

C07/5009 - LOCAL LAW AMENDMENT PARKING FACILITIES-MODIFIED PENALTIES
(REC)

Ward	:	All
Category	:	Operational
Subject Index	:	Local Laws
Customer Index	:	Parking Control
Disclosure of any Interest	:	No Officer involved in the preparation of this report has a declarable interest in this matter.
Previous Items	:	C07/5005
Works Programme	:	Not Applicable
Funding	:	Not Applicable
Responsible Officer	:	Peter Carrie Co-ordinator Neighbourhood Amenity

AUTHORITY / DISCRETION

	<u>Definition</u>
<input type="checkbox"/> Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/> Executive	<i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>
<input checked="" type="checkbox"/> Legislative	<i>includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/> Review	<i>when Council review decisions made by Officers.</i>
<input type="checkbox"/> Quasi-Judicial	<i>when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

PURPOSE AND EFFECT OF LOCAL LAW AMENDMENT

Purpose: *To amend the Local Law relating to Parking Facilities to increase the modified penalties in the second schedule.*

Effect: *The effect of the Local Law amendment will be that penalties for parking offences will be increased as per the amounts shown in the second schedule.*

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(REC)**KEY ISSUES / SUMMARY**

- Following the Annual review of Fees & Charges in April 2007 the Modified Penalties for Parking Infringements were increased.
- This increase requires an amendment to the Local Law Relating to Parking Facilities before the new Penalties can be imposed.

BACKGROUND

At the April 2007 Council Meeting (item C07/5005) the Council resolved to adopt a new Fees and Charges schedule commencing 1 July 2007.

The modified penalties for parking were increased from \$45 to \$50 for the majority of offences, from \$55 to \$60 for Parking on a verge and repairing or selling a vehicle in a street, and from \$60 to \$70 for the more serious offences i.e parking on a footpath, no stopping.

DETAIL

The increase in modified penalties requires an amendment to the Local Law relating to Parking Facilities.

The Modified Parking penalties were last increased in July 2002.

PUBLIC CONSULTATION/COMMUNICATION

Statewide advertising of the Local Law amendment is required in accordance with the provisions of Part 3 of the Local Government Act 1995 for a minimum period of six (6) weeks inviting submissions on the proposed amendment.

CONSULTATION WITH OTHER AGENCIES / CONSULTANTS

A copy of the proposed Local Law amendment is provided to the Minister and the Department of Local Government and Regional Development.

STATUTORY AND LEGAL IMPLICATIONS

Section 3.12 of the Local Government Act 1995 outlines the procedure that Local Government must follow to amend a local law.

FINANCIAL IMPLICATIONS

Nil

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STRATEGIC AND RISK MANAGEMENT IMPLICATIONS

The Modified Penalties for parking ensure orderly parking control and avoidance of hazards to the public.

POLICY IMPLICATIONS

Not applicable.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable.

CONCLUSION

The adoption of new modified penalties is allowed under the Local Law Relating to Parking.

OFFICER RECOMMENDATION (5009)

ACCEPT

**THAT THE LOCAL LAW RELATING TO PARKING FACILITIES LOCAL LAW
AMENDMENT BE ADVERTISED FOR PUBLIC COMMENT.**

**LOCAL GOVERNMENT ACT 1995
CITY OF MELVILLE
LOCAL LAW RELATING TO PARKING FACILITIES**

**UNDER THE POWERS CONFERRED BY THE LOCAL GOVERNMENT ACT 1995 AS
AMENDED FROM TIME TO TIME AND UNDER ALL OTHER POWERS,THE COUNCIL
OF THE CITY OF MELVILLE RESOLVED ON _____ TO MAKE THE FOLLOWING
AMENDMENT TO THE LOCAL LAW RELATING TO PARKING FACILITIES.**

**IN THIS LOCAL LAW THE CITY OF MELVILLE LOCAL LAW RELATING TO PARKING
FACILITIES PUBLISHED IN THE GOVERNMENT GAZETTE ON 19 JULY 2000 AND
AMENDED AS PUBLISHED IN THE GOVERNMENT GAZETTE ON 25 SEPTEMBER
2001,AND 12 JULY 2002,AND 21 APRIL 2006 IS REFERRED TO AS THE PRINCIPAL
LOCAL LAW.THE PRINCIPAL LOCAL LAW IS AMENDED AS FOLLOWS:**

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1. IN THE SECOND SCHEDULE, MODIFIED PENALTIES INSERT THE FOLLOWING:

Item	Clause	Nature of Offence	Modified Penalty
			\$
1.	9	Failing to display unexpired parking ticket in a parking station.	50
2.	12	Parking outside a parking space in a parking station.	50
3.	13(1)(a)	Standing in a no standing area in a parking station.	70
4.	13(1)(b)	Standing during a prohibited period on part of a parking station.	50
5.	13(2)(a)	Parking in a no parking area in a parking station.	50
6.	13(2)(b)	Parking during a prohibited period on part of a parking station.	50
7.	13(2)(c)	Parking in a parking station space set aside for a different class of vehicle or driver.	50
8.	13(3)	Parking for more than the maximum period in a parking station.	50
9.	14(2)	Parking without a ticket in a parking space set aside for a special event.	50
10.	18(3)	Parking in an authorised space in a parking station without a permit.	50
11.	21(1)(a)	Standing part of a thoroughfare set aside for vehicles of a different class.	50
12.	21(1)(b)	Standing or parking in a no standing area.	70
13.	21(1)(c)	Standing on a thoroughfare during a prohibited period.	50

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Item	Clause	Nature of Offence	Modified Penalty
14.	21(2)(a)	Parking on part of a thoroughfare set aside for vehicles of a different class.	50
15.	21(2)(b)	Parking in a no parking area.	50
16.	21(2)(c)	Parking on a thoroughfare during a prohibited period.	50
17.	21(3)	Parking on a thoroughfare for more than maximum period.	50
18.	22	Standing or parking in an occupied parking space.	50
19.	23	Standing or parking on or adjacent to a median strip.	50
20.	24(1)(a)	Parking too far from kerb.	50
21.	24(1)(b)	Parking facing oncoming traffic.	50
22.	24(1)(c)	Parking outside parking space marked on thoroughfare.	50
	24(2)		50
23.	25(1)	Standing or parking within 1 metre of a fire hydrant.	50
24.	25(2)	Standing or parking within 3 metres of public post box.	50
25.	26(a)	Parking in front of a driveway.	50
26.	26(b)	Parking on an intersection.	50
27.	26(c)	Parking within 6 metres of intersection.	50
28.	26(d)	Parking next to a traffic obstruction.	50
29.	26(e)	Parking on a footpath.	70
30.	27	Double parking.	50
31.	28	Standing or parking on a verge contrary to signs or without consent.	60

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Item	Clause	Nature of Offence	Modified Penalty
32.	29(1)	Standing within 9 metres of the departure side of omnibus stops, pedestrian and children's crossings.	50
33.	29(2)	Standing within 18 metres of the approach side of omnibus stops, pedestrian and children's crossings.	50
34.	29(3)	Standing or parking in an omnibus stand.	50
35.	30	Parking within 1 hour on a thoroughfare.	50
36.	31	Failing to move vehicle after direction.	50
37.	32(1)	Standing or parking in a loading zone without loading/unloading.	50
38.	33	Parking on street to repair or sell.	60
39.	35	Unauthorised parking.	50
40.	36	Standing or parking on private property without consent.	70
41.	37	Parking a service vehicle on a thoroughfare or street verge for more than four (4) hours or to repair it.	70
42.	38	Over-length vehicle parking.	60
43.	39(2)	Removing chalk mark.	50
44.	40	Parking on a public reserve.	70
45.	43	Parking so as to cause an obstruction.	60
46.		All other offences not specified.	50