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LOCAL GOVERNMENT ACT 1995

CITY OF FREMANTLE

PARKING LOCAL LAW 2021

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Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Fremantle resolved on 28 July 2021 to make this local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of Fremantle Parking Local Law 2021*.

1.2 Commencement

This local law will come into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Repeal

The *City of Fremantle Parking Local Law 2006* published in the *Government Gazette* on 29 November 2006 is repealed.

1.4 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to—
 - (a) the approach and departure prohibition areas of all traffic control signal installations as determined by the Commissioner of Main Roads;
 - (b) the prohibition areas that apply to all bridges and subways as determined by the Commissioner of Main Roads; and
 - (c) any road that 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.
- (3) 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 is to apply to that facility or station.
- (4) The agreement referred to in subclause (3) may be made on such terms and conditions as the parties may agree.

1.5 Terms used

In this local law—

Act means the *Local Government Act 1995*;

approved alternative method of payment means a method of payment approved under clause 2.5;

attended parking station means a parking station—

- (a) attended by an employee, or by an agent or contractor, of the local government; and
- (b) in respect of which fees for the parking of a vehicle are payable immediately prior to the removal of the vehicle from the station;

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

bank note means an Australian note that is legal tender under section 36(1) of the *Reserve Bank Act 1959* (Cth);

bicycle has the meaning given in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given in the Code;

built-up area means the territory contiguous to and including any road—

- (a) on which there is provision for lighting by means of streetlamps at intervals of not over 100 metres for a distance of at least 500 metres or, if the road is shorter than 500 metres for the whole road;
- (b) which is built up with structures devoted to business, industry or dwelling houses at intervals of less than 100 metres for a distance of 500 metres or more; or
- (c) beyond a sign indicating ‘Built-up Area’ erected at the roadside to face drivers approaching a development consisting of dwelling houses, or business or industrial structures;

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus stop has the meaning given in the Code;

bus zone has the meaning given in the Code;

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

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 2 or more of those portions divided by a median strip,—each of those portions, separately;

CEO means chief executive officer of the local government;

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;

children’s crossing has the meaning given in the Code;

clearway means a length of carriageway to which a ‘clearway’ sign applies;

Code means the *Road Traffic Code 2000*;

coin means a coin that is legal tender under the *Currency Act 1965* (Cth);

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—
 - (i) a trailer or a vehicle to which a trailer is attached; or
 - (ii) 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;

Council means the council of the local government;

disability parking permit has the meaning given 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;

eating area means an area in which tables, chairs and other structures are provided for the purpose of the supply of food and beverages to a member of the public or the consumption of food and beverages by a member of the public;

edge line, for a carriageway, means a line marked along the carriageway at or near the far left or the far right of the carriageway;

Electric Vehicle means a vehicle that uses one or more electric motors or traction motors for propulsion and which is charged via ‘plug in’ connection to an external power source and includes a car, truck, scooter, moped and motorbike but does not include a bicycle.

electronic parking detection device means an electronic device placed in a position to detect and record the parking time of a vehicle on any road, parking facility or other public place and includes any instrument, display panel or transmitting apparatus associated with the device;

electronic parking ticket means a parking ticket issued in an electronic form;

emergency vehicle has the meaning given in the Code;

employee means an employee of the local government;

fee, or **parking fee**, means the fee, payable under this local law, that is determined and imposed by the local government under the Act;

fee paying machine means—

- (a) a parking meter,
- (b) a ticket issuing machine;

(c) a pay station; or

(d) any other machine or device that can be used to pay for a parking fee;

fee paying zone means a zone referred to in clause 3.1;

footpath has the meaning given in the Code;

grouped dwelling means a dwelling that is one of a group of 4 or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

grouped or multiple dwelling means either a grouped dwelling or a multiple dwelling;

GVM (which stands for 'gross vehicle mass') has the meaning given in the Code;

head of a cul-de-sac means the part of a road that is closed at one end and is shaped in such a way that it can be used for vehicles to turn, and includes bulb or hammer-head shaped closed roads;

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

loading zone means a parking stall to which a loading zone sign applies;

local government means the City of Fremantle;

mail zone has the meaning given in the Code;

median strip has the meaning given in the Code;

metered stall means a parking stall in a metered zone;

metered zone means a road or reserve in respect of which a parking meter regulates the parking of vehicles;

mobile device means a portable computing device such as a smart phone or a tablet computer;

motorcycle has the meaning given in the Code;

motor vehicle—

(a) means a self-propelled vehicle that is not operated on rails; and

(b) includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

multiple dwelling means a dwelling in a group of 4 or more dwellings on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but—

(a) does not include a grouped dwelling; and

(b) includes any dwellings above the ground floor in a mixed-use development;

nature strip has the meaning given in the Code;

no parking area has the meaning given 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 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 in the Act;

owner—

(a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, 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;

park has the meaning given in the Code;

parking app means the local government's mobile application designed to operate on a mobile device for the purpose of purchasing or obtaining an electronic parking ticket or a parking permit, and includes a similar process using a web browser;

parking app fee means the parking fee, specified in the parking app, that applies to a parking stall or other place where a vehicle is to be parked or is being parked;

parking area has the meaning given in the Code;

parking facilities includes—

(a) land, thoroughfare, reserves, buildings, shelters, parking stations, metered zones, metered stalls, ticket machine zones, pay by phone zones, parking stalls 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 machine or device that, as a result of a payment by any permitted means, indicates (without the issue of a ticket) the period during which it is lawful for a vehicle to remain parked in a metered stall to which the machine or device relates;

parking permit, or **permit**, means—

- (a) a parking permit issued under this local law; and
- (b) a parking permit issued under a repealed parking local law of the local government where the permit is in force immediately prior to the commencement of this local law under clause 1.3;

parking region means the area to which this local law applies, as described in clause 1.3;

parking stall means a section or part of a road, reserve or parking station that is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices in a way that indicates where a vehicle may be parked;

parking station means any land, building or other structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered stall;

parking ticket means a ticket, whether printed or electronic, that is—

- (a) issued from a ticket issuing machine or a ticket issuing device;
- (b) authorises the parking of a vehicle in a parking stall or a parking station or part of the parking station; and
- (c) includes the date and time that the authorisation expires, whether or not the payment of a fee is required;

pay by phone means payment for parking using the parking app;

pay by phone transaction means the transaction of paying for a parking fee, or purchasing or obtaining a parking permit, using the parking app;

pay by phone zone means a parking station, or any other road or reserve, in respect of which signage is installed indicating that, at specified times or generally, payment for parking is required by using the parking app;

pay station means a machine or device that, after receipt of the payment of the parking fee in respect of a vehicle, either—

- (a) issues a ticket to activate an exit barrier of the parking station; or
- (b) otherwise enables the exit barrier of the parking station to be activated, so as to enable egress of the vehicle from the parking station;

path has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

people with disabilities parking sign has the meaning given in the Code;

permissive parking sign means a sign inscribed with—

- (a) the word ‘parking’, but excludes a sign inscribed with the words ‘no parking’; or
- (b) the letter ‘P’ with any arrow, figure, letter or words in green;

permitted means permitted under this local law or by the local government, the CEO or an authorised person;

place of refuge for pedestrians means any area or place that is open to or used by the public and not ordinarily intended for the stopping, parking or movement of vehicles, and includes any physical provision or an area demarcated by the marking of lines or otherwise identified by a sign;

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;

residential parking permit means a permit of that description issued by the local government under Part 6;

residential street means a thoroughfare where the majority of properties abutting the thoroughfare are used for residential purposes;

right of way means a portion of land that is—

- (a) shown and marked ‘Right of Way’ or ‘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 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—
- (d) a private driveway; or
 - (e) a right of way created by easement between two parties;
- road** means a thoroughfare that is open to, or used by, the public;
- Schedule** means a Schedule to this local law;
- shared zone** has the meaning given in the Code;
- sign** includes a traffic sign, inscription, road marking, mark, structure or device on which may be shown words, numbers, expressions or symbols, that is—
- (a) approved by the local government or by the CEO; and
 - (b) placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;
- special purpose vehicle** has the meaning given in the Code;
- stop** has the meaning given in the Code;
- symbol** includes any symbol specified by Australian Standard 1742.11-2016 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** has the meaning given in the Code;
- taxi zone** has the meaning given in the Code;
- thoroughfare** has the meaning given in the Act;
- ticket** includes a token;
- ticket issuing device** means a mobile device that, as a result of a payment, issues a parking ticket;
- ticket issuing machine** means a machine that, as a result of a payment, issues a parking ticket;
- ticket issuing machine zone** means a parking station, or any other road or reserve, in respect of which a ticket issuing machine is installed to regulate parking in parking stalls;
- traffic island** has the meaning given in the Code;
- trailer** has the meaning given in the Code;
- truck** means a vehicle that has a load capacity exceeding 1,000 kilograms;
- 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;
- unexpired parking ticket** means a ticket, whether paper or electronic, on which a date and expiry time is printed or displayed, and that time has not expired;
- vehicle** has the meaning given in the Road Traffic (Administration) Act 2008; and
- verge** has the same meaning as **nature strip**.

1.6 Application of particular terms

- (1) In applying the definitions of **no parking area**, **no stopping area** and **parking area**, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point if the sign was turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.
- (3) Where a term is used but not defined in this local law, and that term is defined in the *Road Traffic (Administration) Act 2008* or in the Code, then, unless the context otherwise requires, the term is to have the meaning given to it in that Act or the Code.
- (4) A reference to a thoroughfare, road, reserve, parking station, parking facility or parking zone includes a reference to any part of the thoroughfare, road, reserve, parking station, parking facility or parking zone.

1.7 Pre-existing signs

- (1) A sign that—
 - (a) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and
 - (b) relates to the parking of vehicles within the parking region,
 is taken to have been erected by the local government under 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 an inscription, word, number, expression or symbol on a sign referred to in subclause (1) relates to the stopping of vehicles, it is taken for the purposes of this local law to operate and have effect as if it related also to the parking of vehicles.

1.8 Classes of vehicles

For the purposes of this local law classes of vehicles are—

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) bicycles;
- (e) taxis;
- (f) vehicles 2.1 metres or higher;
- (g) tour coaches;
- (h) electric vehicles; and
- (i) all other vehicles.

1.9 Part of thoroughfare to which sign applies

Where under this local law the use, driving, stopping, parking or leaving of vehicles in a thoroughfare is controlled by a sign, the sign is to be read as applying to that part of the thoroughfare which—

- (a) is beyond the sign;
- (b) is between that sign and the next sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

PART 2—GENERAL POWERS TO REGULATE PARKING

2.1 Establishment of parking facilities

The Council may establish and vary parking facilities for the purposes of this local law.

2.2 Power to prohibit and regulate

The Council may prohibit or regulate, by signs or otherwise, the stopping and parking of any vehicle or any class of person or vehicle, or both, but is to do so consistently with this local law.

2.3 Determinations

- (1) The Council may determine—
 - (a) permitted times and conditions of stopping and parking that may vary within the parking region;
 - (b) permitted classes of persons who may stop or park their vehicles;
 - (c) permitted classes of vehicles that may stop or parking; and
 - (d) the manner of stopping or parking.
- (2) Where the Council makes a determination under subclause (1)—
 - (a) it may vary the determination; and
 - (b) the CEO is to ensure that one or more signs are erected to give effect to the determination.

2.4 Parking fees

Parking fees payable under this local law are to be determined and imposed by the Council under the Act.

2.5 Approved alternative methods of payment

- (1) The Council may approve an alternative method of payment for parking under this local law.
- (2) An approved alternative method of payment—
 - (a) is to be on the terms and conditions determined by the Council;
 - (b) may enable a payment to be made in advance or in arrears; and
 - (c) may be affected by issuing (electronically or otherwise) a permit, invoice, ticket or other record.
- (3) The CEO or an authorised person may authorise a person to make an approved alternative method of payment.
- (4) A person who has been authorised to make an approved alternative method of payment for parking is exempt from paying fees at the relevant parking facility provided that he or she complies with the terms and conditions of the approved alternative method of payment.
- (5) An alternative method of payment may not be used by any person other than the person authorised under this clause.

PART 3—FEE PAYING ZONES

3.1 Fee paying zones

The fee paying zones are—

- (a) a metered zone;
- (b) a ticket issuing machine zone;
- (c) a pay by phone zone; and
- (d) any other fee paying zone established by the local government under clause 2.1.

3.2 Payment of fees

- (1) This clause does not apply to a fee paying zone that is in a parking station.
- (2) A person who stops or parks a vehicle in a fee paying zone must—
- (a) in the case of a metered stall—immediately pay, by any form of permitted payment at the fee paying machine, the appropriate fee as indicated by a sign on the parking meter referable to the metered stall;
 - (b) in the case for a ticket issuing machine zone—immediately pay, by any form of permitted payment at the fee paying machine, the appropriate fee as indicated by a sign on the ticket issuing machine referable to the zone; or
 - (c) in the case of a pay by phone zone—
 - (i) immediately commence the pay by phone transaction and obtain notification that the transaction has commenced;
 - (ii) ensure that the transaction remains active at all times while the vehicle is stopped or parked; and
 - (iii) immediately before the vehicle is driven from where it had been stopped or parked, complete the pay by phone transaction and obtain notification that the required fee has been paid.
- (3) Subject to the provisions of this Part 3, the payment of the fee referred to in subclause (2) entitles a person to stop or park a vehicle in—
- (a) a metered stall for the period shown on the sign referable to the stall; or
 - (b) the relevant ticket issuing machine zone or pay by phone zone for the period shown on the parking ticket,

but does not authorise the parking of the vehicle during any time when stopping or parking in that stall or zone is prohibited under this local law.

3.3 Suspension of requirement to pay fees

The local government may from time to time determine that clause 3.1 is not to apply during the period specified in the determination.

3.4 Expired parking meter

Unless permitted by an authorised person, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered stall—

- (a) during the hours when a fee is payable to stop or park a vehicle in the stall when the parking meter referable to that stall exhibits the sign 'Expired', a negative time or a series of red flashing lights; or
- (b) for longer than the maximum period stated on the sign referable to that stall during which continuous stopping or parking is permitted.

3.5 Hooded parking meters

Unless permitted by an authorised person, a person must not leave a vehicle, or permit a vehicle to remain, stopped or parked in a metered stall if the parking meter referable to the metered stall is hooded with a covering bearing words or symbols that indicate that a temporary parking prohibition, restriction or reservation applies to the metered stall.

3.6 Display of parking tickets

- (1) A person must not stop or park a vehicle in a fee paying zone during the period in which stopping or parking is permitted only on the purchase of a printed parking ticket unless—
- (a) an unexpired parking ticket issued by a ticket issuing machine in that fee paying zone is displayed inside the vehicle; and
 - (b) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in that fee paying zone.
- (2) Unless subclause (3) applies, where in a fee paying zone more than one printed parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have been expired until the expiry of—
- (a) the aggregate of those periods; or
 - (b) the maximum period of time a vehicle is permitted to park in the fee paying zone,
- whichever occurs first.
- (3) If a trailer is attached to a vehicle or if a vehicle is too long or too wide to fit completely within a single metered stall or parking stall, the person parking the vehicle must—
- (a) park the vehicle (or, as the case may be, the vehicle and the trailer) within the minimum number of metered stalls or parking stalls needed to park the vehicle (or, as the case may be, the vehicle and the trailer);
 - (b) purchase and obtain a parking ticket for each occupied metered stall or parking stall as permitted under this local law; and
 - (c) display each printed ticket inside the vehicle in accordance with subclause (1)(a).

3.7 Use of counterfeit or altered parking tickets

A person must not—

- (a) park a vehicle in a fee parking zone that requires a printed parking ticket, if there is displayed on that vehicle, so as to be visible outside the vehicle, a parking ticket that has been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking ticket that has been counterfeited, altered, obliterated or interfered with.

3.8 Time restrictions

(1) A person must not stop or park a vehicle in a fee paying zone—

- (a) except during the period stated on the sign referable to the fee paying zone during which stopping or parking is permitted; or
- (b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee parking zone, as stated on a sign referable to the fee paying zone unless—
 - (i) clause 6.11 applies; or
 - (ii) the vehicle displays a disability parking permit, and the person with the disability is either the driver or the passenger, in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code.

(2) Where parking of vehicles in a thoroughfare or reserve within a fee paying zone is permitted for a limited time, a person must not move a vehicle along, or return to, the thoroughfare or reserve so that the total time of parking the vehicle exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare or reserve for at least 2 hours.

3.9 Vehicles to be within metered stall

(1) Subject to clause 3.6(3), a person must not park a vehicle in a metered stall in a thoroughfare otherwise than—

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

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

3.10 One vehicle per metered stall

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

3.11 Free parking period

Where, in a fee paying zone (during the period when a fee is required for parking) a period of free parking is permitted, a person must not move a vehicle within, or return to, the fee paying zone unless the vehicle has been removed from the fee paying zone for at least 4 hours.

PART 4—PARKING STATIONS

4.1 Restrictions on entering

A person must not enter a parking station without first obtaining an entrance ticket or parking ticket or being permitted to do so by an authorised person (if one is on duty) unless—

- (a) permitted by a sign applicable to that parking station; or
- (b) the person entering the parking station is—
 - (i) employed at the parking station and is in the course of his or her functions;
 - (ii) a police officer and is in the course of his or her functions; or
 - (iii) the driver of, or a passenger in, a vehicle stopped or parked in that station.

4.2 Payment of fees

A person who stops or parks a vehicle in—

- (a) an attended parking station—must ensure that, when required by the attendant, the appropriate fee as indicated by a sign is paid;
- (b) a parking station with a ticket issuing machine—must ensure that the appropriate fee as indicated by a sign on the ticket issuing machine is inserted into the machine, or the fee is otherwise paid by any other form of permitted payment;
- (c) a parking station with a pay station—must ensure that the appropriate fee as indicated by a sign is inserted into the pay station, or is otherwise paid by any other form of permitted payment, and that the ticket is validated immediately prior to departure; or
- (d) a parking station (or that part of a parking station) that is a pay by phone zone—
 - (i) must immediately commence the pay by phone transaction and obtain notification that the transaction has commenced; and
 - (ii) immediately before commencing to drive the vehicle from the parking station, must complete the pay by phone transaction and obtain notification that the required fee has been paid.

4.3 Suspension of requirement to pay fees

The local government may from time to time determine that clause 4.2 is not to apply during the periods specified in the determination.

4.4 Display of parking tickets

A person who stops or parks a vehicle in a parking station with a ticket issuing machine must, after paying the appropriate fee for the purchase of a parking ticket under clause 4.2(b)—

- (a) in the case of a printed parking ticket, ensure that—
 - (i) an unexpired parking ticket issued by the ticket issuing machine in that parking station is displayed inside the vehicle; and
 - (ii) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in that parking station; and
- (b) in the case of an electronic parking ticket, ensure that, using the parking app, an electronic parking ticket has been issued for that vehicle in that parking station.

4.5 Use of counterfeit or altered parking tickets

A person must not—

- (a) park a vehicle in a parking station that requires a printed parking ticket if there is displayed on that vehicle, so as to be visible from outside the vehicle, a parking ticket that has been counterfeited, obliterated or interfered with; or
- (b) produce to an authorised person who accepts payment for parking, a parking ticket that has been counterfeited, altered, obliterated or interfered with.

4.6 No entrance or parking ticket

Where an entrance ticket or parking ticket is required to be produced, but is not produced, by the driver of a vehicle that is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station.

4.7 Removal of vehicles

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until—
 - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the person has been given a notice from an authorised person specifying the fee to be paid.
- (2) Where a person has been given a notice under subclause (1)(b), the person must pay the specified fee within 3 working days from the time that the notice was given.

4.8 Time restrictions

- (1) A person must not stop or park a vehicle in a parking station—
 - (a) except during the period stated on the sign referable to the parking station during which stopping or parking is permitted; or
 - (b) for longer than the maximum period permitted for continuous parking of a vehicle in the parking station, as stated on a sign referable to the parking station unless—
 - (i) clause 6.11 applies; or
 - (ii) the vehicle displays a disability parking permit, and the person with the disability is either the driver or the passenger, in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code.
- (2) Where parking of vehicles in a parking station is permitted for a limited time, a person must not move a vehicle within, or return to, the parking station so that the total time of parking the vehicle exceeds the maximum time permitted, unless the vehicle has first been removed from the parking station for at least 2 hours.

4.9 Entering and exiting

A person must not, in a vehicle, enter or exit a parking station other than through an authorised entry or exit designated as such by a sign.

4.10 Locking of a parking station

At the expiration of the hours of operation of a parking station, whether or not any vehicle remains parked in the parking station, an authorised person may lock the parking station or otherwise prevent the movement of any vehicle into, within or from the parking station.

4.11 Stopping and parking restrictions

A person must not stop or park a vehicle in a parking station—

- (a) so as to obstruct an entrance or exit, or any area intended for the movement of vehicles or pedestrians through the parking station; or
- (b) so that any portion of the vehicle is on or over a footpath or place of refuge for pedestrians.

4.12 Behaviour in a parking station

A person must not—

- (a) remain in a parking station after having been required to leave by a police officer or an authorised person;
- (b) loiter in a parking station;
- (c) drive a vehicle in a parking station—
 - (i) in a direction other than the direction indicated by a sign; or
 - (ii) at a speed that is in excess of the speed limit as indicated by a sign;
- (d) ride on, drive or be carried on a bicycle, tricycle, skateboard, roller-skate, rollerblade or other wheeled thing, other than a licensed vehicle or wheelchair, within a parking station; or
- (e) unless permitted by the CEO or an authorised person, sell, offer to sell or provide (whether or not for any consideration) any goods or services in a parking station.

4.13 Special event parking

(1) In this clause, *special event* means a function or activity characterised by all or any of the following—

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club or a body corporate;
- (d) payment of a fee to attend; and
- (e) systematic recurrence in relation to the day, time and place.

(2) The local government may, by the use of a sign—

- (a) set aside for the period specified on the signs a parking station for the parking of vehicles by those attending a special event; or
- (b) establish additional parking facilities on a reserve or local government property, for any period specified on the sign, for the parking of vehicles by those attending a special event.

(3) A person must not stop or park a vehicle—

- (a) in a parking station set aside under subclause (2) during the period for which it is set aside; or
- (b) on a reserve or local government property established as a parking facility under subclause (2) during the period for which it is established,

unless a permit obtained from the local government with respect to the special event is—

- (c) in the case of a printed permit, displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in the parking station; or
- (d) in the case of an electronic permit, the person (using the parking app) has obtained notification that the required fee has been paid or that the permit has been issued.

PART 5—STOPPING AND PARKING GENERALLY

Division 1—Parking facilities and other thoroughfares

5.1 Contrary to signs

(1) A person must not stop or park a vehicle in a parking facility—

- (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;
- (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
- (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
- (d) for more than the maximum time specified by a sign unless—
 - (i) clause 6.11 applies; or
 - (ii) the vehicle displays a disability parking permit, and the person with the disability is either the driver or the passenger, in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;
- (e) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked; or
- (f) that is designated by a sign as a loading dock—unless, in respect of the vehicle, a person is actively engaged in loading or unloading goods or materials used in any trade, business, industry or other work.

(2) Unless permitted by an authorised person, a person must not stop or park a vehicle, otherwise than in an authorised vehicle, in an area designated by a sign stating, ‘Authorised Vehicles Excepted’.

(3) A person must not stop or park a vehicle in an area designated by a sign as a reserved area unless—

- (a) in accordance with a permit; and
- (b) in the case of a permit that is issued as a printed permit—the permit is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while the vehicle is stopped or parked in the area; and
- (c) in the case of a permit that is issued as an electronic permit—the person (using the parking app) has obtained notification that the required fee has been paid or that the permit has been issued.

5.2 Other prohibitions

- (1) A person must not stop or park a vehicle—
 - (a) in a no stopping area;
 - (b) at the side of a carriageway marked with a continuous yellow edged line;
 - (c) in an area of a carriageway signed or marked with a keep clear marking;
 - (d) in a stall marked 'M/C' unless it is a motorcycle;
 - (e) in a bus lane or bus way;
 - (f) in a transit lane;
 - (g) in a truck lane; or
 - (h) in a bicycle lane or on a bicycle path.
- (2) A person must not park a vehicle in a no parking area, unless the driver—
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) within 2 minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.
- (3) A person must not park a vehicle on any portion of a road or within a parking station—
 - (a) for the purpose of exposing the vehicle for sale;
 - (b) if the vehicle is not licensed under the *Road Traffic (Vehicles) Act 2012* or a corresponding law of another State or Territory or of the Commonwealth;
 - (c) if the vehicle is a trailer 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 the road or parking station.

5.3 Parking stalls

- (1) A person must not stop or park a vehicle other than wholly within a parking stall—unless the vehicle is too wide or too long to fit completely within a single stall, in which case it must be parked within the minimum number of stalls needed to park it.
- (2) A person must not stop or park, or attempt to stop or park, a vehicle in a parking stall in which another vehicle is stopped or parked.
- (3) A person must not stop or park a bicycle in a parking stall.

5.4 Double parking

- (1) Subject to subclause (2), a person must not stop or park a vehicle on a road so that any portion of the vehicle is between any other stationary vehicle and the centre of the carriageway of that road.
- (2) Subclause (1) does not apply to—
 - (a) a person who parks a motorcycle in a bay marked "M/C"; or
 - (b) a person who stops or parks a vehicle in a parking stall or metered stall abreast of or alongside another vehicle.

5.5 Stopping or parking on a carriageway

A person stopping or parking a vehicle on a carriageway must stop or park it—

- (a) in the case of a two-way carriageway—so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (b) in the case of a one-way carriageway—so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway; and
- (d) so that it does not obstruct any vehicle on the carriageway.

5.6 Movement of vehicles to avoid time limitation

Where parking of vehicles in a thoroughfare or reserve is permitted for a limited time, a person must not move a vehicle along, or return to, that thoroughfare so that the total time of parking the vehicle exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least 2 hours.

5.7 Heavy and long vehicles

- (1) A person must 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 more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes—
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods;

- (b) on a carriageway outside a built-up area, except—
 - (i) on the shoulder of the carriageway; or
 - (ii) in a truck bay or other area set aside for the parking of commercial vehicles; or
 - (iii) in a parking station or on a reserve, except in a truck bay or other area set aside for the parking of commercial vehicles.

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

5.8 Construction site

(1) In this clause, unless the context otherwise requires—

builder has the meaning given in the Building Regulations 2012;

construction site means any land subject to development;

construction site vehicle means a vehicle connected to an approved work zone;

daily fee means the daily fee determined by the local government;

development means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;

eligible person means an owner or occupier of a construction site or a builder carrying out work on a construction site;

establishment fee means the fee determined by the local government; and

work zone means a road or part of a road, whether or not marked as a metered stall, parking stall or fee paying zone, that is set aside by the local government by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.

(2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the CEO who may approve or refuse the application.

(3) Where the CEO approves an application, the CEO is to give the applicant a written notice specifying—

- (a) the number and location of work zones the applicant may use;
- (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone;
- (c) the period for which the approval is valid;
- (d) any conditions to which the approval of the local government is subject; and
- (e) the amount of the establishment fee.

(4) The CEO is to set aside a work zone in accordance with the notice referred to in subclause (3) within 14 days from the date of payment of the establishment fee.

(5) An eligible person must, in addition to the establishment fee, pay to the local government a daily fee for each day that a work zone is set aside.

(6) The daily fee is payable monthly in advance.

(7) Where the CEO has approved an application to establish a work zone adjacent to a construction site, the CEO may cancel its approval by written notice to the applicant if—

- (a) the applicant, or any person authorised by the applicant to use the work zone, stops or parks a vehicle other than in accordance with—
 - (i) a condition specified in the notice issued to the applicant under subclause (3); or
 - (ii) a sign applicable to the work zone;
- (b) the applicant fails to pay the daily fee as required under subclauses (5) and (6); or
- (c) the local government or an authorised person requires access to or near the place where the work zone is situated, for the purpose of carrying out works in or near that place.

(8) A person must not stop or park a vehicle in a work zone unless the vehicle is—

- (a) a construction site vehicle; or
- (b) permitted to stop in the work zone in accordance with this local law.

5.9 Obstruction generally

(1) This clause does not apply to a vehicle stopped or parked in a parking stall or metered stall.

(2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.

(3) A person must not stop or park a vehicle so that any portion of the vehicle is—

- (a) on a road and causes an obstruction on the road—unless it is a public bus stopping in a bus zone;
- (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
- (c) on an intersection, subject to paragraphs (d) and (e);
- (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals—unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;

- (e) on a carriageway within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked, unless—
 - (i) the vehicle stops or parks at a place on a carriageway, or in an area, to which a parking control sign applies, or the vehicle is otherwise permitted to stop or park at that place under this local law; or
 - (ii) the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
- (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;
- (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway—if the vehicle would obstruct traffic;
- (h) on a bridge or other elevated structure or within a tunnel or underpass—unless permitted to do so by a sign;
- (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines;
- (j) 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
- (k) within the head of a cul-de-sac.

Division 2—Stopping or parking in particular areas

5.10 Loading zone

- (1) A person must not stop or park a vehicle in a loading zone unless—
 - (a) the vehicle is a commercial vehicle, or an authorised vehicle and a person is continuously engaged in loading or unloading goods to or from that vehicle; or
 - (b) in respect of any other vehicle—only while taking up or setting down passengers.
- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign or, if no time is indicated on the sign, for longer than 30 minutes, unless authorised by an authorised person.

5.11 Taxi zone

- (1) A person must not stop a vehicle in a taxi zone unless the person is driving a taxi.
- (2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

5.12 Charter vehicle zone

- (1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.
- (2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for no more than—
 - (a) 15 minutes—if the charter vehicle has 12 or more seats including the driver; or
 - (b) 5 minutes—if the charter vehicle has less than 12 seats including the driver.
- (3) If subclause (2)(b) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

5.13 Shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle—

- (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies, and the vehicle is permitted to stop at that place under this local law;
- (b) stops in a parking stall and the vehicle is permitted to stop in the parking stall under this local law;
- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

5.14 Pedestrian mall

A person must not stop or park a vehicle in a pedestrian mall unless the vehicle—

- (a) is, and is being used as, an emergency vehicle;
- (b) is, and is being used as, a special purpose vehicle;
- (c) is stopped or parked in accordance with a written authorisation by the CEO or an authorised person; or
- (d) is a service vehicle which—
 - (i) is in a service zone;
 - (ii) is in the pedestrian mall during a period when service vehicles are permitted;
 - (iii) is continuously being loaded or unloaded; and
 - (iv) is stopped or parked for a continuous period of less than 30 minutes or otherwise in accordance with a sign that applies to the service zone.

5.15 Bus stop and pedestrian, children and train crossings

(1) A person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—

- (a) a bus embayment or a bus zone unless the vehicle is a public bus stopped to take up or set down passengers; or
- (b) a pedestrian crossing or children's crossing.

(2) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 metres of—

- (a) the approach side of a bus embayment or a bus zone, unless the vehicle is a public bus stop to take up or set down passengers;
- (b) the approach side of a pedestrian crossing or children's crossing; or
- (c) the approach side or departure side of a railway crossing.

(3) A person must not stop or park a vehicle in a bus zone unless the person is driving a public bus, or a bus of a type that is permitted by a bus zone sign applying to the bus zone to stop at the bus zone.

(4) This clause does not apply if—

- (a) the vehicle is stopped or parked in a marked stall;
- (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
- (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

5.16 Fire hydrant or public letter box

(1) A person must not stop or park a vehicle on a road, otherwise than in a metered stall or parking stall, so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug unless—

- (a) the person is driving a public bus that stops in a bus embayment or bus zone and is not left unattended; or
- (b) the person is driving a taxi that stops in a taxi zone and the taxi is not left unattended.

(2) A person must not stop or park a vehicle within 3 metres of a public letter box unless the person—

- (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 parking control sign applies, and the driver is permitted to stop at that place under the Code.

5.17 Median strips and traffic islands

A person must not stop or park a vehicle, trailer or caravan (other than a bicycle or an animal) so that any portion of the vehicle, trailer or caravan is on a traffic island or median strip unless the person stops or parks in an area to which a parking control sign applies and the person is permitted to stop or park at that place under this local law.

5.18 Verges

(1) In this clause, long or heavy vehicle means a vehicle that—

- (a) is more than 6.5m long;
- (b) is more than 2.2m wide;
- (c) is more than 2.4m high; or
- (d) exceeds a GVM of 3.5 tonnes.

(2) A person must not—

- (a) stop or park a bus on any part of any verge;
- (b) stop or park a long or heavy vehicle on any part of any verge—unless subclause (3) or subclause (4) applies; or
- (c) stop or park a vehicle (except for a bus, a long or heavy vehicle, or a bicycle)—
 - (i) on a verge that is adjacent to a grouped or multiple dwelling; or
 - (ii) on a verge that is not adjacent to a grouped or multiple dwelling unless the person—
 - (A) is the owner or occupier of the premises adjacent to the verge; or
 - (B) is authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge.

(3) A person may stop or park a long or heavy vehicle on any part of any verge while the vehicle is being loaded or unloaded, with reasonable expedition, with goods or materials collected from or delivered to the premises adjacent to the portion of the verge on which the vehicle is parked, provided that no obstruction is caused to the passage of any vehicle or person using a carriageway, driveway or footpath.

(4) A person may stop or park a long or heavy vehicle on a verge provided that—

- (a) the vehicle does not exceed a GVM of 4.5 tonnes;
- (b) the verge is not adjacent to a grouped or multiple dwelling;
- (c) the person stopping or parking the vehicle—
 - (i) is the owner or occupier of the premises adjacent to the verge; or
 - (ii) is authorised by the occupier of those premises to stop or park the vehicle on the verge;

- (d) no part of the vehicle is less than 1.5m from the nearest kerb; and
- (e) no obstruction is caused to the passage of any vehicle or person using a carriageway, driveway or footpath.

5.18 Driveways

A person must not stop or park a vehicle on or across a driveway or other way of access for a vehicle travelling to or from land adjacent to a thoroughfare—unless the person is immediately dropping off or picking up passengers.

5.19 Reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve, other than an area specifically set aside for that purpose, unless the person—

- (a) is an employee of the local government in the course of their functions;
- (b) is an authorised person; or
- (c) has obtained the permission of the CEO or an authorised person.

5.20 Parking on private land

(1) In this clause a reference to *land* does not include land that—

- (a) belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; and
- (c) is an ‘otherwise unvested facility’ within section 3.53 of the Act;
- (d) is the subject of an agreement referred to in clause 1.4(3); or
- (e) is determined by the local government to be a parking station under the care, control and management of the local government.

(2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.

(3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

PART 6—PARKING PERMITS

Division 1—General provisions

6.1 Application of this Part

This Part applies to—

- (a) residential parking permits;
- (b) temporary residential parking permits;
- (c) multi-purpose parking permits; and
- (d) other classes of parking permits, if any, determined under clause 6.2.

6.2 Classes of parking permits

The local government may determine—

- (a) classes of parking permits, in addition to residential parking permits, temporary residential parking permits and multi-purpose parking permits; and
- (b) the eligibility criteria for each class of parking permit.

6.3 Application for a permit

(1) An application for a parking permit (other than a temporary residential parking permit) must—

- (a) be in the form determined by the local government;
- (b) provide the information required by the form;
- (c) contain any other information required, for that class of permit under this local law;
- (d) be signed by the applicant or, in the case of an electronic application, include an electronic acceptance of the application conditions; and
- (e) be forwarded to the local government together with any fee determined and imposed under the Act.

(2) The CEO or an authorised person may require an applicant to provide additional information reasonably related to their application.

(3) The CEO may refuse to consider an application that is not in accordance with subclause (1) or where the applicant has not provided the additional information required under subclause (2).

6.4 Decision on application for a permit

(1) The CEO or an authorised person may—

- (a) approve an application for a permit unconditionally or subject to any conditions; or
- (b) refuse to approve an application for a permit.

(2) If an application for a permit is approved, the CEO or an authorised person is to issue to the applicant, in the form determined by the CEO, a permit that may be printed or electronic.

(3) If an application for a permit is refused, the CEO or an authorised person is to give notice of that refusal to the applicant.

6.5 Compliance with and variation of conditions

(1) Where a permit has been issued subject to conditions, the permit holder must comply with each of the conditions.

(2) The CEO or an authorised person may vary the conditions of a permit, and the permit holder must comply with those conditions as varied.

6.6 Validity of a permit

(1) A parking permit ceases to be valid on—

- (a) the expiry of any time or period specified in the permit;
- (b) the holder of the permit ceasing to be eligible;
- (c) the cancellation of the permit under clause 6.9; or
- (d) the replacement of the permit by a new permit issued under clause 6.10.

(2) Where a permit ceases to be valid, the permit holder must immediately—

- (a) cease to use the permit;
- (b) in the case where the permit holder has ceased to be eligible—notify the local government in writing when and why the permit holder ceased to be eligible;
- (c) in the case of a permit affixed to a vehicle—remove it from the vehicle and return it to the local government; and
- (d) in the case of a written permit—return it to the local government.

6.7 Renewal of a permit

(1) A permit holder may apply to the local government in writing prior to the expiry of a permit for the renewal of the permit.

(2) The provisions of this Part and any other provision of this local law relevant to the permit that is to be renewed apply, with appropriate modifications, to an application for the renewal of the permit.

6.8 Permit not transferable

A parking permit is not transferable.

6.9 Cancellation of a permit

(1) A permit may be cancelled by the CEO if the permit holder has not complied with—

- (a) a condition of the permit; or
- (b) a provision of any written law which may relate to the activity regulated by the permit.

(2) If a permit is cancelled, the permit holder—

- (a) must, in the case of a written permit, return the permit to the local government as soon as practicable; and
- (b) is taken to have forfeited any fees paid in respect of the permit.

6.10 Replacement of a permit

The CEO or an authorised person may issue a replacement permit where an application is made and is accompanied by supporting documentation and the appropriate fee, if any, determined and imposed by the local government under the Act.

6.11 Exemption for permit holders

(1) The holder of a valid parking permit is exempt from a prohibition against the stopping or parking of vehicles on any part of a road for more than a specified period.

(2) The exemption under subclause (1) applies only—

- (a) to the part of the road specified in the permit;
- (b) where the permit specifies a particular vehicle—to the vehicle specified in the permit;
- (c) in accordance with the terms and conditions of the permit; and
- (d) if the permit, if printed, 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.

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

6.12 Use of counterfeit or altered parking permit

A person must not—

- (a) use or display in a vehicle, a parking permit that has in any way been counterfeited, altered, obliterated or interfered with; or
- (b) produce to an authorised person a parking permit that has been counterfeited, altered, obliterated or interfered with.

6.13 Objection and appeal rights

A person adversely affected by a decision relating to a permit made under this Part, including a decision to refuse to approve an application for a permit or to cancel a permit, may be entitled to object or appeal against the decision under Part 9, Division 1 of the Act.

Division 2—Residential and multi-purpose parking permits

6.14 Terms used

In this Division—

applicant means an applicant for a residential parking permit or a multi-purpose parking permit under this Division;

Eligibility Table means the table specified in clause 6.16;

residential complex means a group of 9 or more residential units with a common driveway or accessway;

residential unit means premises, other than a single house, lawfully used for self contained living quarters; and

single house means premises constructed on its own and lawfully used for self contained living quarters.

6.15 Eligibility

(1) Subject to clause 6.19, to be eligible for a residential parking permit or a multi-purpose parking permit, an applicant must be—

- (a) the owner or occupier of a single house or residential unit—
 - (i) that is not in a residential complex;
 - (ii) that has not had renovations carried out after January 1993 which have affected the parking availability on the property;
 - (iii) in respect of which there is no adequate off-road parking on the site;
 - (iv) that, in respect of a single house, is adjacent to a part of a road (not being a road described in subclause (2)) on which the stopping or parking of vehicles is prohibited for more than a specified period; and
 - (v) that, in respect of a residential unit, is part of a building that is adjacent to a part of a road (not being a road described in subclause (2)) on which the stopping or parking of vehicles is prohibited for more than a specified period; and
- (b) either the holder of a vehicle that is licensed in their name at the address shown on the application, or the permitted user of a work vehicle that is certified by an employer or principal as being the vehicle assigned to them and, in either case, where the vehicle—
 - (i) is not a caravan, motor home or trailer; and
 - (ii) is not a commercial vehicle that exceeds 7.5m in length or 4.5 tonnes gross vehicle mass.

(2) A multi-purpose parking permit cannot be issued to a person whose place of residence is on a parcel of land that has a common boundary with a road that has adjacent to that boundary, or part of it, a fee paying zone

6.16 Restrictions on numbers of permits

(1) In respect of a single house or residential unit, the maximum numbers of residential parking permits and/or multi-purpose parking permits that can be issued are set out in the Eligibility Table.

(2) The CEO or an authorised person may restrict the number of residential parking permits or multi-purpose parking permits that can be issued in respect of a particular road or a particular area.

6.17 Eligibility Table

The Eligibility Table is—

Number of parking bays on site	Number of vehicles registered to the residential address	Maximum number of permits that can be issued
Nil	Nil	1 multi-purpose parking permit
	1	1 residential parking permit 1 multi-purpose parking permit
	2 or more	2 residential parking permits 1 multi-purpose parking permit
1	Nil	nil
	1	1 multi-purpose parking permit
	2 or more	1 residential parking permit 1 multi-purpose parking permit
2	Nil	nil
	1	nil
	2 or more	1 multi-purpose parking permit

6.18 Temporary parking permits

(1) After receipt of an application for a residential parking permit (under clause 6.3) and before its determination, the CEO or an authorised person may issue to the applicant in the form of one or more temporary residential parking permits, the number of residential parking permits that would be issued to the applicant, in accordance with the Eligibility Table, if their application were to be successful.

(2) A temporary residential parking permit issued under this clause is to be for the period, not exceeding 6 months, that the CEO considers is appropriate to enable the application to be determined.

6.19 Power to override eligibility requirements

If an applicant—

- (a) has made an application for a residential parking permit or a multi-purpose parking permit under this Part;
- (b) is not eligible for a residential parking permit or a multi-purpose parking permit under any one or more of the provisions of clause 6.15(1); and
- (c) submits in writing to the CEO reasons why the applicant would be issued with a permit,

the CEO, if he or she considers that the reasons warrant the issue of a permit, may issue to the applicant a residential parking permit or multi-purpose parking permit in accordance with the Eligibility Table.

PART 7—MISCELLANEOUS**7.1 Powers of an authorised person**

(1) An authorised person may, for a purpose connected with their functions—

- (a) mark the tyres of a vehicle parked in a parking facility with chalk or other non-indelible substance;
- (b) take a valve stem reading of a vehicle;
- (c) record a vehicle registration number;
- (d) photograph a vehicle or anything in or on it; or
- (e) affix to a vehicle any notice.

(2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.

(3) No offence under this local law is committed by an authorised person while carrying out their functions.

7.2 Impersonating an authorised person

A person who is not an authorised person must not impersonate or purport to exercise the functions of an authorised person.

7.3 Obstructing an authorised person

A person must not obstruct or hinder an authorised person in the execution of their functions.

7.4 Use of fee paying machines

(1) A person must not insert into a fee paying machine anything other than the designations of coin or bank note or other form of permitted payment indicated by a sign on the fee paying machine.

(2) A person must not operate a fee paying machine except in accordance with the operating instructions on the fee paying machine.

7.5 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, must not remove from the vehicle any notice put on the vehicle by an authorised person.

7.6 Unauthorised signs and defacing of signs

A person must not, without the authority of the CEO or an authorised person—

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, erected, set up or displayed by the local government under this local law;
- (b) remove, deface or misuse a sign, or property that is marked, erected, set up or displayed by the local government under this local law; or
- (c) affix a board, sign, placard, notice or other thing to, or paint or write on, any part of a sign that is marked, erected, set up or displayed by the local government under this local law.

7.7 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.

7.8 General provisions about signs

(1) A sign that is marked, erected, set up or displayed on or near a thoroughfare is, in the absence of evidence to the contrary, presumed to be a sign that is marked, erected, set up or displayed under this local law.

(2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

7.9 Damage to local government property

A person must not damage or interfere with, or obstruct the operation of, a fee paying machine or any local government property used in, or in connection with, a parking facility.

7.10 Special purpose, emergency and vehicles driven by authorised persons

Despite anything to the contrary in this local law—

- (a) the driver of a special purpose vehicle may, only in the course of their functions and when it is expedient and safe to do so, stop or park the vehicle in any place and at any time;
- (b) the driver of an emergency vehicle may, in the course of their functions and when it is expedient and safe to do so or where he or she reasonably believes that it is expedient and safe to do so, stop or park the vehicle at any place and at any time; and
- (c) an authorised person engaged in the course of their functions and when it is expedient and safe to do so or where he or she reasonably believes that it is expedient and safe to do so, may stop or park a vehicle at any place and at any time.

7.11 Vehicles not to obstruct a public place

Unless permitted under this local law, or unless authorised under any other written law, a person must not leave a vehicle, or any part of a vehicle, in a public place if it—

- (a) obstructs the use of any part of the public place; or
- (b) appears to an authorised person to have been abandoned, having regard to factors such as—
 - (i) whether there are any number plates on the vehicle;
 - (ii) the extent of any damage to the vehicle;
 - (iii) whether the vehicle has been in the same position for more than 24 hours; and
 - (iv) whether the vehicle appears to be inoperable.

7.12 Direction to move vehicle

A person must not stop or park a vehicle, or allow a vehicle to remain stopped or parked, after being directed by an authorised person or a police officer to move the vehicle.

7.13 Urgent, essential or official functions

(1) Where—

- (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
- (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility, the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.

(2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.

(3) Permission given under subclause (1) may—

- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and
- (b) be revoked or suspended at any time by an authorised person.

(4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

PART 8—ENFORCEMENT**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) A person who commits an offence under this local law is to be liable, on conviction, to a penalty not less than \$250 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

(4) 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.

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 2;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 2;

- (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 2; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 2.

SCHEDULE 1—PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of offence	Modified penalty
1.	3.2(2)	Failure to pay fee in the fee paying zone	60
2.	3.4(a)	Parking when meter has expired	60
3.	3.4(b)	Parking in excess of period maximum shown on metered stall	60
4.	3.5	Parking contrary to a meter hood	60
5.	3.6(1)	Failure to display ticket in fee paying zone	60
6.	3.7/4.5	Displaying a ticket that is altered or is otherwise non-compliant	80
7.	3.8(1)	Parking in excess of maximum period in fee paying zone	60
8.	3.8(2), 4.8(2) or 5.6	Moving vehicle to avoid time limitation	60
9.	3.9(1)(a)	Failure to park wholly within metered bay	80
10.	3.9(2)	Failure to park wholly within metered zone	80
11.	3.10	Parking or attempting to park a vehicle in a metered stall occupied by another vehicle	60
12.	3.11	Failure to comply with free parking period restriction	60
13.	4.1	Entering a parking station without permission	80
14.	4.2	Failure to pay parking station fee	60
15.	4.4	Failure to display ticket in parking station	60
16.	4.7	Leaving without paying parking station fee	80
17.	4.8	Parking in excess of maximum period in a parking station	60
18.	4.11(a)	Causing obstruction in parking station	80
19.	4.12(a)	Remaining in a parking station after being required to leave	80
20.	4.12(b)	Loitering in a parking station	80
21.	4.12(c)	Driving in a parking station contrary to a sign	80
22.	4.12(d)	Using a wheeled thing, other than a licenced vehicle or wheelchair, in a parking station	80
23.	4.12(e)	Engaging in unauthorised activities in a parking station	80
24.	5.1(1)(a)	Parking wrong class of vehicle	65
25.	5.1(1)(b)	Parking by persons of a different class	65
26.	5.1(1)(c)	Parking during prohibited period	80
27.	5.1(1)(d)	Parking vehicle in excess of maximum time	60
28.	5.1(1)(e)	Parking or stopping contrary to sign	60
29.	5.1(2)	Parking without permission in an area designated for 'Authorised Vehicles Only'	80
30.	5.1(3)	Stopping without permission in a reserved area	80
31.	5.2(1)(a)	Stopping or parking in a no stopping area	80
32.	5.2(1)(b)	Stopping alongside continuous yellow lines	80
33.	5.2(1)(c)	Stopping or parking contrary to keep clear marking	80
34.	5.2(1)(d)	Parking or stopping vehicle in motorcycle only area	80
35.	5.2(1)(f)	Parking in a transit lane	150
36.	5.2(1)(h)	Stopping in a bicycle lane	150
37.	5.2(2)	Stopping or parking in a no stopping area	80
38.	5.2(3)(a)	Parking in thoroughfare for purpose of sale	65
39.	5.2(3)(b)	Parking unlicensed vehicle in thoroughfare	65
40.	5.2(3)(c)	Parking a trailer on a thoroughfare	65
41.	5.2(3)(d)	Parking in thoroughfare for purpose of repairs	65
42.	5.3(1)	Failure to park wholly within parking stall	80
43.	5.3(2)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	65
44.	5.3(3)	Stopping or parking a bicycle in a parking stall	65

Item No.	Clause No.	Nature of offence	Modified penalty
45.	5.4	Double parking	150
46.	5.5(a)	Failure to park on the left of two-way carriageway	65
47.	5.5(a) or 5.5(b)	Parking against the flow of traffic	65
48.	5.5(b)	Failure to park on boundary of one-way carriageway	80
49.	5.5(c)	Parking when distance from farther boundary less than 3 metres	80
50.	5.5(d)	Causing obstruction on carriageway	80
51.	5.6	Moving vehicle to avoid time limitation	60
52.	5.7(1)	Parking heavy or long vehicle on carriageway	80
53.	5.9(3)(a)	Stopping or parking a vehicle causing an obstruction on a road	150
54.	5.9(3)(b)	Stopping or parking a vehicle causing an obstruction in a parking facility	80
55.	5.9(3)(c)	Stopping or parking a vehicle on an intersection	150
56.	5.9(3)(d)	Stopping or parking a vehicle within 20 metres of an intersection with traffic control signals	80
57.	5.9(3)(e)	Stopping or parking a vehicle within 10 metres of an intersection	80
58.	5.9(3)(f)	Stopping or parking a vehicle on a prohibited place	80
59.	5.9(3)(g)	Stopping or parking a vehicle near works	60
60.	5.9(3)(h)	Stopping or parking a vehicle on a bridge, tunnel or underpass	80
61.	5.9(3)(i)	Stopping or parking a vehicle where double lines	80
62.	5.9(3)(j)	Stopping or parking a vehicle where double lines	80
63.	5.9(3)(k)	Stopping or parking a vehicle within the head of a cul-de-sac	65
64.	5.10(1)	Stopping or parking an unauthorised vehicle in a loading zone	65
65.	5.10(2)	Stopping or parking a vehicle in a loading zone in excess of maximum period	65
66.	5.11(1)	Stopping a vehicle, other than a taxi, in a taxi zone	65
67.	5.11(2)	Leaving a taxi unattended in a taxi zone	65
68.	5.12(1)	Stopping or parking a vehicle, other than a charter vehicle, in a charter vehicle zone	65
69.	5.12(2)	Stopping or parking in a charter vehicle zone for longer than the maximum period	65
70.	5.12(3)	Leaving a charter vehicle unattended in a charter vehicle zone	65
71.	5.13	Stopping or parking a vehicle in a shared zone	65
72.	5.14	Stopping or parking a vehicle in a pedestrian mall	65
73.	5.15(1)	Stopping or parking a vehicle within 10 metres of the departure side of a bus bay or crossing	65
74.	5.15(2)	Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus zone or crossing	65
75.	5.15(3)	Stopping or parking a vehicle, other than a permitted bus, in a bus zone	65
76.	5.16(2)	Parking within 3 metres of public letter box	65
77.	5.17	Parking on a median strip/traffic island	80
78.	5.18	Stopping on verge	80
79.	5.19	Parking on a driveway	80
80.	5.20	Driving or parking on reserve	150
81.	5.21(2)	Parking on land that is not a parking facility without consent	150
82.	5.21(3)	Parking on land not in accordance with consent	65
83.	6.12(a)	Using a counterfeited or altered parking permit	150
84.	7.1(2)	Removing mark of authorised person	150
85.	7.3	Obstructing or hindering an authorised person	250
86.	7.4(1)	Non-permitted insertion in ticket issuing machine	80
87.	7.6(a)	Marking, setting up or exhibiting a sign	250
88.	7.6(b)	Removing, defacing or misusing a sign	250
89.	7.6(c)	Defacing a sign	250
90.	7.11	Leaving vehicle so as to obstruct a public place	150
91.	7.12	Parking contrary to directions of authorised person	250
92.		All other offences not specified	65

SCHEDULE 2—INFRINGEMENTS NOTICE FORMS

[Clause 8.3]

FORM 1
PARKING LOCAL LAW 2021
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 Parking Local Law 2021.

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' (as defined in the Parking Local Law 2021)
(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
PARKING LOCAL LAW 2021
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 Parking Local Law 2021.

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 do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted, or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following actions may be taken—

your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

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 'owner' (as defined in the Parking Local Law 2021)

(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
PARKING LOCAL LAW 2021
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 Parking Local Law 2021.

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 do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted, or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following actions may be taken—

your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

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' (as defined in the Parking Local Law 2021)

(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
PARKING LOCAL LAW 2021
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 as appropriate.

(3)

(4).....

Insert—

(1) Name of alleged offender to whom infringement notice was given or the ‘owner’ (as defined in the *Parking Local Law 2021*).

(2) Address of alleged offender.

(3) Signature of authorised person

(4) Name and title of authorised person giving notice

Dated the 18th day of August 2021

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

ANDREW SULLIVAN, Deputy Mayor.
GLEN DOUGALL, A/Chief Executive Officer.
