

LOCAL GOVERNMENT ACT 1995

SHIRE OF EAST PILBARA

PARKING AMENDMENT LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of East Pilbara resolved on 28 August 2020 to make the following local law.

1. Citation

This local law is cited as the *Shire of East Pilbara Parking Amendment Local Law 2020*.

2. Commencement

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

3. Principal Local Law

This local law amends the *Shire of East Pilbara Parking and Parking Facilities Local Law 2011* published in the *Government Gazette* on 9 October 2012.

4. Title amended

The name of the local law is amended to the *Shire of East Pilbara Parking Local law 2011* where it appears in the title to the local law and in clause 1.1.

5. Clause 1.6 amended

In clause 1.6—

- (a) The definition of ACROD is deleted; and
- (b) The following definition is added in the appropriate place in alphabetical order—
disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

6. Clause 3.3 amended

Subclauses 3.3(3)(a) and (b) are deleted and replaced with—

- (a) the driver's vehicle displays a valid disability parking permit;
- (b) a person with disabilities to which that permit relates is either the driver of or a passenger in the vehicle; and
- (c) the disability permit is clearly visible to, and able to be read by, an authorised person examining the permit from outside the vehicle.

7. Clause 4.1 amended

(1) Subclause 4.1(3) is deleted and replaced with—

- (3) In subclause (2), **driver** means a driver where—
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) a disabled person to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

(2) Subclause 4.1(6) is deleted and replaced with—

- (6) A person shall not, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only"—
 - (a) without the prior permission of the local government or an authorised person; and
 - (b) without displaying a permit issued by the local government or an authorised person.

8. Clause 7.1 amended

Subclause 7.1(4) is deleted and replaced with—

- (4) Subclause (3) does not apply to an offence to which the *Local Government (Parking for People with Disabilities) Regulations 2014* applies.

9. Clause 7.2 replaced

Clause 7.2 is deleted and replaced with—

7.2 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 3;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 3.

10. Schedule 2 amended

Schedule 2 is deleted and replaced with—

SCHEDULE 2—PRESCRIBED OFFENCES

[clause 7.1(4)]

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.1	Failure to comply with signs	100
2	2.2(a)	Unauthorised display, marking, setting up, exhibiting of a sign	100
3	2.2(b)	Unauthorised removal, defacing or misuse of a sign	100
4	2.2(c)	Unauthorised affixing anything to a sign	100
5	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	100
6	3.2(1)(b)	Failure to park wholly within parking stall	100
7	3.2(1)(c)	Failure to park in the direction of the movement of traffic in a parking stall	100
8	3.2(4)	Failure to park wholly within parking area	100
9	3.3(1)(a)	Causing obstruction in parking station	100
10	3.3(1)(b)	Parking contrary to sign in parking station	100
11	3.3(1)(c)	Parking contrary to directions of authorised person	100
12	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	100
13	4.1(1)(a)	Parking by vehicles of a different class	100
14	4.1(1)(b)	Parking by persons of a different class	100
15	4.1(1)(c)	Parking during prohibited period	100
16	4.1(4)(a)	Parking in no parking area	100
17	4.1(4)(b)	Parking contrary to signs or limitations	100
18	4.1(4)(c)	Parking vehicle in motor cycle only area	100
19	4.1(5)	Parking motor cycle in stall not marked “M/C”	100
20	4.1(6)(a)	Parking without permission in an area designated for “Authorised Vehicles Only”	100
21	4.1(6)(b)	Parking without displaying permit in an area designated for “Authorised vehicles only”	100
22	4.2(1)(a)	Failure to park on the left of two-way carriageway	100
23	4.2(1)(b)	Failure to park on boundary of one-way carriageway	100
24	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	100
25	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
26	4.2(1)(d)	Parking closer than 1 metre from another vehicle	100
27	4.2(1)(e)	Causing obstruction	100
28	4.4(b)	Failure to park approximate right angle	100
29	4.5(2)	Failure to park at an appropriate angle	100
30	4.6(3)(a)	Double parking	100
31	4.6(3)(b)	Parking on or adjacent to a median strip	100
32	4.6(3)(c)	Denying access to private drive or right of way	100
33	4.6(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
34	4.6(3)(e)	Parking within 10 metres of traffic island	100
35	4.6(3)(f)	Parking on footpath/pedestrian crossing	100

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
36	4.6(3)(h)	Parking closer than 3 metres to double longitudinal lines	100
37	4.6(3)(i)	Parking on intersection	100
38	4.6(3)(j)	Parking within 1 metre of fire hydrant or fire plug	100
39	4.6(3)(k)	Parking within 3 metres of public letter box	100
40	4.6(3)(l)	Parking within 10 metres of intersection	100
41	4.6(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
42	4.6(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
43	4.6(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
44	4.7	Parking on a verge	100
45	4.8	Parking contrary to direction of authorised person	100
46	4.9(1), (2) or (3)	Moving vehicle to avoid time limitation	100
47	4.10(a)	Parking in thoroughfare for purpose of sale	100
48	4.10(b)	Parking unlicensed vehicle in thoroughfare	100
49	4.10(c)	Parking a trailer/caravan on a thoroughfare	100
50	4.10(d)	Parking in thoroughfare for purpose of repairs	100
51	4.11(2)	Parking on land that is not a parking facility without consent	100
52	4.11(3)	Parking on land not in accordance with consent	100
53	4.12	Driving or parking on a reserve	100
54	5.1(1)	Stopping contrary to a "no stopping" sign	100
55	5.1(2)	Parking contrary to a "no parking" sign	100
56	5.1(3)	Stopping within continuous yellow lines	100
57	5.2	Stopping unlawfully in a loading zone	100
58	5.3	Stopping unlawfully in a taxi zone or bus zone	100
59	5.4	Stopping unlawfully in a mail zone	100
60	5.5	Stopping in a zone contrary to a sign	100
61	5.6	Stopping in a shared zone	100
62	5.7(1)	Double parking	100
63	5.8	Stopping near an obstruction	100
64	5.9	Stopping on a bridge or tunnel	100
65	5.10	Stopping on crests/curves etc	100
66	5.11	Stopping near fire hydrant	100
67	5.12	Stopping on path, median strip or traffic island	100
68	5.13(1)	Stopping on verge	100
69	5.14	Obstructing path, a driveway etc	100
70	5.15	Stopping near letter box	100
71	5.16	Stopping heavy or long vehicles on carriageway	100
72	5.17	Stopping in bicycle parking area	100
73	5.18	Stopping in motorcycle parking area	100
74	5.19	Stopping or parking in a stall set up as an eating area	100
75	5.20(3)	Stopping or parking contrary to requirements of a permit	100
76	5.21	Stopping or parking a vehicle (other than a bicycle or motor cycle) in a parking stall approved for motor cycles	100
77	6.3	Failure to comply with a lawful direction of an authorised person	100
78	6.4	Failure to leave local government property when lawfully directed to do so by an authorised person	100
79	6.5(2)	Removing or interfering with a lawful mark on a tyre	100
80	6.6	Removing a notice on a vehicle	100
81	6.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	100
82		All other offences not specified	100

11. Schedules 3 to 5 amended

In Schedules 3 to 5—

- (i) The title of Schedule 3 is amended to ‘Schedule 3—Forms’;
- (ii) The words ‘Schedule 4’ and ‘Schedule 5’ are deleted wherever they appear; and
- (iii) In Forms 2 and 3, the following is inserted after ‘Registration _____’—
Colour: _____

Dated 28 August 2020.

The Common Seal of the Shire of East Pilbara was affixed by authority of a resolution of the Council in the presence of—

Cr LYNNE CRAIGIE OAM, President.
JEREMY EDWARDS, Chief Executive Officer.

Local Government Act 1995

**SHIRE OF EAST PILBARA
PARKING LOCAL LAW 2011**

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Disclaimer: This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

Local Government Act 1995

SHIRE OF EAST PILBARA

PARKING LOCAL LAW 2011

CONTENTS

Part 1 – Preliminary

- 1.1 Citation
- 1.2 Purpose and effect
- 1.3 Commencement
- 1.4 Repeal
- 1.5 Application
- 1.6 Interpretation
- 1.7 Classes of vehicles
- 1.8 Powers of local government
- 1.9 Determination of fees, charges and costs

Part 2 – Signs

- 2.1 Compliance with signs
- 2.2 Unauthorised signs and defacing of signs
- 2.3 General provisions about signs
- 2.4 Application of this local law to pre-existing signs and private properties
- 2.5 Part of a thoroughfare to which signs apply

Part 3 – Parking stalls and parking stations

- 3.1 Determination of parking stalls and parking stations
- 3.2 Vehicles to be within parking stalls on thoroughfares
- 3.3 Parking prohibitions and restrictions

Part 4 – Parking generally

- 4.1 Restrictions on parking in particular areas
- 4.2 Parking vehicle on a carriageway
- 4.3 Vehicle to be wholly within parking area
- 4.4 When parallel and right-angled parking apply
- 4.5 When angle parking applies
- 4.6 General prohibitions on parking
- 4.7 Parking on verges
- 4.8 Authorised person may order vehicle on thoroughfare to be moved
- 4.9 No movement of vehicles to avoid time limitation
- 4.10 No parking of vehicles exposed for sale and in other circumstances
- 4.11 Parking on private land
- 4.12 Parking on reserves
- 4.13 Suspension of parking limitations for urgent, essential or official duties

Part 5- Parking and stopping*Division 1 – Parking and stopping generally*

- 5.1 No stopping and no parking signs, and yellow edge lines

Division 2 – Stopping in zones for particular vehicles

- 5.2 Stopping in a loading zone
5.3 Stopping in a taxi or bus zone
5.4 Stopping in a mail zone
5.5 Other limitations in zones

Division 3 – Other places where stopping is restricted

- 5.6 Stopping in a shared zone
5.7 Double parking
5.8 Stopping near an obstruction
5.9 Stopping on a bridge or in a tunnel etc.
5.10 Stopping on crests, curves etc.
5.11 Stopping near a fire hydrant, etc.
5.12 Stopping on a path, median strip or traffic island
5.13 Stopping on a verge
5.14 Obstructing access to and from a path, driveway, etc.
5.15 Stopping near a public letterbox
5.16 Stopping on a carriageway – heavy and long vehicles
5.17 Stopping on a carriageway with a bicycle parking sign
5.18 Stopping on a carriageway with a motor cycle parking sign
5.19 Eating areas in parking stalls
5.20 Permits in parking facilities
5.21 Motor cycle stalls

Part 6- Miscellaneous

- 6.1 Authorised persons
6.2 Necessary power
6.3 Authorised person to be obeyed
6.4 Persons may be directed to leave local government property
6.5 Marking of tyres
6.6 Removal of notices on vehicle
6.7 Special purpose and emergency vehicles
6.8 Vehicles not to obstruct a public place or thoroughfare

Part 7 – Penalties

- 7.1 Offences and penalties
7.2 Form of notices
Schedule 1 – Parking region
Schedule 2 – Prescribed offences
Schedule 3 – Forms
Form 1
Form 2
Form 3

PARKING LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of East Pilbara resolved on 3 February 2012 to make the following local law.

Part 1 – Preliminary

1.1 Citation

This local law is the *Shire of East Pilbara Parking Local Law 2011*.

1.2 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.

1.3 Commencement

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

1.4 Repeal

The *Shire of East Pilbara Parking and Parking Facilities Local Law* published in the *Government Gazette* on 10 November 2000 is repealed.

1.5 Application

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) 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.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) 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.
- (5) The provisions of Parts 3 and 4 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 otherwise requires -

;

Act means the *Local Government Act 1995*;

AS means an Australian Standard or Australian/New Zealand Standard published by Standards Australia;

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 CEO, 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 means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) -

- (a) including a pedicab, penny-farthing and tricycle; but
- (b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).

[Regulation 3(1) of the Code]

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

bicycle path means a length of path beginning at a bicycle path sign or a bicycle path road marking and ending at the nearest of the following:

- (a) an end bicycle path sign, or an end bicycle path road marking;
- (b) a separated footpath sign or a separated footpath road marking;
- (c) a carriageway;
- (d) the end of the path;

Bicycle path sign



End bicycle path sign



Separated footpath sign



[Regulation 3(1) of the Code]

bus has the meaning given to it by the Code;

bus means a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver);

[Regulation 3(1) of the Code]

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

bus embayment means an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane;

[Regulation 3(1) of the Code]

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

bus stop means a length of carriageway commencing 20m on the approach side of, and ending 10m on the departure side of, a post indicating that public busses stop at that point;

[Regulation 3(1) of the Code]

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

bus zone means a length of carriageway to which a bus zone sign applies;

[Regulation 3(1) of the Code]

caravan has the meaning given by the *Caravan Parks and Camping Grounds Act 1995*;

caravan means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexe;

[Section 5 of the Caravan Parks and Camping Grounds Act 1995]

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;

CEO means the Chief Executive Officer of the local government;
children's crossing has the meaning given to it by the Code;

childrens crossing means a portion of carriageway between 2 parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than 5 metres apart marked across, or partly across the carriageway and near which a fluorescent red-orange flag or sign bearing the words children crossing – stop, are displayed and, where the lines are so marked partly across a carriageway, includes a portion of the carriageway between the prolongations of those lines;

Children crossing — stop
sign
(octagonal background in
red)
(square background in
lime/yellow)



[Regulation 3(1) of 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 motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

disability parking permit has the meaning given to it in 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;

[Regulation 4 *Local Government (Parking for People with Disabilities) Regulations 2014*]

district means the district of the local government;

driver means any person driving or in 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;

emergency vehicle means a motor vehicle -

- (a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with the official duty;
- (b) of a fire brigade on official duty, in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;
- (c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;
- (d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument; or
- (e) duly authorised as an emergency vehicle for the purposes of these regulations, by the Director General;

[Regulation 3(1) of the Code]

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

footpath has the meaning given to it by the Code;

footpath means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;

[Regulation 3(1) of the Code]

GVM (which stands for gross vehicle mass) has the meaning given to it by the Code;

GVM means for a vehicle, the maximum loaded mass of the vehicle –

- (a) specified by the manufacturer on an identification plate on the vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General;

[Regulation 3(1) of the Code]

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

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";

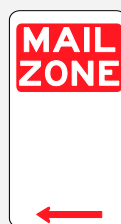
local government means the Shire of East Pilbara;

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

mail zone means the length of carriageway to which a mail zone sign applies;

Mail zone sign

(arrow and background to words in red)



[Regulation 3(1) of the Code]

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

median strip means any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions;

[Regulation 3(1) of the Code]

motorcycle has the meaning given to it by the Code;

motor cycle means a motor vehicle that has 2 wheels and includes -

- (a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels,

but does not include any trailer;

[Regulation 3(1) of the Code]

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

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;

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

[Section 1.4 of the Act]

owner –

- (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under the 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;

park, in relation to a vehicle, means to permit a vehicle, whether occupied or not by any person, to remain stationary for any period of time 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 -

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

and is on that side of the carriageway of the thoroughfare nearest the sign;

parking facilities includes land, buildings, shelters, road reserves, parking areas, parking bays, parking stations, attended parking stations, parking stalls and other facilities open to the public generally for the parking of vehicles, whether or not a fee is charged, and includes signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area described in Schedule 1;

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;

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

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

pedestrian crossing means a portion of a carriageway-

(a) defined:

(i) by white stripes; or

(ii) by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between those stripes, in such a manner that each stripe is approximately parallel to the centre of the carriageway; and

(b) near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a "pedestrian crossing" sign;

Pedestrian crossing sign

(background in yellow)



[Regulation 3(1) of the Code]

public place means any place to which the public has access whether or not that place is on private property;

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;

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 –
- (i) private driveways; and
 - (ii) 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 approved by the local government 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 of vehicles;

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

special purpose vehicle means -

- (a) a vehicle being driven by a member of the Police Force (other than a police officer) on official duty or that vehicle when it is stationary at any place connected with the official duty;
- (b) a public utility service truck;
- (c) a tow truck;
- (d) a motor break-down service vehicle;
- (e) a vehicle being used by a government or local authority in connection with its roadwork or speed zoning functions; or
- (f) a vehicle duly authorised as a special purpose vehicle for the purposes of these regulations, by the Director General, but does not include an emergency vehicle;

[Regulation 3(1) of the Code]

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 AS 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

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 the *Taxi Act 1994* or a “taxi-car” in section 47Z of the *Transport Co-ordination Act 1966*;

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

taxi zone means a length of carriageway to which a taxi zone applies;

Taxi zone sign

(arrow and background to words in red)



Note There are a number of other permitted versions of this sign.

Note A “taxi zone” sign may have an arrow pointing in a different direction and anything on the sign may be differently arranged.

[Regulation 3(1) of the Code]

thoroughfare has the meaning given to it by the Act;

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

thoroughfare means a road or other thoroughfare and includes structures and other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

[Section 1.4 of the Act]

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

truck means a vehicle which has a load capacity exceeding 1,000 kilograms;

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 given to it by the Road Traffic Act; and

vehicle includes —

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

[Section 5(1) of the Act]

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) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and –
- (a) that term 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 classes as follows -

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.8 Powers of 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 6.19 of the Act.

Part 2 – Signs

2.1 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 tenor and a person contravening the direction on a sign commits an offence under this local law.

2.2 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.

2.3 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, deemed to be a sign marked, erected, set up, established or displayed under the authority of this local law.

- (2) The first 3 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 AS 1742.11-1999 as a guide for the development or making 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 AS 1742.11-1999 as it sees fit.

2.4 Application of this local law to pre-existing signs and private properties

- (1) 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) A sign that was erected on a private property prior to the coming into operation of this local law, and that states or stated to the effect that there was no unauthorised parking and that the local law repealed under clause 1.4 (the “repealed local law”) applied to the property, shall be deemed for the purposes of this local law to have been erected under the authority of this local law and to refer to this local law instead of the repealed local law.
- (3) An inscription or symbol on a sign referred to in subclause (1) or (2) operates and has effect according to its tenor.

2.5 Part of a thoroughfare to which signs apply

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 –
 - (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 or resolution under this clause, it shall erect signs to give effect to the determination or resolution.

3.2 Vehicles to be within parking stalls on thoroughfares

- (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.
- (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 an 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 valid disability parking permit;
 - (b) a person with disabilities to which that permit relates is either the driver of or a passenger in the vehicle; and
 - (c) the disability permit is clearly visible to, and able to be read by, an authorised person examining the permit from outside the vehicle.

Note

The *Local Government (Parking for People with Disabilities) Regulations 2014* are designed to be enforced directly, rather than via a local law.

The Regulations prescribe an unmodified penalty of \$2000 and a modified penalty of \$200 for an offence. These penalties cannot be mirrored in the local law, due to the modified penalty being higher than 10% of the unmodified amount. This means

the only option is to enforce the Regulations directly.

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; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) A driver may park a vehicle in a thoroughfare or part of a thoroughfare or part of a parking station, except in a thoroughfare or part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period permitted by a sign referable to the thoroughfare or part of the thoroughfare or the part of the parking station.
- (3) In subclause (2), **driver** means a driver where –
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) a disabled person to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (4) A person shall not park a vehicle -
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with any 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.
- (5) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked "M/C".
- (6) A person shall not, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only":
 - (a) without the prior permission of the local government or an authorised person; and
 - (b) without displaying a permit issued by the local government or an authorised person.
- (7) In a loading zone, a person shall not -
 - (a) park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or
 - (b) park a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.
- (8) In paragraph (b) of subclause (7), **goods** means an article or collection of articles weighing at least 13.6 kilograms and of which the cubic measurement is not less than 0.17m³.

4.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway shall park it -

- (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 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 are 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; and
 - (e) so that it does not obstruct any vehicle on the 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) two parallel continuous dividing lines.
- (3) The driver of any vehicle standing on any carriageway in any park or reserve shall place and keep the same close to and parallel with the road edge, kerb or footpath on the left of such vehicle, except where channels or other obstructions prevent this from being done.
- (4) Subclause (3) 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 Vehicle to be wholly within parking area

A person shall not park a vehicle partly within and partly outside a parking area.

4.4 When parallel and right-angled parking apply

Where a traffic 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.

4.5 When angle parking applies

- (1) This clause does not apply to –
- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
 - (b) a person parking either a motor cycle without a trailer or a bicycle.
- (2) 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.

4.6 General prohibitions on parking

- (1) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals, a person shall not park a vehicle so that any portion of the vehicle is -
 - (a) between any other stationary vehicles and the centre of the carriageway;
 - (b) on or adjacent to a median strip;
 - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive 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) on any footpath or pedestrian crossing;
 - (g) on a bridge or other elevated structure or within a tunnel or underpass;
 - (h) 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;
 - (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (j) 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;
 - (k) 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
 - (l) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked.
- (4) 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.
- (5) 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; or
 - (b) a children’s crossing or pedestrian crossing.
- (6) 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.

4.7 Parking on verges

- (1) A person shall not –
 - (a) park a vehicle; or
 - (b) park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) park a vehicle during any period when the 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 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.
- (3) Subclause 1(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.

4.8 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.

4.9 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 1 hour.
- (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.

4.10 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;

- (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, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

4.11 Parking on private land

- (1) In this clause a reference to **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; or
 - (d) which is the subject of an agreement referred to in clause 1.5(2).
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

4.12 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.

4.13 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, the CEO 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, the CEO 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.

Part 5- Parking and stopping

Division 1 – Parking and stopping generally

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

- (1) A driver shall not stop on a part of a carriageway, or in an area, to which a no stopping sign applies.
- (2) 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 or the passengers or goods within 2 minutes of stopping and drives on.
- (3) 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 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 then the time indicated on the loading zone sign; or
- (d) for longer then thirty minutes, if no time is indicated on the sign.

5.3 Stopping in a taxi or 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 within the “bus zone” sign applying to the bus zone.

5.4 Stopping in a mail zone

A person shall not stop 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 the collection of goods, or in the collection of waste or garbage, to which section 5.2(d) applies.

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 medium 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 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, 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 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 or over a path, 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.

5.13 Stopping on a verge

- (1) A person shall not –

- (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period,
when the 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 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.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.

5.14 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.

5.15 Stopping near a public letterbox

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letterbox, 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.

5.16 Stopping on a carriageway – heavy and long vehicles

Subject to any clause to the contrary or sign referable to the carriageway, a person shall not park a vehicle or any combination of vehicles that together with any projection on, or load carried by the vehicle or combination of vehicles is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes –

- (a) on a carriageway in a built-up area for any period exceeding 1 hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway or in a truck bay or other area set aside for the parking of such vehicles.

5.17 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.

5.18 Stopping on a carriageway with a motor cycle parking sign

The driver of a vehicle shall not stop on a part of a carriageway, or in an area to which a “motor cycle parking” sign applies, or an area marked “M/C” unless –

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

5.19 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.

5.20 Permits in parking facilities

- (1) The local government or authorised person may, whether upon payment of a fee or not, issue a written temporary parking permission which allows a specific vehicle to 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 without responsibility for any liability or loss or claim.
- (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) or 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) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law relating to a person’s right of appeal against the local government revoking or suspending a permit.

5.21 Motor cycle stalls

- (1) A person shall not stop or park a vehicle other than a bicycle or a motor cycle 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 motor cycles is permitted by a sign referable to that parking stall.
- (2) A person shall not stop or park a bicycle or motor cycle 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- Miscellaneous

6.1 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.

6.2 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.

6.3 Authorised person to be obeyed

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

6.4 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.

6.5 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 parking 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.

6.6 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 or interfere with any notice put on the vehicle by an authorised person.

6.7 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.

6.8 Vehicles not to obstruct a public place or thoroughfare

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place 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, unless the vehicle is causing or may cause a danger to the public or is jeopardising or may jeopardise the safety or a person.

3.37. Contraventions that can lead to impounding

(1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.

(2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

29. Contraventions that may lead to impounding of goods (Act s. 3.37)

(1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —

- (a) it occurs in a public place; and
- (b) either —
 - (i) the presence of the goods —
 - (I) presents a hazard to public safety; or
 - (II) obstructs the lawful use of any place;
 - or
 - (ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

(1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.

(2) In subregulation (1) or (1a) —

public place includes a place that is on private property that the public are allowed to use.

[R29 Local Government (Functions and General) Regulations 1996]

3.38. Terms used

goods means any goods involved in a contravention that can lead to impounding, and includes —

- (a) a vehicle; or
- (ab) an animal; or
- (b) a stall or other structure temporarily placed on land, involved in such a contravention;

[Section 3.37 Local Government Act 1995]

Part 7 – Penalties

7.1 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) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is liable, upon conviction, to a penalty not less than \$250 and not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) Subclause (3) does not apply to an offence to which the *Local Government (Parking for People with Disabilities) Regulations 2014* applies.
- (5) 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.
- (6)

7.2 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 3;
 - (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 3.
-

Schedule 1 – Parking region

[Clause 1.6]

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

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
 - (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
 - (c) 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 of Main Roads to the local government.
-

Schedule 2 – Prescribed offences

[clause 7.1(4)]

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.1	Failure to comply with signs	100
2	2.2(a)	Unauthorised display, marking, setting up, exhibiting of a sign	100
3	2.2(b)	Unauthorised removal, defacing or misuse of a sign	100
4	2.2(c)	Unauthorised affixing anything to a sign	100
5	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	100
6	3.2(1)(b)	Failure to park wholly within parking stall	100
7	3.2(1)(c)	Failure to park in the direction of the movement of traffic in a parking stall	100
8	3.2(4)	Failure to park wholly within parking area	100
9	3.3(1)(a)	Causing obstruction in parking station	100
10	3.3(1)(b)	Parking contrary to sign in parking station	100
11	3.3(1)(c)	Parking contrary to directions of authorised person	100
12	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	100
13	4.1(1)(a)	Parking by vehicles of a different class	100
14	4.1(1)(b)	Parking by persons of a different class	100
15	4.1(1)(c)	Parking during prohibited period	100
16	4.1(4)(a)	Parking in no parking area	100
17	4.1(4)(b)	Parking contrary to signs or limitations	100
18	4.1(4)(c)	Parking vehicle in motor cycle only area	100
19	4.1(5)	Parking motor cycle in stall not marked “M/C”	100
20	4.1(6)(a)	Parking without permission in an area designated for “Authorised Vehicles Only”	100
21	4.1(6)(b)	Parking without displaying permit in an area designated for “Authorised vehicles only”	100
22	4.2(1)(a)	Failure to park on the left of two-way carriageway	100
23	4.2(1)(b)	Failure to park on boundary of one-way carriageway	100
24	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	100
25	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
26	4.2(1)(d)	Parking closer than 1 metre from another vehicle	100
27	4.2(1)(e)	Causing obstruction	100
28	4.4(b)	Failure to park approximate right angle	100
29	4.5(2)	Failure to park at an appropriate angle	100
30	4.6(3)(a)	Double parking	100
31	4.6(3)(b)	Parking on or adjacent to a median strip	100
32	4.6(3)(c)	Denying access to private drive or right of way	100
33	4.6(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100

34	4.6(3)(e)	Parking within 10 metres of traffic island	100
35	4.6(3)(f)	Parking on footpath/pedestrian crossing	100
36	4.6(3)(h)	Parking closer than 3 metres to double longitudinal lines	100
37	4.6(3)(i)	Parking on intersection	100
38	4.6(3)(j)	Parking within 1 metre of fire hydrant or fire plug	100
39	4.6(3)(k)	Parking within 3 metres of public letter box	100
40	4.6(3)(l)	Parking within 10 metres of intersection	100
41	4.6(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
42	4.6(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
43	4.6(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
44	4.7	Parking on a verge	100
45	4.8	Parking contrary to direction of authorised person	100
46	4.9(1), (2) or (3)	Moving vehicle to avoid time limitation	100
47	4.10(a)	Parking in thoroughfare for purpose of sale	100
48	4.10(b)	Parking unlicensed vehicle in thoroughfare	100
49	4.10(c)	Parking a trailer/caravan on a thoroughfare	100
50	4.10(d)	Parking in thoroughfare for purpose of repairs	100
51	4.11(2)	Parking on land that is not a parking facility without consent	100
52	4.11(3)	Parking on land not in accordance with consent	100
53	4.12	Driving or parking on a reserve	100
54	5.1(1)	Stopping contrary to a "no stopping" sign	100
55	5.1(2)	Parking contrary to a "no parking" sign	100
56	5.1(3)	Stopping within continuous yellow lines	100
57	5.2	Stopping unlawfully in a loading zone	100
58	5.3	Stopping unlawfully in a taxi zone or bus zone	100
59	5.4	Stopping unlawfully in a mail zone	100
60	5.5	Stopping in a zone contrary to a sign	100
61	5.6	Stopping in a shared zone	100
62	5.7(1)	Double parking	100
63	5.8	Stopping near an obstruction	100
64	5.9	Stopping on a bridge or tunnel	100
65	5.10	Stopping on crests/curves etc	100
66	5.11	Stopping near fire hydrant	100
67	5.12	Stopping on path, median strip or traffic island	100
68	5.13(1)	Stopping on verge	100
69	5.14	Obstructing path, a driveway etc	100
70	5.15	Stopping near letter box	100
71	5.16	Stopping heavy or long vehicles on carriageway	100
72	5.17	Stopping in bicycle parking area	100
73	5.18	Stopping in motorcycle parking area	100
74	5.19	Stopping or parking in a stall set up as an eating area	100
75	5.20(3)	Stopping or parking contrary to requirements of a permit	100

76	5.21	Stopping or parking a vehicle (other than a bicycle or motor cycle) in a parking stall approved for motor cycles	100
77	6.3	Failure to comply with a lawful direction of an authorised person	100
78	6.4	Failure to leave local government property when lawfully directed to do so by an authorised person	100
79	6.5(2)	Removing or interfering with a lawful mark on a tyre	100
80	6.6	Removing a notice on a vehicle	100
81	6.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	100
82		All other offences not specified	100

Schedule 3 – Forms**Form 1****NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

[clause 7.2(a)]

Date: _____

To: (1) _____

Of: (2) _____

It is alleged that on ____/____/____ at (3) _____

At (4) _____

Vehicle make: _____

Model: _____

Registration: _____

Colour: _____

Was involved in the commission of the following offence:

Contrary to clause _____ of the *Shire of East Pilbara Parking and Parking Facilities Local Law 2011*.

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

- (a) within 28 days after being served with this notice;
 - (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Signature of authorised person

Name of authorised person

Title of authorised person

INSERT:

(1) Name of owner or “the owner”

- (2) Address of owner (not required if owner not named)
 - (3) Time of alleged offence
 - (4) Location of alleged offence
-

Form 2
INFRINGEMENT NOTICE
[clause 7.2(b)]

Infringement No: _____

Date: _____

To: (1) _____

Of: (2) _____

It is alleged that on ____/____/____ at (3) _____

At (4) _____

In respect of vehicle –

Make: _____

Model: _____

Registration: _____

Colour: _____

You committed the following offence –

Contrary to clause _____ of the *Shire of East Pilbara
Parking and Parking Facilities Local Law 2011*.

The modified penalty for the offence is \$ _____.

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) _____ within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Signature of authorised person

Name of authorised person

Title of authorised person

INSERT:

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence

(5) Place where modified penalty may be paid

Form 3
WITHDRAWAL OF INFRINGEMENT NOTICE
[clause 7.2(c)]

Date: ____/____/____

To: (1) _____

Of (2) _____

Infringement Notice No. _____ Dated ____/____/____

In respect of vehicle –

Make: _____

Model: _____

Registration: _____

Colour: _____

For the alleged offence of:

Has been withdrawn.

The modified penalty of \$ _____

- ☐ has been paid and a refund is enclosed.
☐ has not been paid and should not be paid.

Signature of authorised person

Name of authorised person

Title of authorised person

INSERT:

- (1) Name of alleged offender or “the owner”
(2) Address of alleged offender

Dated: 3 February 2012

The Common Seal of the Shire of East Pilbara was affixed by authority of a resolution of the Council in the presence of –

LYNNE CRAIGIE, Shire President

ALLEN COOPER, Chief Executive Officer