

## LOCAL GOVERNMENT ACT 1995

## CITY OF WANNEROO

**PARKING AND PARKING FACILITIES AMENDMENT  
LOCAL LAW 2008**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the "*City of Wanneroo Parking and Parking Facilities Amendment Local Law 2008*".

**1. Citation**

This local law may be cited as the *City of Wanneroo Parking and Parking Facilities Amendment Local Law 2008*.

**2. Commencement**

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

**3. Principal Local Law**

In this local law, the *City of Wanneroo Parking and Parking Facilities Local Law 2003* as published in the *Government Gazette* on 13 January 2004 is referred to as the principal local law. The principal local law is amended as follows—

**4. Clause 3 amended**

Delete the whole of the text to clause 3 and insert—

“In this local law unless the context otherwise requires—

“**ACROD sticker**” has the meaning given to it by the Code;

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

“**appointed place**” means a place appointed by the local government or Chief Executive Officer to which vehicles causing an obstruction may be removed;

“**authorised person**” means a person authorised 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, Chief Executive Officer, 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;

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

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

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

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

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

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

(1) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

(2) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

“**children’s crossing**” has the meaning given to it by the Code;

“**CEO**” means the Chief Executive Officer of the local government;

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

- “**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;
- “**district**” means the district of the local government;
- “**driver**” means any person driving or in control of a vehicle;
- “**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;
- “**expired meter indicator**” means a plate, digital display, indicator or device on a parking meter which appears on the face of the meter indicating that the time during which a vehicle may occupy the metered space to which the parking meter relates has expired;
- “**flush island**” means an area of road surrounded by a line or lines (whether marked or made of concrete flush kerbing or line of bricks), in which the interior of the island may be either sealed with an aggregate of contrasting colour or texture, brick paved, or consist of diagonal or chevron markings, or pavement bars;
- “**foreshore**” means all the land in the district of the local government which lies between the low water mark and the high water mark of the Indian Ocean;
- “**GVM**” (which stands for “gross vehicle mass”) has the meaning given to it by the Code;
- “**Loading Zone**” means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked “Loading Zone”;
- “**local government**” means the City of Wanneroo;
- “**mail zone**” has the meaning given to it by the Code;
- “**median strip**” has the meaning given to it by the Code;
- “**metered stall**” means a parking stall within a metered zone that is controlled by a parking meter and that is marked or defined in any way to indicate where a vehicle may be parked on payment of a fee or charge;
- “**metered space**” means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;
- “**metered zone**” means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;
- “**motorcycle**” has the meaning given to it by the Code;
- “**motor vehicle**” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;
- “**nature strip**” means the portion of a road which lies between the boundary of a carriageway and the front boundary of adjacent land, but does not include a path;
- “**obstruct**” means to interfere with, impede or hinder the passage of any vehicle or person;
- “**occupier**” has the meaning given to it by the Act;
- “**owner**”—
- (a) where used in relation to a vehicle licensed under the Road Traffic Act, 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;
- “**park**”, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—
- (a) avoiding conflict with other traffic; or
  - (b) complying with the provisions of any law; or
  - (c) taking up or setting down persons or goods (*maximum of 2 minutes*);
- “**parking area**” has the meaning given to it by the Code;
- “**parking facilities**” includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with the parking of vehicles;
- “**parking meter**” includes the stand on which the meter is erected and a ticket issuing machine;
- “**parking region**” means the area described in the First Schedule;

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

“**parking station**” means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

“**pedestrian crossing**” has the meaning given to it by 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;

“**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 event parking**” means parking requirements for any event or occurrence considered by the CEO to be special or likely to attract a substantial number of persons driving vehicles;

“**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 any symbol specified by Australian Standard 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;

“**taxi**” means a taxi within the meaning of the *Taxi Act 1994*;

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

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

“**ticket issuing machine**” means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

“**ticket parking stall**” means a stall to which payment of a fee for parking is required by the purchase of a ticket;

“**ticket zone**” means any part of a road or reserve in which a ticket issuing machine is installed to regulate the parking of vehicles in that zone;

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

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

“**vehicle**” has the meaning given to it by the Code.”

#### 5. Clause 75 amended

After the word “reserve” insert—  
“or foreshore”.

#### 6. Clause 77 amended

After the word “road” in line 1 insert—  
“or nature strip”.

#### 7. First Schedule amended

Delete paragraph (c) and insert

- “(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 to the local government.”.

**8. Second Schedule amended**

Delete the Second Schedule and insert—

*“Second Schedule*  
**PARKING AND PARKING FACILITIES LOCAL LAW**  
**PRESCRIBED OFFENCES**

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1	17	Parking in a metered/ticketed zone outside a parking stall	100
2	19(1)(b)	Stopping or parking against an expired meter in a metered stall	100
3	20(1)	Stopping during a prohibited period in a metered or ticket parking stall	100
4	20(2)(a)	Parking during a prohibited period in a metered or ticket parking stall	100
5	20(2)(b)	Parking in a metered or ticket parking stall set apart for vehicles of a different class	100
6	20(3)	Parking longer than time allowed in a metered or ticket zone	100
7	21	Stopping or parking a vehicle with an expired ticket in a ticket zone	100
8	26	Parking a vehicle in a parking station not wholly contained within a parking stall	100
9	27(1)(a)	Obstruction of access to or from or within a parking station	100
10	27(1)(b)	Stopping or parking a vehicle in a parking station contrary to signs	100
11	27(1)(c)	Failure to remove vehicle in a parking station after being directed by an authorised person	100
12	27(1)(d)	Stopping or parking in an occupied parking stall	100
13	27(4)	Stopping during a prohibited period in a parking station	100
14	27(4)	Stopping on a road during a prohibited period	100
15	27(5)	Parking in area designated for Authorised Vehicles Only	100
16	29	Parking in a parking station without paying appropriate fee	100
17	30(1)(a)	Failing to display an unexpired parking ticket	100
18	32(1)	Failing to leave a parking station or facility	100
19	32(2)	Loitering in a parking station	100
20	32(3)	Driving in a parking station against the direction indicated by arrows	100
21	38(1)	Stopping or Parking contrary to signs	100
22	39(1)(a)	Parked not parallel to the kerb	100
23	39(1)(b)	Stopping in a parking stall not wholly within the stall in a road	100
24	39(1)(c)	Parked facing the wrong way	100
25	40(1)	Stopping vehicle in intersection	100
26	40(2)	Stopping vehicle within 20 metres of traffic control signals	100
27	40(3)	Stopping vehicle within 10 metres of nearest intersection	100
28	41(2)(a)	Stopping a vehicle within 20 metres of approach side of a children's crossing	100
29	41(2)(b)	Stopping a vehicle within 10 metres of departure side of a children's crossing	100
30	42(1)	Stopping too close to marked foot crossing	100
31	43(2)	Stopping too close to bicycle crossing lights	100
32	44(1)	Stopping on or near a level crossing	100
33	45(1)	Parking in a loading zone	100

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
34	46(1)	Stopping in a taxi zone	100
35	46(2)	Stopping in a bus zone	100
36	47	Stopping in a mail zone	100
37	49	Stopping in a shared zone	100
38	50	Stopping in a bus lane, truck lane, bicycle lane or transit lane	100
39	51(1)	Double parking	100
40	52	Stopping near an obstruction & further obstructing	100
41	53(1)	Stopping on a bridge or similar structure	100
42	53(2)	Stopping in a tunnel or underpass	100
43	54(1)	Stopping on a crest or curve	100
44	55(1)	Stopping or parking within one metre of a fire hydrant	100
45	56(1)	Stopping a vehicle within 20 metres of approach side or 10 metres of the departure side of a bus stop	100
46	57	Stopping on a path, median strip, flush island, painted island or traffic island	100
47	58(1)	Stopping on nature strip contrary to a sign	100
48	58(2)	Parking on nature strip without consent	100
49	59(1)	Obstructing access to and from a path	100
50	59(2)	Obstructing access to and from driveway or other access way	100
51	60	Stopping within three metres of a public post box	100
52	61(1)	Parking a heavy, commercial or other type of vehicle on road or nature strip	100
53	62	Stopping in bicycle parking zone	100
54	63	Stopping in a motor cycle parking zone	100
55	64(1)	Stopping in a disabled parking zone	100
56	66	Parking on a road for more than the maximum period	100
57	68(1)	Not parallel parking on a carriageway	100
58	69(1)	Not parallel parking in median strip parking area	100
59	70(2), (3), (4)	Stopping or parking contrary to angled parking sign	100
60	75	Drive, ride, park or stop a vehicle on a reserve or foreshore	100
61	77	Parking a vehicle for sale on a road or nature strip	100
62	78(2)	Stopping or parking a vehicle on private property	100
63	81	Vehicle causing an obstruction in a public place	100
64	95(2)	Parking in an area set aside for a special event contrary to a sign	100
65	98(2)	Failure to give name and address	100
66	99	Hindrance of authorised person	100
67	101	Failure to move vehicle on request	100
68	102(2)	Removing mark made by authorised person	100"

Dated: 4 March 2009.

The Common Seal of the City of Wanneroo was affixed by authority of a resolution of the Council in the presence of—

JON KELLY, Mayor.  
DANIEL SIMMS, Chief Executive Officer.