii) delete the word “it” and replace with the words “the local government”.

### **13. Clause 3.3 amended**

In clause 3.3 –

- (a) in the clause title insert the word “set” before the word “fee”;
- (b) in the clause text insert the word “set” before the word “fee”;
- (c) in subclause (a) delete the word “appropriate” and replace with the word “set”; and
- (d) in subclause (b) delete the word “appropriate” and replace with the word “set”.

### **14. Clause 3.4 amended**

Delete clause 3.4 and replace with –

#### **3.4 Event parking**

- (1) The local government may determine that all or part of a parking facility, thoroughfare or public place is set aside, during the period indicated in a sign, for the parking of vehicles by persons attending a particular event.
- (2) The local government may issue to a person a permit in respect of all or part of a parking facility, thoroughfare or public place for an event referred to in subclause (1).
- (3) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in any area that is set aside under subclause (1) unless the permit issued under subclause (2) for the relevant event is displayed inside the vehicle so that it is clearly visible to an authorised person examining the ticket from outside the vehicle.

### **15. Clause 3.5 amended**

In clause 3.5 –

- (a) in the clause title insert the word “set” before the word “fee”; and
- (b) in the clause text delete the word “appropriate” and replace with the word “set”.

### **16. Clause 3.6 amended**

In clause 3.6 delete the words “a fee” and replace with “the set fee”.

### **17. Clause 3.7 amended**

In clause 3.7 after the word “purchasing” insert the words “or obtaining”.

### **18. Clause 3.8 amended**

In clause 3.8 –

- (a) in subclause (1)(d) after the word “motorcycle” insert the words “without a sidecar or trailer”;
- (b) in subclause (3)(a) insert the word “valid” before the word “disability”; and
- (c) in subclause (3)(b) delete the words “a disability” and replace with “valid disability”.

### **19. Clause 4.1 amended**

In clause 4.1

- (a) delete subclause (2) and replace with –

- (2) Except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, a driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, for twice the period indicated on the sign, where –
  - (a) the driver’s vehicle displays a valid disability parking permit; and
  - (b) a disabled person to which the valid disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (b) in subclause (3) delete the words “both the” and replace with the word “any”; and
- (c) delete subclause (4) and replace with –
  - (4) A person shall not park a motorcycle with a sidecar or a trailer in a parking stall that is marked 'M/C'.

**20. Clause 5.1 amended**

In clause 5.1(2) delete the definition of ‘Unattended’.

**21. Clause 7.6 amended**

In clause 7.6 delete subclause (2).

**22. Part 8 deleted**

Delete the whole of Part 8.

**23. Clause 9.6 amended**

In clause 9.6 –

- (a) in subclause (1) delete the words “the local government” and replace with the words “an Authorised Person”; and
- (b) delete subclause (2).

**24. Clause 9.7 inserted**

After clause 9.6 insert new clause –

**9.7 False or misleading statement**

A person shall not make a false or misleading statement –

- (a) in connection with an application in respect of a licence under this local law; or
- (b) to an authorised person when lawfully queried in relation to a matter under this local law.

**25. Clause 10.1 amended**

In clause 10.1(3) delete the amounts “\$1,000” and “\$100” and replace with “\$5,000” and “\$500” respectively.

**26. Schedule 1 amended**

In Schedule 1 –

- (a) in clause 1. Delete the words “existing and future”; and
- (b) in clause 2. Delete the words “existing and future”.

**27. Schedule 2 amended**

Delete Schedule 2 and replace with –

**Schedule 2  
PRESCRIBED OFFENCES**

[Clause 10.1(4)]

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	3.8(1)(c)	Parking contrary to directions of Authorised Person	150
2	4.1(3)(a)	Parking in no parking area	150
3	4.2(1)(e)	Causing obstruction	150
4	4.5(2)(c)	Denying access to private drive or right of way	150
5	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	250
6	4.5(2)(h)	Parking on intersection	250
6	4.6	Parking contrary to direction of Authorised Person	150
7	4.7(2)	Removing mark of Authorised Person	150
8	9.7	Making a false or misleading statement	500
9		All other offences not specified	100

**28. Schedule 4 amended**

In Schedule 4 insert -

The portions of -

- (a) Reserve 25006, Lot 96 Edwards Street, Guilderton marked for parking stalls;
- and
- (b) Reserve 25009, Lot 12 Dewar Street, Guilderton marked for parking stalls.

Dated \_\_\_\_\_ 202.....

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

\_\_\_\_\_  
 COUNCILLOR WAYNE FEWSTER  
 SHIRE PRESIDENT

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AARON COOK  
CEO