

## LOCAL GOVERNMENT ACT 1995

### TOWN OF PORT HEDLAND

#### PARKING LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Port Hedland resolved on [Insert adoption resolution date here] to make the following local law.

#### PART 1— PRELIMINARY

##### 1.1 Citation

This local law is cited as the *Town of Port Hedland Parking Local Law 2015*.

##### 1.2 Commencement

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

##### 1.3 Repeal

The following local laws are repealed-

*Town of Port Hedland Parking Local Laws* as published in the *Government Gazette* on 3 April 1998.

##### 1.4 Application

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

##### 1.5 Definitions

In this Local Law unless the context otherwise requires—

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

**all terrain vehicle** means any motorised off-road vehicle designed to travel on four low pressure tyres, having a seat designed to be straddled by the operator and handlebars for steering control;

**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 CEO, an authorised person or by any written law to park on a thoroughfare or parking facility;

**bay** includes “stall” and “space”;

**bicycle** has the meaning given to it in the Code;

**bicycle path** has the meaning given to it in the Code;

**bicycle lane** has the meaning given to it in the Code;

**bicycle path road marking** has the meaning given to it in the Code;

**bus** has the meaning given to it in the Code;

**bus embayment** has the meaning given to it in the Code;

**bus lane** has the meaning given to it in the Code;

**bus lane road marking** has the meaning given to it in the Code;

**bus stop** has the meaning given to it in the Code;

**bus zone** has the meaning given to it in 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** has the meaning given to it in the Code;

**centre** has the meaning given to it in the Code;

**children's crossing** has the meaning given to it in the Code;

**CEO** means the Chief Executive Officer of the local government and includes an Acting Chief Executive Officer;

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

**commercial vehicle-**

- (a) 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
- (b) 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;

**continuous dividing line** has the meaning given to it in the Code;

**district** means the district of the local government;

**disability parking permit** has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

**dividing strip** has the meaning given to it in the Code;

**driver** means any person driving or in control of a vehicle;

**dwelling unit** means premises lawfully used for self contained living quarters;

**edge line** has the meaning given to it in the Code;

**emergency vehicle** has the meaning given to it in the Code;

**footpath** has the meaning given to it in the Code;

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

**heavy vehicle** has the meaning given to it in the Code;

**intersection** has the meaning given to it in the Code;

**keep clear marking** has the meaning given to it in the Code;

**kerb** means and includes the constructed border or edge of the portion of a road paved for the use of vehicular traffic where any constructed border exists at the edge of the paved road whether any footpath has been constructed or not;

**level crossing** has the meaning given to it in the Code;

**loading zone** has the meaning given to it in the Code;

**local government** means the Town of Port Hedland;

**mail zone** has the meaning given to it in the Code;

**median strip** has the meaning given to it in the Code;

**motor cycle** has the meaning given to it in the Code;

**motor vehicle** has the meaning given to it in the Road Traffic Act;

**nature strip** has the meaning given to it in the Code;

**no parking area** has the meaning given to it in the Code;

**no parking sign** means a sign with the letter 'P' within a red annulus and a red diagonal line across it on a white background;

**no stopping area** has the meaning given to it by the Code;

**no stopping sign** means a sign with the letter 'S' within a red annulus and a red diagonal line across it on a white background;

**obstruction** has the meaning given to it in the Code;

**occupier** has the meaning given to it in the Act;

**one-way carriageway** has the meaning given to it in the Code;

**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 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;

**painted island** has the meaning given to it in the Code;

**park** has the meaning given to it in the Code;

**parking area** has the meaning given to it in the Code;

**parking bay** 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 bay;

**parking control sign** has the meaning given to it in the Code;

**parking facilities** includes—

- (a) land, buildings, shelters, parking stations, metered zones, metered bays, parking bays and other facilities open to the public generally for the parking of vehicles, with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

**parking meter** means a ticket issuing machine and includes the stand on which the ticket issuing machine is erected;

**parking region** means the area described in Schedule 1;

**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 bay;

**path** has the meaning given to it in the Code;

**pedestrian** has the meaning given to it in the Code;

**pedestrian crossing** has the meaning given to it in the Code;

**property line** means a lateral boundary of the thoroughfare;

**public bus** has the meaning given to it in the Code;

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

**quad bike** has the same meaning as **all terrain vehicle**;

**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;

**right of way** means any lane, passage, thoroughfare, way, whether private or public, over which any person in addition to the owner has a right of carriageway;

**road** has the same meaning as **carriageway**;

**road marking** has the meaning given to it in the Code;

**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 in the Code;

**shared path** has the meaning given to it in the Code;

**sign** includes a traffic sign, inscription, mark, structure or device on which may be shown words, numbers, expressions or symbols,

- (a) approved by the local government;
- (b) 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; and
- (c) includes a “parking control” sign ;

**special purpose vehicle** has the meaning given to it in the Code;

**strata company** has the meaning given to it in the *Strata Titles Act 1985*;

**symbol** includes any symbol specified by Australian Standard 1742.11, as amended from time to time, 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;

**T-intersection** has the meaning given to it in the Code;

**taxi** has the meaning given to it in the Code;

**taxi zone** has the meaning given to it in the Code;

**thoroughfare** has the meaning given to it in 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 is to be lawful to remain parked in a metered bay to which the machine is referable;

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

**trailer** has the meaning given to it in the Code;

**truck** has the meaning given to it in the Code;

**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 in the Road Traffic Act; and

**verge** has the same meaning as **nature strip**.

#### **1.6 Application of particular definitions**

- (1) For the purposes of the application of the definitions “no parking area” and “parking area” an arrow inscribed on a traffic 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.
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

#### **1.7 Pre-existing signs**

- (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,is to 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) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor, and where the inscription, word, number, expression or symbol on a sign referred to in subclause (1) relates to the stopping of vehicles, it is to be deemed for the purposes of this local law to operate and have effect as if it related to

the parking of vehicles.

### **1.8 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;
- (e) trucks;
- (e) heavy vehicles; and
- (f) all other vehicles.

### **1.9 Part of thoroughfare to which sign applies**

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.

### **1.10 Powers of the local government**

The local government may, by resolution, prohibit or regulate by signs, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but shall do so consistently with the provisions of this local law.

### **1.11 Notes do not form part of the local law**

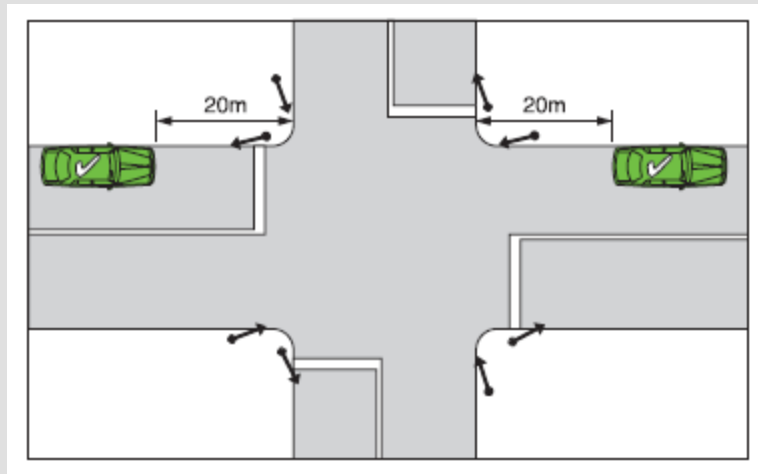
- (1) In this local law notes are included in a boxed format.
- (2) The purpose of including notes is to assist the reader in the interpretation or administration of this local law.
- (3) The notes are to be treated as footnotes and are not part of this local law (see section 32(2) of the *Interpretation Act 1984*).

## **PART 2 – STOPPING GENERALLY**

### **2.1 No stopping**

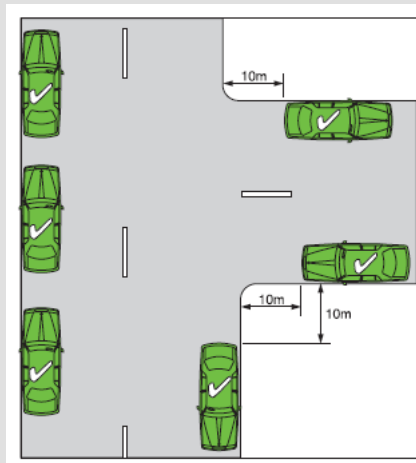
- (1) A driver shall not stop on a part of a carriageway, or in an area –
  - (a) to which a 'no stopping' sign applies; or
  - (b) during the times a sign specifies a 'no stopping' restriction is in operation; or
  - (c) where the stopping of vehicles is permitted for a specified time and the vehicle has been stopped for longer than that time.
- (2) A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.
- (3) Unless a sign indicates otherwise, a person shall not stop a vehicle so that any portion of the vehicle is—
  - (a) within 20 m from the nearest point of an intersecting carriageway at an intersection with traffic-control signals;

Example of measurement of distance – intersection with traffic control signals



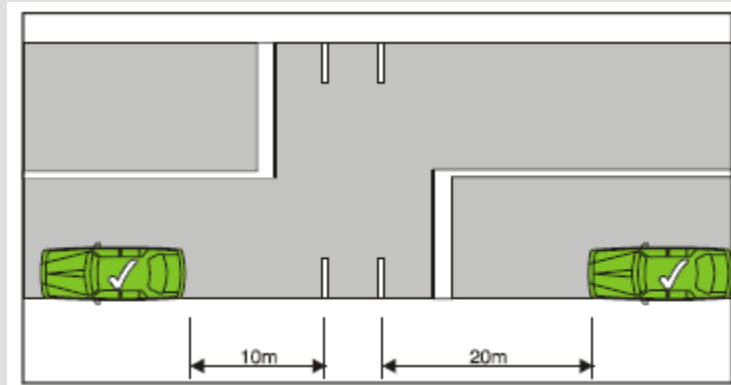
- (b) within 10 m of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops, if the intersection is a T-intersection — along the continuous side of the continuing road at the intersection;

Example of measurement of distance – T-intersection without traffic lights



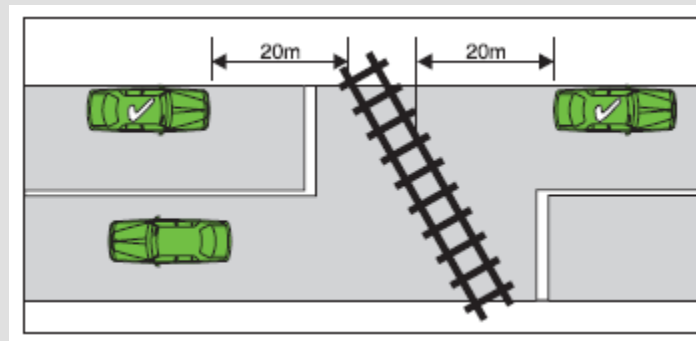
- (c) within 20 m of the approach side of a pedestrian crossing or children’s crossing, except where the pedestrian crossing is at an intersection; or
- (d) within 10 m of the departure side of a pedestrian crossing or children’s crossing, except where the pedestrian crossing is at an intersection;

Example of measurement of distance – Children’s and Pedestrian crossing



- (e) within 10 m, of a marked foot crossing that is not at an intersection, before the traffic-control signal pole nearest to the driver at the marked foot crossing and 3 m after the marked foot crossing;
- (f) within 20 m, of a level crossing, before the nearest rail or track to a driver approaching the crossing and 20 m after the nearest rail or track to a driver leaving the crossing.

Example of measurement of distance – level crossing



## 2.2 Stopping on a Clearway

A driver shall not stop on a part of a carriageway to which a clearway sign applies, unless the driver is dropping off, or picking up passengers.

## 2.3 Stopping on keep clear markings

A driver shall not stop on an area of a carriageway marked with a keep clear marking.

## PART 3 – STOPPING IN ZONES FOR PARTICULAR VEHICLES

### 3.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is a commercial vehicle or a truck engaged in the picking up or setting down of goods being no less than 14kg in weight and no less than 0.20 cubic metres in measurement in any event, shall not remain in that loading zone—

- (c) for longer than a time indicated on the “loading zone” sign; or
- (d) for longer than 30 minutes (if no time is indicated on the “loading zone” sign).

### 3.2 Stopping in a taxi zone or a 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 with the “bus zone” sign applying to the bus zone.

(3) In subclause (1), the driver of a taxi shall not leave the taxi unattended.

### 3.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

### 3.4 Other limitations in zones

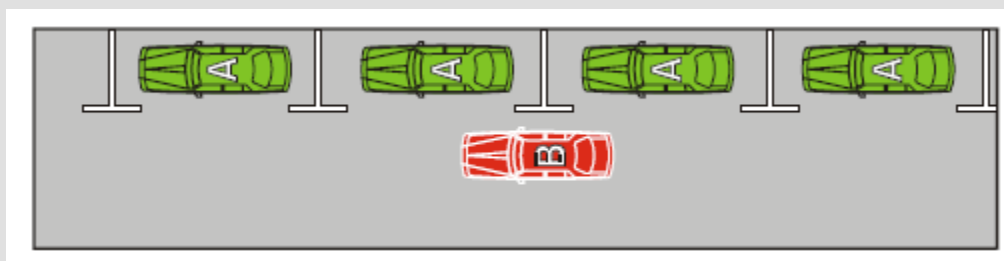
A person shall not stop a vehicle in a zone to which a sign applies if stopping the vehicle would be contrary to any limitation with respect to the class of persons or vehicles, or the specific activity allowed, as indicated by additional words on the sign.

## PART 4 – OTHER PLACES WHERE STOPPING IS RESTRICTED

### 4.1 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 median strip parking area, in accordance with this local law.

Example of double parking



Vehicle 'B' is stopped in contravention of clause 4.1(1).

### 4.2 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.

### 4.3 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
  - (b) the driver stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.
- (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 sign does not prohibit stopping; 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.

### 4.4 Stopping on crests, curves, etc.

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.

### 4.5 Stopping near a fire hydrant etc.



- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within one 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.

#### 4.6 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—
  - (a) the vehicle is a public bus stopped to take up or set down passengers; or
  - (b) the driver stops at a place on a length of carriageway, or in an area, where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.
- (2) In this clause, distances are measured in the direction in which the driver is driving.

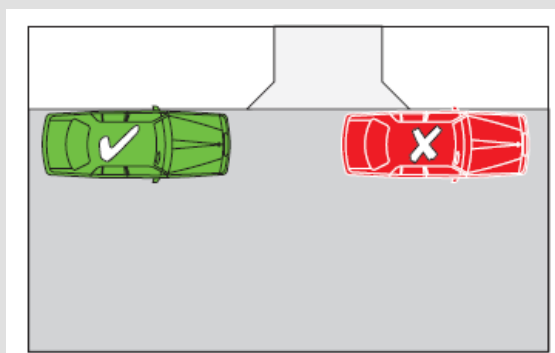
#### 4.7 Stopping on a path, dividing strip, median strip, painted island or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, dividing strip, median strip, painted island, or traffic island, unless the driver stops in a place where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.

#### 4.8 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 the driver is dropping off, or picking up, passengers.
- (2) A driver shall not stop a vehicle on or across a driveway, right of way, private drive or other way of access for vehicles travelling to or from adjacent land, unless the driver is dropping off, or picking up, passengers.

Example of blocking a driveway



The vehicle marked with an 'x' is stopped in contravention of clause 4.8(2)

#### 4.9 Stopping near a letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver—

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.

#### 4.10 Stopping on a carriageway—Trucks, heavy and long vehicles

- (1) Unless engaged in the picking up or setting down of goods, a person shall not stop, on a carriageway, a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 5 metres or more in length or exceeds a GVM of 4.5 tonnes.
- (2) Nothing in this clause affects the operation of any other clause in this local law, or any other written law relating to the parking or stopping of vehicles.

#### **4.11 No Parking**

A driver shall not park on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver does not leave the vehicle unattended.

#### **4.12 Stopping and parking on a verge**

- (1) A person shall not—
  - (a) stop or park a vehicle (other than a bicycle);
  - (b) stop or park a commercial vehicle, truck, heavy vehicle, bus, trailer, all terrain vehicle, or caravan (whether attached or unattached to a vehicle);
  - (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;
  - (d) stop or park a vehicle exposing it for sale;
  - (e) stop or park a vehicle 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; 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—
  - (a) except in the case of a strata property, the owner or occupier of the premises immediately adjacent to that verge; or
  - (b) except in the case of a strata property, authorised by the occupier of those premises to stop the vehicle so that any portion of it is on that verge; or
  - (c) in the case of a strata property, authorised by the Strata Company of those premises to stop the vehicle so that any portion of it is on that verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle or a truck if—
  - (a) it is being loaded or unloaded with reasonable expedition with goods or merchandise collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle or truck is parked; and
  - (b) no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

### **PART 5 - PARKING BAYS AND PARKING STATIONS**

#### **5.1 Determination of parking bays and parking stations**

- (1) The local government may by resolution constitute, determine, revoke and vary—
  - (a) parking bays;
  - (b) parking stations;
  - (c) permitted time and conditions of parking in parking bays and parking stations which may vary with the locality;
  - (d) permitted classes of vehicles which may park in parking bays and parking stations;
  - (e) permitted classes of persons who may park in specified parking bays or parking stations; and
  - (f) the manner of parking in parking bays and parking stations.

- (2) Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.

### **5.2 Vehicles to be within parking bay on carriageway**

- (1) Subject to subclause (2), a person shall not park a vehicle in a parking bay on a carriageway otherwise than—
- (a) parallel to and as close to the kerb as is practicable;
  - (b) wholly within the bay; and
  - (c) headed in the direction of the movement of traffic on the side of the carriageway in which the bay is situated.
- (2) If a vehicle is too long or too wide to fit completely within a single parking bay then the person parking the vehicle shall do so within the minimum number of parking bays needed to park that vehicle.
- (3) A person shall not park or stop a vehicle partly within and partly outside a parking area.

### **5.3 Payment of fee to park in parking station**

A person shall not park a vehicle, or permit a vehicle to remain parked, in a parking station during any period for which a fee is payable unless—

- (a) in the case of a parking station having an authorised person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

### **5.4 Suspension of parking station restrictions**

The local government may declare that clause 5.3 is not to apply during the period, in relation to a particular parking station, specified in the resolution.

### **5.5 Vehicle not to be removed until fee paid**

A person shall not remove a vehicle which has been parked in a parking station until the appropriate fee has been paid for the period for which the vehicle has been parked.

### **5.6 Entitlement to receipt**

A person paying a fee at a parking station is entitled to receive a receipt on demand showing the period of parking covered by the payment.

### **5.7 Parking ticket to be clearly visible**

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in a position where—

- (a) the ticket is clearly visible to; and
- (b) the expiry time or time for which the ticket remains valid is able to be read by,

an authorised person examining the ticket from outside the vehicle.

### **5.8 Locking of parking station**

At the expiration of the hours of operation of a parking station, the local government may lock a parking station or otherwise prevent the movement of vehicles within, to or from it.

### **5.9 Parking prohibitions and restrictions**

- (1) A person shall not—
- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a 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; or
  - (d) park or attempt to park a vehicle in a parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked "M/C", if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle—
- (a) in a parking bay other than in a bay marked "M/C"; and
  - (b) in such bay other than against the kerb.
- (3) A driver may park a vehicle in a parking bay (except in a parking area for people with disabilities) for twice the length of time allowed, provided that:
- (a) the driver's vehicle displays a disability parking permit; and
  - (b) a person with disabilities to which that disability parking permit relates is either the driver of or a passenger in the vehicle.

## **PART 6—PARKING GENERALLY**

### **6.1 Restrictions on parking in particular areas**

- (1) Subject to clause 6.2, 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 person shall not park a vehicle—
- (a) in a no parking area;
  - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
  - (c) in a bay marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle;
  - (d) at any time in a right of way; or
  - (e) unless clause 6.11 applies, for more than the maximum time specified by a sign.
- (3) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only".
- (4) Subject to clause 3.1, a person shall not park a vehicle to off load goods.
- (5) In subclause (4) "goods" means an article or collection of articles weighing at least 14kg and at least 0.20 cubic metres in measurement.

### **6.2 Time extension for people with disabilities**

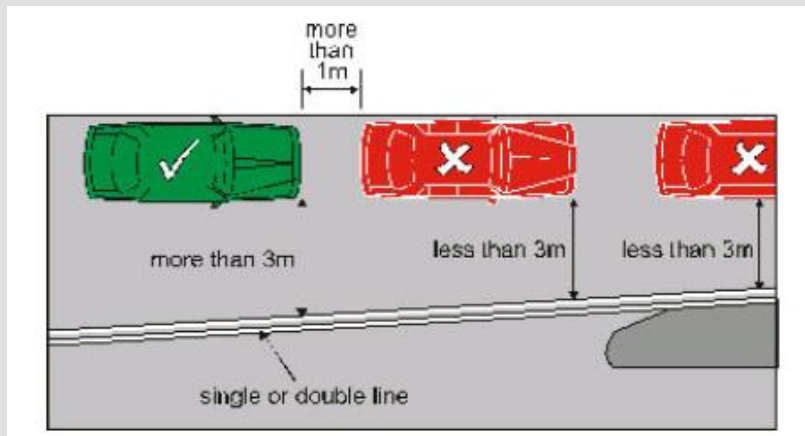
- (1) This clause applies to a driver if—
- (a) the driver's vehicle displays a disability parking permit; and
  - (b) a person with a disability is either the driver or a passenger in the vehicle.
- (2) A driver may park continuously on a length of carriageway, or in an area, to which a "permissive parking" sign applies (except in a parking area for people with disabilities) for twice the period indicated on the sign.

### **6.3 Parallel parking on a carriageway (except in a median strip parking area)**

- (1) Unless otherwise permitted by a sign, a driver parking a vehicle on a carriageway other than in a parking bay shall—

- (a) subject to subclause (4), in the case of a two-way carriageway, park the vehicle so that it is as near as practicable to and parallel with, the left boundary of the carriageway and facing in the direction of travel of vehicles in the marked lane or line of traffic on, or next to, the part of the carriageway where the driver parks;
- (b) subject to subclause (4), in the case of a one-way carriageway, park the vehicle so that it is as near as practicable to and parallel with either boundary of the carriageway unless otherwise indicated by information on or with a sign;
- (c) in the case of a carriageway that has a continuous dividing line, dividing strip or median strip, park the vehicle at least 3 metres from the continuous line, dividing strip or median strip;

Parallel parking – minimum distance from other vehicles and dividing strip



In the above example, the vehicles marked with an 'x' are parked in contravention of this local law.

- (d) in the case of a carriageway with no continuous dividing line or median strip, park the vehicle so that there is at least 3 metres of the carriageway alongside the vehicle that is clear for other vehicles to pass.
- (2) A driver of a vehicle shall park the vehicle so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle, parked in accordance with this local law.
- (3) A driver of a vehicle shall park the vehicle so that it does not obstruct any vehicle on the carriageway.
- (4) Subclauses (1)(a) and (1)(b) shall not apply to the rider of a motor cycle if the rider parks the motor cycle so at least one wheel is as near as practicable to the far left or far right of the carriageway.

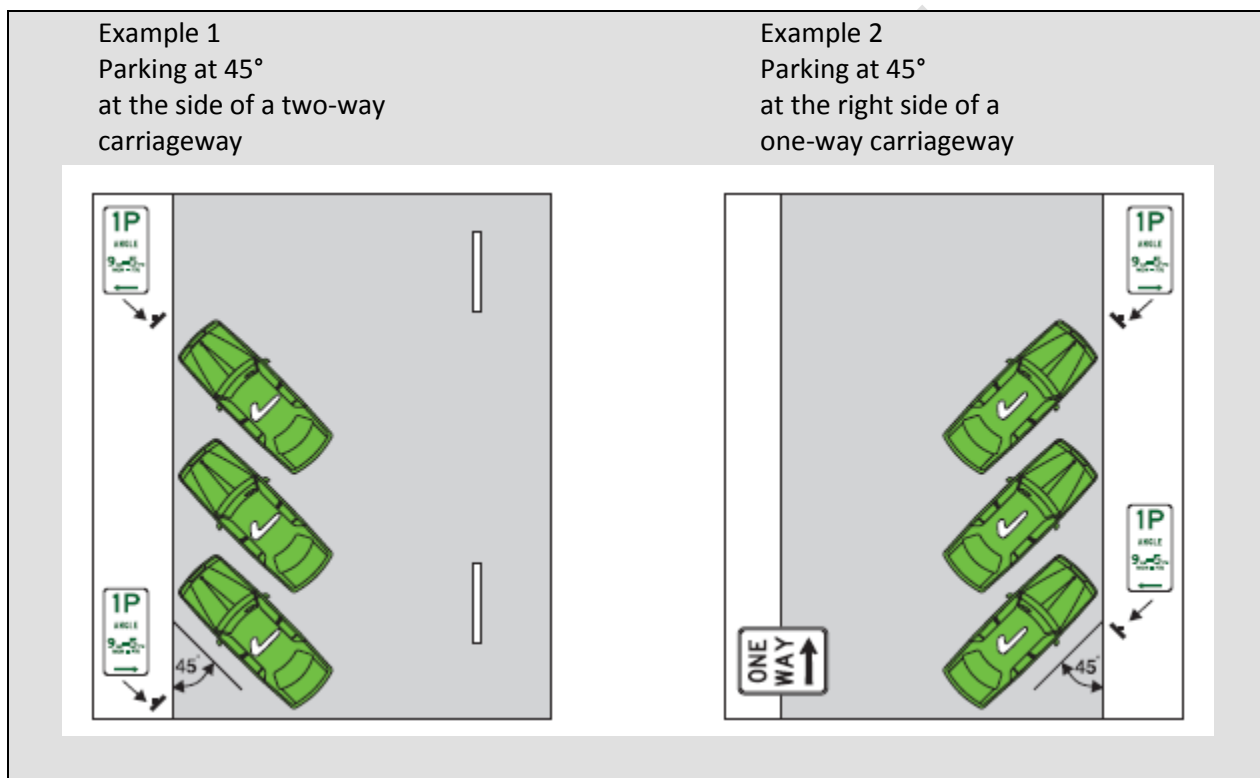
#### 6.4 Parallel parking in a median strip parking area

- (1) Unless otherwise permitted by a sign, a driver parking a vehicle in a median strip parking area shall park the vehicle—
  - (a) to face in the direction of travel of vehicles in the marked land or line of traffic to the left of the driver;
  - (b) parallel, and as near as practicable, to the centre of the median strip; and
  - (c) if the driver does not park in a parking bay – at least one metre from the closest point of any vehicle in front of it and any vehicle behind it.

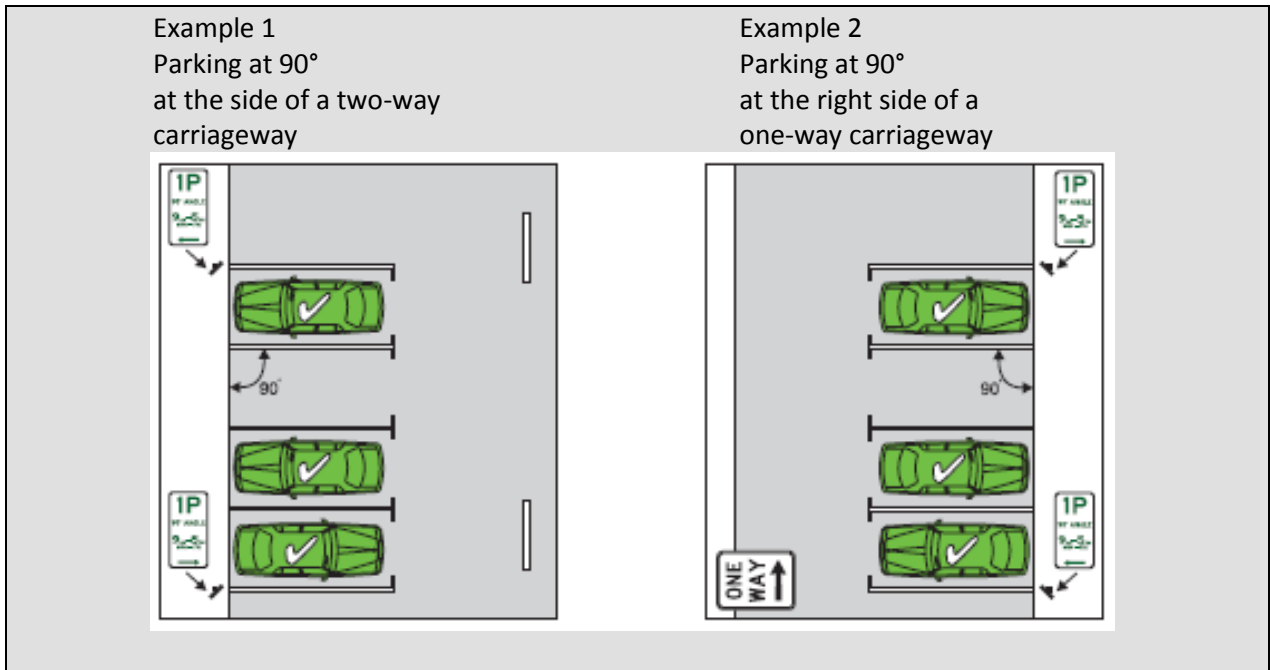
#### 6.5 Angle parking

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

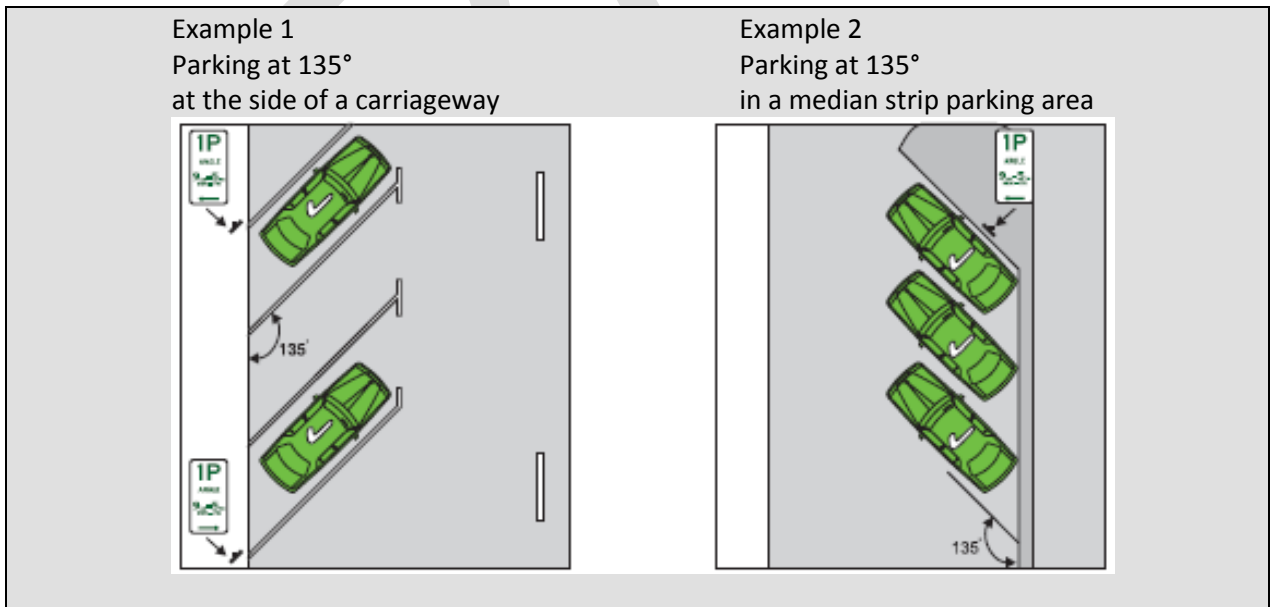
- (2) Where a sign relating to a parking area is inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), a driver parking a vehicle in the area shall park the vehicle-
- at an angle of 45 degrees, or as near as practicable to 45 degrees, to the centre of the carriageway; and
  - if the vehicle is parked on the side of a carriageway – with the rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the driver parks;
- unless otherwise indicated by the sign or by marks on the carriageway.



- (3) Where a sign relating to a parking area indicates that the driver’s vehicle must be parked at an angle of 90 degrees, (or with an equivalent symbol depicting this purpose), the driver–
- shall park the vehicle so the vehicle is at an angle as near as practicable to 90 degrees; and
  - if the vehicle is parked on the side of a carriageway – may park the vehicle with either the front or rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the driver parks;
- unless otherwise indicated by the sign or by marks on the carriageway.



- (4) Where a sign relating to a parking area indicates that the driver's vehicle must be parked at an angle of 135 degrees, (or with an equivalent symbol depicting this purpose), the driver shall park—
- so the vehicle is at an angle as near as practicable to 135 degrees; and
  - if the vehicle is parked on the side of a carriageway – with the front of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the driver parks.



### 6.6 Parking in parking bays

A driver of a vehicle shall park the vehicle so that it is entirely within the confines of any parking bay marked on the carriageway.

### 6.7 Vehicle to be wholly within parking area

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

## **6.8 General prohibitions on parking**

- (1) This clause does not apply to a vehicle parked in a parking bay nor to a bicycle in a bicycle rack.
- (2) 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) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (c) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines;
  - (d) 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; or
  - (e) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.

## **6.9 Authorised person may order vehicle on thoroughfare to be moved**

- (1) The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.
- (2) If the driver of a vehicle fails to comply with a direction given under subclause (1), an authorised person may impound the vehicle and may recover the costs of the removal of the vehicle from the driver of the vehicle.

## **6.10 Authorised person may mark tyres**

- (1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

## **6.11 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, unless the vehicle has first been removed from that parking facility for at least one (1) hour.
- (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 one (1) hour.

## **6.12 No parking of vehicles exposed for sale and in other circumstances**

A person shall not park a vehicle on any portion of a thoroughfare or verge—

- (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, motor bike, all terrain vehicle, or a caravan (whether attached or 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.

## **6.13 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;
  - (d) which is the subject of an agreement referred to in clause 1.4 (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.

#### **6.14 Driving or parking on reserves**

No person other than an employee 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.

#### **6.15 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 7 - MISCELLANEOUS**

#### **7.1 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, shall not remove from the vehicle any notice put on the vehicle by an authorised person.

#### **7.2 Unauthorized signs and defacing of signs**

A person shall not without the authority of the local government—

- (a) 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.

#### **7.3 Signs shall be complied with**

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.

#### **7.4 General provisions about signs**

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

#### **7.5 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.

**7.6 Vehicles not to obstruct a public place**

- (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.

**PART 8 — PENALTIES**

**8.1 Legal proceedings**

Evidentiary provisions relating to offences involving vehicles are contained in Division 2 of Part 9 of the Act.

**8.2 Offences and penalties**

- (1) A person who breaches a provision of this local law 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) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty 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) 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.

**8.3 Form of notices**

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 3; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

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**Schedule 1**

**PARKING REGION**

The parking region is the whole of the district except—

- (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 thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.

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**Schedule 2**

**PRESCRIBED OFFENCES**

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.1(1)	Stopping contrary to a "no stopping sign"	100
2	2.1(2)	Stopping within continuous yellow lines	100
3	3.1	Stopping unlawfully in a loading zone	100
4	3.2	Stopping unlawfully in a taxi zone or bus zone	120
5	3.3	Stopping unlawfully in a mail zone	100
6	3.4	Stopping in a zone contrary to a sign	100
7	4.1 and 6.8 (2)(a)	Double parking	100
8	4.2	Stopping near an obstruction	100
9	4.3 (1) or (2)	Stopping on a bridge or in a tunnel	100
10	4.4	Stopping on crests/curves etc	100
11	4.5	Stopping near fire hydrant	100
12	4.6	Stopping at or near bus stop	100
13	4.7	Stopping on path, dividing strip, median strip, painted island or traffic island	100
14	4.8(1)	Obstructing access to and from path	120
15	4.8(2)	Denying access to driveway, private drive or right of way	120
16	4.9	Stopping near letterbox	100
17	4.10	Stopping trucks, heavy or long vehicles on carriageway	100
18	4.11	Parking contrary to "no parking sign"	100
19	4.12	Stopping and parking on verge	100
20	5.2(1)	Failure to park wholly within parking bay	100
21	5.2(3)	Failure to park wholly within parking area	100
22	5.3	Failure to pay parking station fee	100
23	5.5	Leaving without paying parking station fee	100
24	5.7	Failure to display ticket clearly in parking station	100
25	5.9(1)(a)	Causing obstruction in parking station	100
26	5.9(1)(b)	Parking contrary to sign in parking station	100
27	5.9(1)(c)	Parking contrary to directions of authorised person	100
28	5.9(1)(d)	Parking or attempt to park a vehicle in a parking bay occupied by another vehicle	100
29	6.1(1)(a)	Parking wrong class of vehicle	100
30	6.1 (1)(b)	Parking by persons of a different class	100
31	6.1(1)(c)	Parking during prohibited period	100
32	6.1(2)(a)	Parking in no parking area	100
33	6.1(2)(b)	Parking contrary to signs or limitations	100
34	6.1(2)(c)	Parking vehicle in motor cycle only area	100
35	6.1(2)(d)	Parking vehicle in a right of way	100
36	6.1(2)(e)	Parking vehicle in excess of maximum time	100
37	6.1(3)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100
38	6.3(1)(a)	Failure to park on the left of two-way carriageway	100
39	6.3(1)(b)	Failure to park on boundary of one-way carriageway	100
40	6.3(1)(a) or (b)	Parking against the flow of traffic	100
41	6.3(1)(c)	Parking when distance from farther boundary less than 3 metres	100
42	6.3(3)	Causing obstruction	100
43	6.4	Failure to park parallel in a median strip parking area	100

44	6.5	Failure to park at an appropriate angle	100
45	6.8(2)(b)	Parking beside excavation or obstruction so as to obstruct traffic	100
46	6.8(2)(c)	Parking contrary to continuous line markings	100
47	6.9(1)	Parking contrary to direction of authorised person	100
48	6.10(2)	Removing mark of authorised person	100
49	6.11	Moving vehicle to avoid time limitation	100
50	6.12(a)	Parking in thoroughfare for purpose of sale	100
51	6.12(b)	Parking unlicensed vehicle in thoroughfare	100
52	6.12(c)	Parking trailer, motorbike, all terrain vehicle or caravan on a thoroughfare	100
53	6.12(d)	Parking in thoroughfare for purpose of repairs	100
54	6.13(2)	Parking on land that is not a parking facility without consent	100
55	6.14	Driving or parking on a reserve	100
56	7.6	Leaving vehicle so as to obstruct a public place	100
57		All other offences not specified	100

**Schedule 3**

FORM 1

**NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER**

Date ..... / ..... / .....

To: <sup>(1)</sup>

.....

of: <sup>(2)</sup>

.....

It is alleged that on ..... / ..... / ..... at <sup>(3)</sup> .....

at <sup>(4)</sup> ..... your vehicle—

make: ..... ; model: ..... ; registration: .....,  
was involved in the commission of the following offence—

.....  
.....  
.....

contrary to clause ..... of the:

Town of Port Hedland Parking Local Law 2015

*Local Government (Parking for People with Disabilities) Regulations 2014.*

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 authorized officer of the Town 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.

(5) .....

(6) .....

**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
- (5) Signature of authorized person
- (6) Name and title of authorized person giving notice

\_\_\_\_\_

**Schedule 3**  
**FORM 2**  
**INFRINGEMENT NOTICE**

Serial No .....  
Date ..... / ..... / .....

To: <sup>(1)</sup> .....

of: <sup>(2)</sup> .....

It is alleged that on ..... / ..... / ..... at <sup>(3)</sup> .....

at <sup>(4)</sup> ..... in respect of vehicle—

make: ..... ; model: ..... ; registration: ..... , you committed the following offence—

.....  
.....  
.....

contrary to clause ..... of the:

- Town of Port Hedland Parking Local Law 2015
- Local Government (Parking for People with Disabilities) Regulations 2014.

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 Town of Port Hedland Council Offices, 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.

(6) .....

(7) .....

**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
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

\_\_\_\_\_  
**Schedule 3**  
**FORM 3**  
**INFRINGEMENT NOTICE**

Serial No .....

Date ..... /..... /.....

To: <sup>(1)</sup> .....

of: <sup>(2)</sup> .....

It is alleged that on ..... / ..... / ..... at <sup>(3)</sup> ..... at <sup>(4)</sup> .....

..... in respect of vehicle—

make: .....; model: .....; registration: .....,

you committed the following offence— .....

contrary to clause ..... of the:

- Town of Port Hedland Parking Local Law 2015
- Local Government (Parking for People with Disabilities) Regulations 2014.*

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 authorized person at <sup>(5)</sup> ..... within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice—

- (a) you pay the modified penalty; or
- (b) you—
  - (i) inform the Chief Executive Officer or another authorised person at the Town as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
  - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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.

(6) .....

(7) .....

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
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

**Schedule 3**

**FORM 4**

**WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No .....

Date ..... / ..... / .....

To: <sup>(1)</sup>

.....

of: <sup>(2)</sup>

.....

Infringement Notice No. .... dated ..... / ..... / .....

in respect of vehicle— make: ..... ; model: .....

registration: .....

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.

..... <sup>(3)</sup>

..... <sup>(4)</sup>

Insert—

(1) Name of alleged offender to whom infringement notice was given or "the owner".

(2) Address of alleged offender.

(3) Signature of authorized person

(4) Name and title of authorized person giving notice

Dated: [date]

The Common Seal of the Town of Port Hedland was affixed by authority of a resolution of the Council in the presence of—

K HOWLETT , Mayor.

M OSBORNE , Chief Executive Officer.

DRAFT