



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X (print)

ISSN 2204-4264 (online)

PRINT POST APPROVED PP665002/00041

3263



PERTH, FRIDAY, 14 AUGUST 2015 No. 126

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 1.00 PM

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LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

**PARKING AND PARKING
FACILITIES LOCAL LAW 2015**

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PARKING AND PARKING FACILITIES LOCAL LAW 2015

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LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

PARKING AND PARKING FACILITIES LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of Mandurah resolved on 28 July 2015 to make the following Local Law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Mandurah Parking and Parking Facilities Local Law 2015*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Repeal

Clause 15.3(a) and clause 15.3(b) of Part XV of the *City of Mandurah Consolidated Local Laws* published in the *Government Gazette* on 13 February 1998 and Part XVI of the *City of Mandurah Consolidated Local Laws* published in the *Government Gazette* on 13 February 1998 and all amendments thereto are hereby repealed on the day this local law comes into operation.

1.4 Application

(1) Subject to subclause (2), this local law applies to the whole of the district of the City of Mandurah 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 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.

(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*;

authorised person means a person appointed by the local government under section 9.10 of the Act to perform any function of an authorised person under this local law;

authorised vehicle means a vehicle authorised by the local government, CEO, or an authorised person, or by any written law, to park on a thoroughfare or parking facility;

bicycle has the meaning given to it in the Code;

built-up area 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 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 means—

- (a) 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
- (b) 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 in the Code;

Code means the *Road Traffic Code 2000*;

commercial vehicle means—

- (a) 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;

disability parking permit has the meaning given to it in the *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;

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 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;

General Regulations mean the *Local Government (Functions and General) Regulations 1996*;

goods means an article, or collection of articles, weighing at least 14 kilograms and having a volume of at least .02 cubic metres;

loading zone means a parking bay which is set aside for use by commercial vehicles if there is a sign referable to that bay marked 'Loading Zone';

local government means the City of Mandurah;

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

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

metered bay 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 defined 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 those area specified in clause 2.1(1);

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

motor vehicle has the meaning given by the Code;

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

no parking sign means a sign with—

- (a) the words 'no parking' in red letters on a white background; or
- (b) 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 in the Code;

no stopping sign means a sign with—

- (a) the words 'no stopping' or 'no standing' in red letters on a white background; or
- (b) the letter 'S' within a red annulus and a red diagonal line across it on a white background;

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 in the Code;

parking bay means a section or part of—

- (a) a thoroughfare; or
- (b) 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 facility includes—

- (a) land, buildings, shelters, parking stations, metered zones, metered bays, parking bays and other facilities or structures 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 clause 1.4;

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 same meaning given to it in the Code;

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

permit means a permit issued by the local government for the purposes of this local law;

permissive parking bay means a parking bay to which a permissive parking sign applies;

permissive parking sign has the meaning given in the Code;

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;

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 a portion of land that is—

- (a) shown and marked “Right of Way” or “R.O.W” 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*, or
- (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) a private driveway, or
- (ii) a right of way created by easement between two 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 in 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 or stopping of vehicles;

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

specified place means a yard, depot, pound or other piece of land or building set aside by the local government as a place to which impounded vehicles or animals may be removed;

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 Manual of uniform traffic control devices—Parking controls 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 includes a reference to the corresponding symbol;

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 in the Code;

thoroughfare has the meaning given to it by the Act;

ticket issuing machine means a machine which produces, on insertion of money or such other form of payment as may be permitted to be made into the machine, a ticket which is required to be displayed in a vehicle to indicate that payment has been made for the standing or parking of the vehicle for a period of time in a metered bay to which the ticket issuing machine is referable;

traffic island has the meaning given to it in 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;

unattended in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle;

vehicle has the meaning given to it in the Code;

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.

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 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 sign 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 commencement 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) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor.

(3) Where the inscription, word, number, expression or symbol relates to the stopping of vehicles, it shall 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) caravan;
- (d) motorcycles and bicycles;
- (e) taxis; 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 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.

1.11 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—METERED ZONES**2.1 Determination of metered zones**

(1) Metered zones are those areas in the district as set out in Schedule 3 and more particularly delineated on a plan in Schedule 4.

(2) In respect of metered bays and metered zones the local government may determine, and may indicate by signs—

- (a) permitted times and conditions of parking depending on and varying with the locality;
- (b) classes of vehicles which are permitted to park;
- (c) the amount payable for parking;
- (d) the method of payment; and
- (e) the manner of parking.

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

2.2 Parking fee to be paid

Subject to clause 2.5, a person must not park a vehicle in a metered bay unless the appropriate fee as indicated by a sign on the parking meter referable to the metered bay is inserted into the parking meter or is otherwise paid under clause 2.11.

2.3 Limitation on parking in metered bay

The payment of the fee under clause 2.2 entitles a person to park the vehicle in a metered bay for the period shown on the parking meter, but does not authorise the parking of the vehicle during any time when parking in that metered bay is prohibited under this local law.

2.4 Suspension of requirement to pay fee

(1) The local government may from time to time declare that clause 2.2 is not to apply during the period specified.

(2) Where a determination is made under subclause (1) the City must reflect the determination by the use of temporary signage.

2.5 Vehicles to be within metered bay in a metered zone

(1) Subject to subclause (2), a person must not park a vehicle in a metered bay within a metered zone in a thoroughfare otherwise than—

- (a) wholly within the metered bay; and
- (b) where the metered bay is set out parallel to the kerb, parallel to and as close to the kerb as practicable.

(2) If a vehicle is too long or too wide to fit completely within a single metered bay, then the person parking the vehicle must do so within the minimum number of metered bays needed to park that vehicle.

(3) A person must not park a vehicle partly within and partly outside a metered zone.

2.6 Permitted insertions in parking meters

(1) A person must not insert into a parking meter anything other than the designations of coins or banknotes or such other permitted form of payment indicated by a sign on the parking meter.

(2) The insertion of a coin or banknote into any parking meter, or the making of payment in such other form as may be permitted, must be effected only in accordance with the instructions printed on that particular parking meter.

2.7 Parking ticket to be clearly visible

A driver of a vehicle who parks the vehicle in a metered zone which is regulated by a ticket issuing machine must, on purchasing a ticket from the ticket issuing 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 date, location and 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.

2.8 One vehicle per metered bay in a metered zone

A person must not park or attempt to park a vehicle in a metered bay in a metered zone in which another vehicle is parking or has parked.

2.9 No parking when hood on meter

Despite any other provision of this local law and despite any other sign or notice, a person must not park a vehicle in a parking bay in a metered bay if the parking meter referable to the parking bay has a hood marked 'No Parking', 'Reserved Parking' or 'Temporary Bus Stand' or equivalent symbols depicting these purposes except with the permission of the local government or an authorised person.

2.10 Alternative methods of payment for parking

(1) The local government may allow a person to pay for parking in advance or in arrears by issuing a permit, invoice, ticket or pass (referred to in this clause as an Alternative Method of Payment).

(2) A person who has been permitted by the local government to make an Alternative Method of Payment for parking is exempt from paying fees at the relevant parking facility providing that he or she complies with the terms of the Alternative Method of Payment.

PART 3—PARKING BAYS AND PARKING STATIONS

3.1 Determination of parking bay and parking stations

(1) Council may constitute, determine and vary—

- (a) parking bays;
- (b) parking stations;
- (c) parking areas;
- (d) permitted time and conditions of parking in parking bays, parking stations and parking areas which may vary with the locality;
- (e) permitted classes of vehicles which may park in parking bays and parking stations and parking areas;
- (f) permitted classes of persons who may park in specified parking bays, parking stations and parking areas; and
- (g) the manner of parking in parking bays, parking stations and parking areas.

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

3.2 Vehicles to be within parking bay on thoroughfare

(1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking bay on a thoroughfare otherwise than—

- (a) when the parking bay is set out parallel to the kerb, 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 thoroughfare in which the bay is situated.

(2) Subject to subclause (3) where a parking bay in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle wholly within that bay.

(3) 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.

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

3.3 Payment of fee to park in parking station

A person must 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.

3.4 Suspension of parking station restrictions

(1) The local government may determine by resolution that clause 3.3 is not to apply during the period, in relation to a particular parking station.

(2) Where a determination is made under subclause (1) the City must reflect the determination by the use of temporary signage.

3.5 Vehicle not to be removed until fee paid

A person must 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.

3.6 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.

3.7 Parking ticket to be clearly visible

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine must 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 date, location and 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.

3.8 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 from the parking station; 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) A person shall not park any bicycle—
- (a) in a parking bay other than in a parking bay marked 'M/C'; and
 - (b) in such bay 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 permissive parking bay (except in a parking area for people with disabilities as defined under clause 7.15(2)) 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 a disability parking permit relates is either the driver of or a passenger in the vehicle.

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) This subclause applies to a driver if—
- (i) the driver's vehicle displays a disability parking permit; and
 - (ii) a disabled person to whom the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle;
- (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.
- (3) 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) if by such a sign the standing of vehicles is permitted for a specified time, for longer than that time;
 - (d) in a bay marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle;
 - (e) at any time in a right of way.
- (4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking bay unless the bay is marked 'M/C'.
- (5) A person shall not, without the prior written 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'.

4.2 Temporary parking with a permit

- (1) A sign may indicate that all or part of a parking station or thoroughfare is set aside, during the period indicated on the sign, for parking of vehicles with a permit.
- (2) The local government may issue to a person a temporary parking permit in respect of all or part of a parking station or a thoroughfare referred to in subclause (1).
- (3) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in a parking station or thoroughfare that is set aside under subclause (1) unless the permit issued under subclause (2) is displayed inside the vehicle so that the event name, date and location is clearly visible to an authorised person examining the permit from outside the vehicle.
- (4) The local government may, at any time, revoke a permit issued under subclause (2).

4.3 Event parking

- (1) For the purpose of this clause an "event" means any event or occurrence considered by the local government to warrant the setting aside of any parking station, thoroughfare or public place.
- (2) Temporary signage will indicate that all or part of a parking station, thoroughfare or public place is set aside, during the date and time indicated on the signage, for the parking of vehicles by persons attending a particular event.

(3) The local government may issue to a person a permit in respect of all or part of a parking station, thoroughfare or public place for an event referred to in subclause (2).

(4) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in any area that is set aside under subclause (2) unless the permit issued under subclause (3) for the relevant event is displayed inside the vehicle so that the event name, date and location is clearly visible to an authorised person examining the ticket from the outside.

4.4 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking bay shall park the vehicle—
- in the case of a two-way carriageway, so that the vehicle 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;
 - 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.
- (2) Except for a motorcycle without a trailer, or a bicycle parked in accordance with this local law, a vehicle parked in accordance with subclause (1) shall be parked so that—
- at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or any continuous line or median strip or between the vehicle and a vehicle parked on the opposite side of the carriageway; and
 - the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle; and
 - the vehicle does not obstruct any other vehicle on the carriageway;

unless as otherwise indicated and permitted on a parking regulation sign or markings on the roadway.

(3) In this clause, 'continuous line' means—

- a single continuous dividing line only;
- a single continuous dividing line to the left or right of a broken dividing line; or
- two parallel continuous dividing lines.

4.5 When parallel and right-angled parking apply

Where a 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—

- 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
- 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.

4.6 When angle parking applies

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.

4.7 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) 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, and unless a mark or other sign on the carriageway indicates otherwise, a person shall not park a vehicle so that any portion of the vehicle is—
- between any other stationary vehicles and the centre of the carriageway;
 - on or adjacent to a median strip;
 - 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;
 - alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
 - on or within 10 metres of any portion of a carriageway bounded by a traffic island;
 - on any footpath or pedestrian crossing;
 - between the boundaries of a carriageway and any single continuous line or 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;
 - on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;

- (i) 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;
 - (j) 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
 - (k) 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 20 metres of the approach side or 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 either the approach side or the departure side of the nearest rail of a railway level crossing.

4.8 Authorised person may order vehicle on thoroughfare to be moved

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 the vehicle.

4.9 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 pursuant to subclause (1) so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

4.10 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 unless the vehicle has first been removed from the parking facility for at least two hours.
- (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.

4.11 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 parking facility—

- (a) for the purpose of exposing it for sale; or
- (b) if that vehicle is not licensed under the Road Traffic Act or any corresponding law of another State or Territory of the Commonwealth; or
- (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.

4.12 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)(a).
- (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.

4.13 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.

4.14 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 GENERALLY**5.1 No stopping and no parking signs, and yellow edge lines**

- (1) A driver shall not stop on a length of carriageway, or in an area, to which a no stopping sign applies.
- (2) A driver shall not stop on a length of carriageway or in an area to which a no parking sign applies, unless the driver—
- (a) is dropping off, or picking up, passengers or goods; and
 - (b) does not leave the vehicle unattended; and
 - (c) completes the dropping off, or picking up, of 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.

PART 6—STOPPING IN ZONES FOR PARTICULAR VEHICLES**6.1 Stopping in a loading zone**

- (1) A person shall not stop a vehicle in a loading zone unless it is—
- (a) a vehicle used for commercial or trade purposes engaged in the continuous picking up or setting down of goods; or
 - (b) a vehicle taking a reasonable time to take up or set down passengers,
- but in any event, unless authorised by an authorised person, shall not remain in that loading zone—
- (i) for longer than a time indicated on the 'loading zone' sign; or
 - (ii) longer than 30 minutes (if no time is indicated on the sign).

6.2 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.

6.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone unless authorised under written law.

6.4 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 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.

PART 7—OTHER PLACES WHERE STOPPING IS RESTRICTED**7.1 Stopping in a shared zone**

- (1) A driver shall not stop in a shared zone unless the driver—
- (a) 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 or by virtue of the sign;
 - (b) stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
 - (c) is dropping off, or picking up, passengers or goods; or
 - (d) is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

7.2 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 parked on the side of the carriageway or in a median strip parking area, in accordance with this local law.

7.3 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.

7.4 Stopping on a bridge, causeway, ramp 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 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 or by virtue of a 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 sign does not prohibit stopping or parking; or
 - (b) the driver of a 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.

7.5 Stopping on crests, and 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 under this local law or by virtue of the sign.

7.6 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 the driver is driving a—
- (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) taxi and the driver stops in a taxi zone and does not leave the taxi unattended.

7.7 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, to which the driver is permitted to stop at that place under this local law whether by sign or otherwise.
- (2) In this clause—
- (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

7.8 Stopping on a path, traffic island or median strip

The driver of a vehicle (other than a bicycle) shall not stop so that any portion of the vehicle is on 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 under this local law.

7.9 Stopping on verge

- (1) A person shall not stop—
- (a) a vehicle (other than a bicycle);
 - (b) a commercial vehicle, bus, or a trailer or caravan unattached to a motor vehicle;
- 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) the owner or occupier of the premises adjacent to that verge; or
 - (b) 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 (but in any event not for any period exceeding 3 hours) 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 path.

7.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver must 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—
- (a) is immediately dropping off, or picking up, passengers; or
 - (b) stops in a parking bay and the driver is permitted to stop in the parking bay under this local law.
- (2) A driver must not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless the driver is immediately dropping off, or picking up, passengers.

7.11 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.

7.12 Stopping on a carriageway—heavy and long vehicles

(1) 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 on a—

- (a) carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
- (b) 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 heavy and long vehicles.

(2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or sign relating to the parking or stopping of vehicles.

7.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

7.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of 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 immediately dropping off, or picking up, passengers.

7.15 Stopping in a parking bay for people with disabilities

(1) A driver shall not stop in a parking area for people with disabilities unless—

- (a) the driver's vehicle displays a disability parking permit; and
- (b) either the driver or the passenger in that vehicle is a person with disabilities.

(2) In this clause a 'parking area for people with disabilities' is a length or area—

- (a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies;
- (b) to which a 'people with disabilities parking' sign applies; or
- (c) indicated by a road marking displaying 'people with disabilities road marking' that consists of, or includes, a people with disabilities symbol.

PART 8—RESIDENTIAL PARKING**8.1 Application for parking permit**

An application for a parking permit shall be made in a form that may be prescribed by the local government and shall include payment of the fee determined by local government resolution.

8.2 Issue of parking permit

An authorised person may approve an application for a parking permit made pursuant to clause 8.1 provided that the application is consistent with the requirements of any policy applicable to residential parking that has been adopted by the local government.

8.3 Exemption for permit holders

(1) Subject to subclauses (2) and (3), the holder of a valid parking permit is exempt from—

- (a) a prohibition against the stopping or parking of vehicles on any part of a road for a specified period; and
- (b) the requirement to have a parking ticket when parking a vehicle on any part of a road or metered zone where the maximum period during which continuous parking or stopping of a vehicle is permitted (as stated on the sign referable to the bay) exceeds 30 minutes.

(2) The exemption conferred by subclause (1) applies only—

- (a) to the part of a road or to the metered spaces or parking bays specified in the permit;
- (b) where the permit displayed relates to a specified motor vehicle, to the motor vehicle specified in that permit;
- (c) if the permit is displayed in the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the permit relates; and
- (d) if the permit is valid.

(3) The exemption conferred by subclause (1) does not apply during any period in which the stopping or parking of vehicles is prohibited in the road or the part of a road specified in the permit.

8.4 Validity of a permit

A parking permit ceases to be valid in accordance with any policy applicable to residential parking that has been adopted by the local government.

8.5 Use of counterfeit or altered parking permit

A person must not—

- (a) park a vehicle in a parking facility which requires a parking permit, if there is displayed in that vehicle so as to be visible from outside the vehicle, a parking permit which has been counterfeited, altered, obliterated, revoked or interfered with; or

- (b) produce to an authorised person who accepts payment for parking, a parking permit which has been counterfeited, altered, obliterated, revoked or interfered with.

8.6 Revoking a permit

The local government may, at any time and in accordance with any policy applicable to residential parking that has been adopted by the local government revoke a permit which has been issued.

8.7 Removal of a permit from vehicle

The holder of a parking permit must, immediately upon the permit being revoked or ceasing to be valid permanently, remove the permit from the vehicle in which it is displayed or to which it is affixed and return it to the local government.

8.8 Replacement of permit

The local government may issue a replacement permit where a written application is made which meets any parking policy requirements and the written application is accompanied by the appropriate fee, if any, as may be determined and imposed from time to time in accordance with section 6.16 to 6.19 of the Act.

PART 9—MISCELLANEOUS

9.1 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.

9.2 Unauthorised signs and defacing of signs

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

- (a) display, mark, set up or exhibit a sign purporting to be or resembling a sign displayed, 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.

9.3 Signs must 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.

9.4 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 or deemed 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.

9.5 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.

9.6 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.

(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 is capable of jeopardising the safety of a person.

(3) Where an authorised person or a member of the Western Australia Police Service finds a vehicle stopped or parked contrary to the provisions of subclause (1) and (2), the authorised person or member of the Western Australia Police Force may remove the vehicle to a specified place and may use such force as is necessary to enter the vehicle for the purpose of so removing it.

9.7 Interference with or damage to local government Property

(1) A person shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any parking station, carriageway or in any other place.

(2) A person shall not interfere with damage or obstruct the operation of any display panels or transmitting equipment in relation to parking detection devices or instruments operated by the local government.

PART 10—OBJECTIONS AND REVIEW**10.1 Objections and review**

When the local government makes a decision as to whether it will—

- (a) grant a person a permit under this local law; or
- (b) renew, vary, or cancel, a permit that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and Regulation 33 of the General Regulations shall apply to that decision.

PART 11—PENALTIES**11.1 Legal Proceedings**

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

11.2 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) 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 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

11.3 Form of notices

The form of the—

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

SCHEDULE 1—PRESCRIBED OFFENCES

Local Government Act 1995

City of Mandurah

Parking and Parking Facilities Local Law 2015

(clause 11.2 (4))

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY
1	2.2	Failure to pay fee for metered bay	\$60
2	2.3	Parking in excess of period shown on metered bay	\$60
3	2.5 (3)	Failure to park wholly within metered zone	\$60
4	2.5 (3)	Parking outside metered zone	\$60
5	2.6	Non-permitted insertion in parking meter	\$60
6	2.7	Failure to display ticket clearly in metered zone	\$60
7	2.8	Parking or attempting to park a vehicle in a metered bay occupied by another vehicle	\$60
8	2.9	Parking contrary to a meter hood	\$60
9	3.2 (1)	Failure to park vehicle in correct manner	\$60
10	3.2(4)	Failure to park wholly within parking area	\$60
11	3.3	Failure to pay parking station fee	\$70
12	3.5	Leaving without paying parking station fee	\$70
13	3.7	Failure to display ticket clearly in parking station	\$70
14	3.8 (1)(a)	Causing obstruction in parking station	\$80
15	3.8(1)(b)	Parking contrary to sign in parking station	\$60
16	3.8(1)(c)	Parking contrary to directions of authorised person	\$70
17	3.8(1)(d)	Parking or attempting to park a vehicle in a parking bay occupied by another vehicle	\$60
18	4.1(1)(a)	Parking wrong class of vehicle	\$60
19	4.1(1)(b)	Parking by persons of a different class	\$70

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY
20	4.1(1)(c)	Parking during prohibited period	\$70
21	4.1(3)(a)	Parking in no parking area	\$70
22	4.1(3)(b)	Parking contrary to signs or limitations	\$60
23	4.1(3)(c)	Parking vehicle for longer than permitted	\$60
24	4.1(3)(d)	Parking vehicle in motor cycle only area	\$60
25	4.1(3)(e)	Parking vehicle in a right of way	\$80
26	4.1(4)	Parking motor cycle in bay not marked 'M/C'	\$60
27	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	\$70
28	4.2(3)	Failure to display parking permit	\$60
29	4.3(4)	Failure to display event parking permit	\$60
30	4.4(1)(a)	Failure to park on the left of two-way carriageway	\$60
31	4.4(1)(b)	Failure to park on boundary of one-way carriageway	\$70
32	4.4(1)(a) or 4.4(1)(b)	Parking against the flow of traffic	\$70
33	4.4(2)(a)	Parking when distance from farther boundary less than 3 metres	\$70
34	4.4(2)(b)	Parking closer than 1 metre from another vehicle	\$60
35	4.4(2)(c)	Causing obstruction	\$80
36	4.5(b)	Failure to park at approximate right angle	\$60
37	4.6	Failure to park at an appropriate angle	\$60
38	4.7(3)(a) and 7.2	Double parking	\$70
39	4.7(3)(b)	Parking on or adjacent to a median strip	\$70
40	4.7(3)(c)	Denying access to private drive or right of way	\$80
41	4.7(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	\$80
42	4.7(3)(e)	Parking within 10 metres of traffic island	\$80
43	4.7(3)(f)	Parking on footpath/pedestrian crossing	\$80
44	4.7(3)(g)	Parking contrary to continuous line markings	\$80
45	4.7(3)(h)	Parking on intersection	\$80
46	4.7(3)(i)	Parking within 1 metre of fire hydrant or fire plug	\$80
47	4.7(3)(j)	Parking within 3 metres of public letter box	\$80
48	4.7(3)(k)	Parking within 10 metres of intersection	\$80
49	4.7(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	\$70
50	4.7(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	\$70
51	4.7(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	\$70
52	4.8	Parking contrary to direction of Authorised Person	\$70
53	4.9(2)	Removing mark of Authorised Person	\$70
54	4.10	Moving vehicle to avoid time limitation	\$60
55	4.11(a)	Parking in thoroughfare for purpose of sale	\$70
56	4.11(b)	Parking unlicensed vehicle in thoroughfare	\$60
57	4.11(c)	Parking a trailer/caravan on a thoroughfare	\$60
58	4.11(d)	Parking in thoroughfare for purpose of repairs	\$60
59	4.12(2)	Parking on land that is not a parking facility without consent	\$70
60	4.12(3)	Parking on land not in accordance with consent	\$70
61	4.13	Driving or parking on reserve	\$70
62	5.1(1)	Stopping contrary to a 'no stopping' sign	\$80
63	5.1(2)	Parking contrary to a 'no parking' sign	\$70
64	5.1(3)	Stopping within continuous yellow lines	\$80
65	6.1	Stopping unlawfully in a loading zone	\$70
66	6.2	Stopping unlawfully in a taxi zone or bus zone	\$70
67	6.3	Stopping unlawfully in a mail zone	\$60
68	6.4	Stopping in a zone contrary to a sign	\$70
69	7.1	Stopping in a shared zone	\$60

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY
70	7.3	Stopping near an obstruction	\$70
71	7.4	Stopping on a bridge or tunnel	\$70
72	7.5	Stopping on crests/curves etc.	\$70
73	7.6	Stopping near fire hydrant	\$70
74	7.7	Stopping near bus stop	\$70
75	7.8	Stopping on path, median strip or traffic island	\$70
76	7.9	Stopping on verge	\$70
77	7.10	Obstructing path, a driveway etc.	\$80
78	7.11	Stopping near letter box	\$60
79	7.12	Stopping heavy or long vehicles on carriageway	\$70
80	7.13	Stopping in bicycle parking area	\$60
81	7.14	Stopping in motorcycle parking area	\$60
82	8.3(2)(c)	Failure to display parking permit	\$130
83	9.6	Leaving vehicle so as to obstruct a public place	\$80
84		All other offences not specified	\$60

SCHEDULE 2—INFRINGEMENT NOTICE FORMS

(clause 11.3)

FORM 1

Local Government Act 1995

City of Mandurah

Parking and Parking Facilities Local Law 2015

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: ⁽¹⁾

of: ⁽²⁾

It is alleged that on / / at ⁽³⁾

at ⁽⁴⁾ your vehicle—

make:

model:

registration:

was involved in the commission of the following offence—

.....

.....

contrary to clause of the **City of Mandurah Parking and Parking Facilities Local Law 2015**.

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.

⁽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 authorised person

(6) Name and title of authorised person giving notice

FORM 2

(clause 11.3)

Local Government Act 1995
City of Mandurah
Parking and Parking Facilities Local Law 2015
INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)

It is alleged that on / / at (3)
at (4)
in respect of vehicle—

make: ;
model: ;
registration:,

you committed the following offence—

.....
.....

contrary to clause of the City of Mandurah Parking and Parking Facilities Local Law 2015.

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 matter may be registered with the Fines Enforcement Registry after which your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed and your property may be seized and sold. 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 authorised person
(7) Name and title of authorised person giving notice

FORM 3

(clause 11.3)

Local Government Act 1995
City of Mandurah
Parking and Parking Facilities Local Law 2015
INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)

It is alleged that on / / at (3);
at (4)
in respect of vehicle—

make: ;
model: ;
registration:,

you committed the following offence—

.....
.....

contrary to clause of the **City of Mandurah Parking and Parking Facilities Local Law 2015**.

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.

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 officer of the local government 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 matter may be registered with the Fines Enforcement Registry after which your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed and your property may be seized and sold. 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 authorised person*
- (7) *Name and title of authorised person giving notice*

FORM 4

(clause 11.3)

Local Government Act 1995

City of Mandurah

Parking and Parking Facilities Local Law 2015

WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)
of: (2)

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
- (delete above as appropriate)

(3)

(4)

Insert—

- (1) Name of alleged offender to whom infringement notice was given or 'the owner'
- (2) Address of alleged offender
- (3) Signature of authorised person
- (4) Name and title of authorised person giving notice

SCHEDULE 3—METERED ZONE AREA

(clause 2.1)

LOT: 10 RES: 48150, 83 Breakwater PDE MANDURAH Volume 3135 Folio 346

SCHEDULE 4—METERED ZONE AREA PLAN

(clause 2.1)



Dated this 4th day of August 2015.

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

MARINA ELIZABETH VERGONE, Mayor.
MARK R. NEWMAN, Chief Executive Officer.