



Western
Australian
Government

Gazette

ISSN 2204-4264 (online)

4103

PERTH, TUESDAY, 19 DECEMBER 2023 No. 171 SPECIAL

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER
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LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

PARKING LOCAL LAW 2023

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LOCAL GOVERNMENT ACT 1995

CITY OF MELVILLE

PARKING LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Melville resolved on 12 December 2023 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law shall be cited as the *City of Melville Parking Local Law 2023*.

1.2 Commencement

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

1.3 Repeal

The *City of Melville Parking Local Law 2016* published in the *Government Gazette* on 3 November 2016 is repealed on the day this local law comes into operation.

1.4 Application

- (1) Except as set out in this clause, this local law applies throughout 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 as determined by the Commissioner of Main Roads; or
 - (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 owned, managed or controlled 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.
- (4) An agreement referred to in subclause (3) may be made on such terms and conditions as the parties may agree.

1.5 Interpretation

In this local law unless the context requires otherwise—

Act means the *Local Government Act 1995*;

appropriate fee means the fee appropriate to the period for which a vehicle has been parked;

authorised person means a person appointed by the CEO under section 9.10(2) of the Act to perform any of the functions of an authorised person under this local law;

authorised vehicle means a vehicle—

- (a) authorised by the CEO or an authorised person, or by any written law, to stop or park in an area which is designated by signs for the parking of authorised vehicles only; or
- (b) owned or controlled by the local government and being used for the purpose of undertaking a function of the local government;

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

bay includes a stall or space;

bicycle has the meaning given to it by the Code;

bicycle lane has the meaning given to it by the Code;

bus has the meaning given to it by the Code;

bus lane has the meaning given to it by the Code;

bus stop has the meaning given to it by the Code;

bus zone has the meaning given to it by the Code;

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

carriageway has the meaning given to it by the Code;

centre, in relation to a carriageway, has the meaning given to it by the Code;

CEO means the Chief Executive Officer of the local government;

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

Code means the *Road Traffic Code 2000*;

- coin** means a coin that is legal tender under the *Currency Act 1965* (Cth);
- commercial vehicle** has the meaning given to it in the City of Melville local planning scheme;
- 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;
- detection device** means an electronic device placed in any position to detect or record the parking time of a vehicle on any road, parking facility or other public place and includes any instruments, display panels or transmitting apparatus associated with the device;
- edge line** has the meaning given to it by the Code;
- electronic parking ticket** means a parking ticket issued in an electronic form;
- emergency vehicle** has the meaning given to it by the Code;
- entrance ticket** means a ticket or token issued by a machine—
- (a) installed at an entrance to a parking station; and
 - (b) which authorises the parking of a vehicle in a parking station, parking space or part of a parking station;
- fee**, or **parking fee**, means the prescribed amount of legal tender that the local government may, from time to time, determine and impose for the stopping or parking of a vehicle, under and in accordance with sections 6.16 to 6.19 of the Act;
- footpath** has the meaning given to it by the Code;
- intersection** has the meaning given to it by the Code;
- keep clear marking** has the meaning given to it by the Code;
- kerb** means the raised edge marking the boundary between a carriageway and the median strip or adjoining verge, whether any footpath has been constructed or not;
- loading zone** has the meaning given to it by the Code;
- local government** means the City of Melville;
- local planning scheme** means the local planning scheme, or each of the local planning schemes, made by the local government and in force from time to time under the *Planning and Development Act 2005*;
- lot** has the meaning given to it in the *Planning and Development Act 2005* or the *Strata Titles Act 1985*, according to context;
- mail zone** has the meaning given to it by the Code;
- median strip** has the meaning given to it by the Code;
- metered space** or **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 by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge or otherwise;
- metered zone** means any thoroughfare or reserve or part of any thoroughfare or reserve in which parking meters or ticket issuing machines regulate parking of vehicles;
- motorcycle** has the meaning given to it by the Code;
- motorised wheelchair** has the meaning given to it by the Code;
- motor vehicle** has the meaning given to it by the *Road Traffic (Administration) Act 2008*, but does not include a motorised wheelchair, motorised scooter, electric rideable device or electric personal transporter;
- no parking area** has the meaning given to it by the Code;
- no stopping area** has the meaning given to it by the Code;
- obstruction** has the meaning given to it by the Code;
- occupier**, where used in relation to land, has the meaning given to it by the Act;
- on-demand passenger transport service** has the meaning given to it by the *Transport (Road Passenger Services) Act 2018*;
- on-demand rank or hail passenger transport service** has the meaning given to it by the *Transport (Road Passenger Services) Act 2018*;
- on-demand vehicle** has the meaning given to it by the *Transport (Road Passenger Services) Act 2018*;
- one-way carriageway** has the meaning given to it by the Code;
- 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;
- painted island** has the meaning given to it by the Code;
- park** has the meaning given to it by the Code;

parking app means a mobile or web application commissioned by the local government for the purpose of purchasing or obtaining an electronic parking ticket;

parking area has the meaning given to it by the Code;

parking facilities includes—

- (a) land, thoroughfares, reserves, buildings, shelters, parking stations, parking spaces or bays, metered zones, metered bays or spaces, and other facilities open to the public generally for the parking of vehicles, with or without charge; and
- (b) signs, notices, ticket issuing machines, parking meters, detection devices and other facilities or instruments used in connection with the parking of vehicles;

parking meter means a machine or device that, as a result of payment by any permitted means, indicates (with or without the issue of a parking ticket) the period during which it is lawful for a vehicle to remain parked in a metered space or bay to which the machine or device relates;

parking permit, or **permit**, means—

- (a) a parking permit issued under this local law; or
- (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,

but does not include a permit where any of the particulars recorded upon it have been altered, added to or defaced in any way;

parking region means the area to which this local law applies, as described in clause 1.4;

parking session means a transaction by which a person purchases or obtains an electronic parking ticket;

parking space means a section or part of a thoroughfare, reserve or 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 stop or be parked, whether on payment of a fee or charge or otherwise, but does not include a metered bay or space;

parking station means any land, building or other structure provided for the purpose of accommodating parked vehicles, but does not include a metered zone or a metered bay or space;

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

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

but does not include a ticket where any of the particulars recorded upon it have been altered, added to or defaced in any way;

path has the meaning given to it in the Code;

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

- (a) issues a ticket to activate an exit barrier in 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;

pedestrian has the meaning given to it by the Code;

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

permitted payment means payment by Australian coins or bank notes, credit or debit card or any other method of payment approved by the local government as indicated on the parking meter or ticket issuing machine;

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

property line means the boundary between the land comprising a thoroughfare, and the land that abuts the thoroughfare, whether that land is publicly or privately owned;

public bus has the meaning given to it by the Code;

public place includes—

- (a) any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; and
- (b) a reserve;

regular passenger transport service has the meaning given to it in the *Transport (Road Passenger Services) Act 2018*;

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 issued by the local government pursuant to the provisions of clause 4.4;

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—

- (d) a private driveway; or
- (e) a right of way created by easement between two parties;

road has the meaning given to it in the *Road Traffic (Administration) Act 2008*;

road marking has the meaning given to it by the Code;

Schedule means a Schedule to this local law;

shared path has the meaning given to it by the Code;

shared zone has the meaning given to it by 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; and
- (b) placed, marked or erected on, near or within a thoroughfare, reserve or parking station for the purpose of prohibiting, regulating, guiding, directing or restricting stopping or parking of vehicles;

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

stop, in relation to a vehicle, has the meaning given to it by the Code;

street has the same meaning as **thoroughfare**;

symbol includes any symbol specified by the *Road Traffic Code 2000* for use in the regulation of parking;

taxi has the meaning given to it by the Code;

taxi zone has the meaning given to it by the Code;

thoroughfare has the meaning given to it by section 1.4 of the Act, and includes any carriageway, median strip, verge and path within the area bounded by the property lines of the lots abutting the thoroughfare;

ticket issuing machine in relation to a parking station or parking space, means a machine or device that issues a parking ticket, whether or not for payment of a fee, showing the period of time during which, or the expiry time before which, a vehicle may lawfully be parked in a parking space;

tour coach means a bus which is—

- (a) used to provide a tourism passenger transport service; or
- (b) hired or chartered for the specific purpose of sightseeing or tourism;

tourism passenger transport service has the meaning given to it in the *Transport (Road Passenger Services) Act 2018*;

trailer has the meaning given to it by the Code;

transit lane has the meaning given to it by the Code;

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 to it by the *Road Traffic (Administration) Act 2008*;

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;

Veteran Gold Card means a Gold Card, Veteran Gold Card or Repatriation Health Card issued by the Department of Veterans' Affairs;

visitor's parking permit means a permit issued by the local government pursuant to clause 4.4; and

wheeled recreational device has the meaning given to it in the Code.

1.6 Application of particular definitions

- (1) In this local law, unless the context requires otherwise, a reference to a thoroughfare, 'parking station', 'metered zone', 'parking facility' or 'reserve' includes a reference to, as the case may be, any part of a thoroughfare, parking station, metered zone, parking facility or reserve.
- (2) For the purpose of the application of the definitions 'bus zone', 'loading zone', 'mail zone', 'taxi zone', 'no parking area', 'no stopping area', 'parking area' and similar definitions, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the sign were turned at an angle of less than 90 degrees until parallel with the boundary.
- (3) A reference to the wording of any sign in this local law shall also be deemed to include a reference to the corresponding symbol.
- (4) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Act, the *Transport (Road Passenger Services) Act 2018*, the *Road Traffic Act 1974*, the *Road Traffic (Administration) Act 2008*, the *Road Traffic (Vehicles) Act 2012* or in the Code, then the terms shall have the meaning as in those Acts or the Code.

1.7 Part of thoroughfare to which a sign applies

- (1) Where under this local law the use, driving, stopping, parking or leaving 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; and
 - (c) is on that side of the thoroughfare nearest to the sign.

1.8 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,shall be deemed for the purpose of this local law to have been erected by the local government under the authority of this local law.

1.9 Vehicle and driver classification

- (1) For the purposes of this local law vehicles are divided into the following classes—
 - (a) buses;
 - (b) caravans and trailers;
 - (c) motorcycles;
 - (d) taxis and other on-demand passenger transport vehicles;
 - (e) commercial vehicles;
 - (f) tour coaches;
 - (g) bicycles;
 - (h) authorised, emergency and special purpose vehicles;
 - (i) plug-in electric vehicles as defined in clause 7.1; and
 - (j) all other vehicles not otherwise classified.
- (2) For the purposes of this local law, drivers are divided into the following classes—
 - (a) authorised persons;
 - (b) employees of the local government;
 - (c) customers or patrons of a shop, shopping centre, premises in which personal services are provided, facility or event;
 - (d) persons who work in a shop, shopping centre or premises in which personal services are provided;
 - (e) persons with special needs, including those relating to disability, age or care of infants; and
 - (f) all other persons not otherwise classified.

1.10 Alternative methods of payment

- (1) In this clause, **alternative method of payment** means a permit, invoice, ticket or pass issued electronically or otherwise by the local government in return for payment, authorising a person to park according to the terms and conditions of the authorisation.
- (2) A person who has been authorised by the local government to use 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.
- (3) An alternative method of payment may not be used by any person other than the person who received authorisation by the local government.

PART 2—PARKING STATIONS**2.1 Determination of parking spaces and parking stations**

- (1) The local government may, by resolution, constitute, determine and vary—
 - (a) parking stations;
 - (b) parking spaces;
 - (c) permitted time and conditions of stopping or parking in parking spaces and parking stations, which may vary by locality;
 - (d) permitted classes of vehicles which may stop or park in parking spaces and parking stations;
 - (e) permitted classes of persons who may stop or park in parking spaces and parking stations; and
 - (f) the manner of stopping or parking in parking spaces and parking stations.
- (2) Where the local government makes a determination under subsection (1), it must erect signs to give effect to that determination.

2.2 Determination of parking fees for parking in a parking station

- (1) The local government may determine and impose a fee for the stopping or parking of a vehicle in a parking station, under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) A reference in this Part to a 'fee' means a fee imposed in accordance with subclause (1).
- (3) The local government may, by resolution, waive the parking fee in a specified parking station—
 - (a) at certain days and times;
 - (b) for specified classes of person or vehicle; or
 - (c) for a specified period of time after the vehicle first enters the parking station (*'fee free period'*).

2.3 Payment of fee to park in a parking station

- (1) Subject to clause 2.2(3), a person must not stop, park or permit a vehicle to remain parked in a parking station during any period unless—
 - (a) in the case of a parking station having an attendant on duty, the person obtains a parking ticket when demanded;
 - (b) in the case of a parking station equipped with a pay by plate ticket machine, the person obtains a valid parking session by any form of permitted payment at the parking meter, pay by plate ticket machine or by use of the parking app
 - (c) in the case of a parking station equipped with a pay station, the person—
 - (i) obtains an entrance ticket; and
 - (ii) where the payment of a fee is required, before the vehicle departs the parking station, pays, by any form of permitted payment, the appropriate fee to the pay station; or
 - (d) in the case of a parking station where the use of a parking app is permitted, the person—
 - (i) commences a parking session via the parking app;
 - (ii) receives confirmation from the parking app that parking session has commenced;
 - (iii) ensures the parking session remains active at all times while the vehicle is stopped or parked; and
immediately before the vehicle is driven from where it has been stopped or parked, finishes the parking session.
- (2) A parking ticket or electronic ticket entitles a person to stop or park a vehicle in a parking space in a parking station for the period stated on the ticket.
- (3) Where a parking fee is waived under clause 2.2(3)(c), a person must not, when the initial fee free period expires—
 - (a) immediately obtain another parking ticket or commence another parking session for the purpose of extending the total free time of parking; or
 - (b) move the vehicle within, or exit and return to the parking station, for the purpose of extending the total free time of parking, unless the vehicle has been removed from the parking station for a minimum of twelve hours.

2.4 Payment of fee does not authorise otherwise prohibited conduct

The payment of a fee referred to in clause 2.2 does not authorise the stopping or parking of a vehicle in a parking station where it is otherwise prohibited—

- (a) under this local law;
- (b) by a sign on a ticket issuing machine referable to the parking station; or
- (c) by a sign referable to the parking space.

2.5 Time restrictions for stopping or parking in a parking station

- (1) A person must not stop, park or permit a vehicle to remain parked in a parking station for longer than the maximum period, if any, stated on a sign or a ticket issuing machine referable to the parking station.

- (2) Where the stopping or parking of vehicles in a parking station is permitted for a limited period of time, and a vehicle has been stopped or parked in that parking station for that length of time, a person must not stop or park that vehicle again in the parking station unless it has been removed from the parking station for at least one hour.

2.6 General prohibitions on stopping or parking in a parking station

- (1) A person must not stop, park or permit a vehicle to remain parked in a parking station—
- (a) if the stopping or parking of vehicles is prohibited by a sign;
 - (b) during a period in which the stopping or parking of vehicles is prohibited by a sign; or
 - (c) if a sign specifies that a parking space within the parking station is for the stopping or parking of vehicles—
 - (i) of a different class; or
 - (ii) driven by a person of a different class.
- (2) A person must not stop, park or permit a vehicle to remain parked in a parking station—
- (a) so as to obstruct an entrance to, or exit from, a parking station, or an access way within a parking station;
 - (b) so that any portion of the vehicle is on or over a footpath or place of refuge for pedestrians; or
 - (c) otherwise than wholly within a parking space.

2.7 Display of tickets in parking stations

- (1) A person must not stop, park or permit a vehicle to remain parked in a parking station during any period for which a fee is payable unless—
- (a) an unexpired parking ticket issued by a ticket issuing machine referable to the parking station is—
 - (i) displayed inside the vehicle; and
 - (ii) the date, expiry time and number (if any) on 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 the parking station.
- (2) Clause 2.7(1) only applies to payment made in accordance with clause 2.3(1)(b), where a hard copy parking ticket is issued.

2.8 Behaviour in parking stations

- (1) A person must not—
- (a) drive in a parking station in a direction other than the direction indicated by a sign;
 - (b) unless otherwise authorised by a sign referable to the parking space—stop, park or permit a vehicle to remain parked in a parking space within a parking station if that parking space is occupied by another vehicle; or
 - (c) sell, hire, give away, offer or expose for sale or hire anything of any nature, unless that person has the prior written permission of the local government to do so.

PART 3—METERED ZONES

3.1 Determination of metered spaces and metered zones

- (1) The local government may, by resolution, constitute, determine and vary—
- (a) metered zones;
 - (b) metered spaces;
 - (c) permitted time and conditions of stopping or parking in metered spaces and metered zones, which may vary by locality;
 - (d) permitted classes of vehicles which may stop or park in metered spaces and metered zones;
 - (e) permitted classes of persons who may stop or park in metered spaces and metered zones; and
 - (f) the manner of stopping or parking in metered spaces and metered zones.
- (2) Where the local government makes a determination under subsection (1) it must erect signs to give effect to that determination.

3.2 Determination of parking fees for parking in a metered zone

- (1) The local government may determine and impose a fee for the stopping or parking of a vehicle in a metered zone, under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) A reference in this Part to a ‘fee’ means a fee imposed in accordance with subclause (1).
- (3) The local government may, by resolution, waive the parking fee in a specified metered zone—
- (a) at certain days and times;
 - (b) for specified classes of person or vehicle; or
 - (c) for a specified period of time after the vehicle first enters the metered zone (*‘fee free period’*).

3.3 Payment of fee to park in a metered zone

- (1) Subject to clause 3.2(3), a person must not stop, park or permit a vehicle to remain parked in a metered zone during any period unless—

- (a) in the case of a metered zone where the use of aa parking app is permitted, the person—
 - (i) commences a parking session via the parking app;
 - (ii) receives confirmation from the parking app that parking session has commenced;
 - (iii) ensures the parking session remains active at all times while the vehicle is stopped or parked; and
 - (iv) immediately before the vehicle is driven from where it has been stopped or parked, finishes the parking session.

A parking ticket or electronic ticket entitles a person to stop or park a vehicle in a metered space in a metered zone for the period indicated on the meter or the ticket.

- (2) Where a parking fee is waived under clause 3.2(3)(c), a person must not, when the initial fee free period expires—
 - (a) immediately obtain another parking ticket or commence another parking session for the purpose of extending the total free time of parking; or
 - (b) move the vehicle within, or exit and return to the metered zone, for the purpose of extending the total free time of parking, unless the vehicle has been removed from the metered zone for a minimum of twelve hours.

3.4 Payment of fee does not authorise otherwise prohibited conduct

- (1) The payment of a fee referred to in clause 3.2 does not authorise the stopping or parking of a vehicle in a metered zone where it is otherwise prohibited—
 - (a) under this local law;
 - (b) by a sign on a parking meter or ticket issuing machine referable to the metered zone; or
 - (c) by a sign referable to the metered space.

3.5 Time restrictions for stopping or parking in a metered zone

- (1) A person must not stop, park or permit a vehicle to remain parked in a metered zone for longer than the maximum period, if any, stated on a sign, parking meter or a ticket issuing machine referable to the metered zone.
- (2) Where the stopping or parking of vehicles in a metered zone is permitted for a limited period of time, and a vehicle has been stopped or parked in the metered zone for that length of time, a person must not stop or park that vehicle again in the metered zone unless it has been removed from the metered zone for at least one hour.

3.6 General prohibitions on stopping or parking in a metered zone

- (1) A person must not stop, park or permit a vehicle to remain parked in a metered zone—
 - (a) if the stopping or parking of vehicles is prohibited by a sign;
 - (b) during a period in which the stopping or parking of vehicles is prohibited by a sign; or
 - (c) if a sign specifies that a metered space within the metered zone is for the stopping or parking of vehicles—
 - (i) of a different class; or
 - (ii) driven by a person of a different class.
- (2) Unless otherwise authorised by a sign referable to the metered space, a person must not stop, park or permit a vehicle to remain parked within a metered space in a metered zone if that metered space is occupied by another vehicle.
- (3) Subject to subclause (4) a person must not stop, park or permit a vehicle to remain parked in a metered bay in a thoroughfare otherwise than—
 - (a) parallel to and as close to the kerb as practicable; and
 - (b) wholly within the metered space.
- (4) Where a vehicle is too long or too wide to fit completely within a single metered bay and the bay is parallel to the kerb, then the person parking the vehicle may park across the minimum number of metered spaces needed to park the vehicle.
- (5) Where subclause (4) applies, the person must pay the appropriate fee for each metered bay occupied and, where applicable, display each parking ticket in accordance with clause 3.7.

3.7 Display of tickets in metered zones

- (1) A person must not stop, park or permit a vehicle to remain parked in a metered zone during any period for which a fee is payable unless—
 - (a) an unexpired parking ticket issued by a ticket issuing machine referable to the parking station is—
 - (i) displayed inside the vehicle; and
 - (ii) the date, expiry time and number (if any) on 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 the metered zone.
- (2) Clause 3.7(1) only applies to payment made in accordance with clause 3.3(1)(b), where a hard copy parking ticket is issued.

PART 4—PARKING PERMITS**4.1 Application of Part**

- (1) This Part applies to—
 - (a) Residential parking permits;
 - (b) Visitor parking permits; and
 - (c) Veteran Total and Permanently Incapacitated (TPI) permits.

4.2 Eligibility for a parking permit*Residential parking permits*

- (1) A person who is the owner or occupier of a dwelling in the district and who resides in the dwelling may apply in writing to the local government for the issue of a—
 - (a) residential permit in relation to a registered vehicle for which that person is the owner.

Visitor parking permits

- (2) A person who is the owner or occupier of a dwelling in the district and who resides in the dwelling may apply in writing to the local government for the issue of a—
 - (a) visitor's permit.

Veteran Total and Permanently Incapacitated (TPI) permits

- (3) A person who resides in the district and who holds a valid Veteran Gold Card marked with the letters 'TPI' or words 'Totally & Permanently Incapacitated' may apply in writing to the local government for the issue of a—
 - (a) Veteran Total and Permanently Incapacitated (TPI) permit.

4.3 Application for a parking permit

- (1) An application for a parking permit must—
 - (a) be made in the form prescribed by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be accompanied by any fee determined and imposed by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may require an applicant to, within 7 days, provide additional information reasonably related to an application before determining an application for a permit.
- (3) The local government may refuse to consider an application of a permit—
 - (a) which is not made in accordance with subclause (1); or
 - (b) where the applicant has not provided any additional information required under subclause (2).

4.4 Decision on application for permit

- (1) The local government may, in respect of an application made under clause 4.3—
 - (a) approve it, whether unconditionally or subject to any conditions the local government considers appropriate; or
 - (b) refuse to approve it.
- (2) The local government must decide whether or not to grant a permit within 21 days.
- (3) Where the local government approves an application for a permit, it must issue the applicant a permit in the form prescribed by the local government.
- (4) Where the local government refuses to approve an application for a permit, it must give written notice of the decision, together with the grounds and reasons, to the applicant.
- (5) Where the local government has not made a decision within the time mentioned in subclause (2), it is taken to have refused to grant a permit, and any fee payable under clause 4.3(1)(d) is to be refunded to the applicant.
- (6) The local government may, at any time, amend a condition of approval, and the amended condition takes effect 14 days after written notice of it is given to the permit holder.

4.5 Form and content of parking permit

- (1) A parking permit issued under this Part must set out—
 - (a) the permit number;
 - (b) the name of the thoroughfare to which the permit applies; and
 - (c) the date on which the permit expires.
- (2) Residential and Veteran Total and Permanently Incapacitated permits must also set out—the registration of the vehicle.

4.6 Validity of a permit

- (1) A parking permit issued under this Part ceases to be valid upon—
 - (a) the expiry date, if any, specified in the permit;
 - (b) the holder of the permit ceasing to be eligible for a permit;
 - (c) the revocation of the permit by the local government under clause 4.8; or

- (d) the replacement of the permit by a new permit issued under clause 4.9.
- (2) Where a permit ceases to be valid, the permit holder must immediately—
 - (e) cease to use and display the permit; and
 - (f) in the case where the permit holder has ceased to be eligible—notify the local government in writing that they have ceased to be eligible.
- (3) Where a parking permit becomes invalid under subclause (1)(a), the permit holder may apply for a renewal of their permit.
- (4) An application for a renewal of a parking permit under subclause (3) must—
 - (a) be made in the form prescribed by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be accompanied by any fee determined and imposed by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

4.7 Effect of parking permit

Residential and visitors parking permits

- (1) The holder of a residential or visitors parking permit issued under this Part is exempt from—
 - (a) a prohibition against the stopping or parking of vehicles on a thoroughfare for more than a specified period of time; and
 - (b) the requirement to pay a fee to stop or park a vehicle in a metered zone.
- (2) The exemption under subclause (1) applies only—
 - (a) to a thoroughfare or metered zone specified in the permit, except where it is adjacent to retail premises where the parking of all vehicles is subject to time restrictions;
 - (b) where the permit specifies a particular vehicle—to the vehicle specified in the permit;
 - (c) where the approval of the permit is subject to conditions—where those conditions are met;
 - (d) 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 the vehicle is stopped or parked in an area to which the permit relates; and
 - (e) if the permit is valid.

Veteran Total and Permanently Incapacitated (TPI) permits

- (3) The holder of a Veteran Total and Permanently Incapacitated (TPI) permit is exempt from the requirement to pay a fee to stop or park a vehicle in a metered zone or parking station.
- (4) The exemption under subclause (3) applies only—
 - (a) where the approval of the permit is subject to conditions—where those conditions are met;
 - (b) 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 the vehicle is stopped or parked in an area to which the permit relates; and
 - (c) if the permit is valid.

4.8 Revocation of a parking permit

- (1) The local government may, at any time, revoke a parking permit which has been issued under this Part if the permit holder breaches any of the conditions for its use or when the permit holder ceases to be eligible for a permit.
- (2) Where the local government determines to revoke a parking permit under subclause (1), it must give written notice of the decision, together with the grounds and reasons, to the permit holder.
- (3) A revocation under subclause (1) takes effect 14 days after the written notice in subclause (2) is given to the permit holder.

4.9 Replacement of a permit

- (1) The local government may, upon written application by the permit holder, issue a replacement permit for parking permits which are lost, misplaced, destroyed or stolen.
- (2) The written application must—
 - (a) be made in the form prescribed by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be accompanied by any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to, within 7 days, provide additional information reasonably related to the application before determining an application for a permit.
- (4) The local government may refuse to consider an application—
 - (a) which is not made in accordance with subclause (2); or
 - (b) where the applicant has not provided any additional information required under subclause (3).

PART 5—STOPPING AND PARKING GENERALLY**5.1 Power to prohibit and regulate**

The local government may, by resolution, prohibit, restrict or regulate, by signs or otherwise, the stopping or parking of any vehicle, class of vehicle, or of any class of person or vehicle, or both, but must do so consistently with the provisions of this local law.

5.2 Authorised vehicle zones

- (1) The local government may, by the use of signs, set aside any parking station, parking space, metered zone or metered bay, for the parking of authorised vehicles only.
- (2) A person must not stop, park or permit a vehicle to remain parked in an area designated by a sign for the parking of 'Authorised Vehicles Only', unless—
 - (a) the vehicle is an authorised vehicle;
 - (b) a valid permit is displayed inside the vehicle; and
 - (c) the permit 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 designated area.
- (3) Clause 5.2 has effect notwithstanding any other provision under this local law or any sign referable to the area.

5.3 Construction site work zones

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

builder has the same meaning given to it in the *Building Services (Complaint Resolution and Administration) Act 2011*;

construction site means any land subject to development;

construction site vehicle means a commercial vehicle or heavy vehicle used on a construction site to facilitate development of the site;

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

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

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

work zone means any road or part of a road, whether or not marked as a metered space or parking space, set aside by the local government by the use of a sign, for a period specified on the sign, for the 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 local government for approval.
- (3) The local government may, in respect of an application made under subclause (2)—
 - (a) approve it, whether unconditionally or subject to any conditions as the local government considers appropriate; or
 - (b) refuse to approve it.
- (4) The local government must decide whether or not to grant approval within 21 days.
- (5) Where the local government approves an application made under subclause (2), it must give the applicant written notice specifying—
 - (a) the portion of road approved for use as a work zone;
 - (b) the terms of the approval and the times during which the parking of construction site vehicles in the work zone is permitted;
 - (c) any conditions applicable to the approval;
 - (d) the amount of any establishment fee determined and imposed by the local government under and in accordance with sections 6.16 to 6.19 of the Act; and
 - (e) the amount of any daily fee determined and imposed by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (6) Within 14 days from the date of the payment of any establishment fee, or from the date of the written notice when no establishment fee is to be paid, the local government is to set aside a work zone in accordance with the notice referred to in subclause (3).
- (7) The applicant 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.
- (8) The daily fee is payable in arrears, on the first day of each month.
- (9) Where the local government approves an application made under subclause (2), the local government 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 otherwise than in accordance with a term of approval or condition of approval specified in the notice issued to the applicant under subclause (5);
 - (b) the applicant fails to pay the daily fee as required under subclause (5); or
 - (c) the local government or an authorised person requires access to or near the place where the work zone is situated, for the purposes of carrying out works in or near that place.

- (10) A revocation under subclause (9) takes effect 3 days after the written notice in subclause (9) is given to the permit holder.
- (11) A person must not park a vehicle in a work zone unless—
 - (a) the vehicle is a construction site vehicle;
 - (b) the vehicle is parked during a time in which the parking of a construction site vehicle on that zone is permitted by a sign; and
 - (c) a person is continuously engaged in loading or unloading goods—
 - (i) to or from the construction site vehicle; and
 - (ii) to or from the construction site.

5.4 Temporary event parking

- (1) A community or sporting organisation organising an event on a reserve may apply in writing to the local government for approval to allow patrons of the event to park in a specified part of that reserve.
- (2) An application for temporary event parking approval must—
 - (a) be made in the form prescribed by the local government; and
 - (b) provide the information required by the form.
- (3) The local government may, in respect of an application made under subclause (1)—
 - (a) approve it, whether unconditionally or subject to any conditions as the local government considers appropriate; or
 - (b) refuse to approve it.
- (4) The local government must decide whether or not to grant approval within 21 days.
- (5) Where the local government approves an application made under subclause (1), it must give the applicant written notice specifying—
 - (a) the area within the reserve that may be used for the event parking;
 - (b) the day and time period for which the approval is valid; and
 - (c) conditions applying to the management of public parking at the event, including but not limited to—
 - (i) signage;
 - (ii) maximum number of vehicles allowed to park in the reserve;
 - (iii) pedestrian safety measures; and
 - (iv) requirements for managing the movement of vehicles between the event parking area and the nearest public road.
- (6) An organisation granted approval to use part of a reserve for the purposes of event parking must not charge patrons a fee to park in the reserve.

5.5 Temporary parking restrictions

- (1) The local government may, by the use of signs or other means, temporarily restrict or prohibit parking in any parking station, parking space, metered zone or metered bay for the purpose of carrying out urgent, essential or official functions of the local government.
- (2) Unless authorised by the local government, a person must not stop, park or permit a vehicle to remain parked in an area where temporary parking restrictions apply.
- (3) Clause 5.5 has effect notwithstanding any other provision under this local law or any sign referable to the area.

5.6 Parking in a parking space designated for the use of persons with disabilities

Unauthorised parking in a space designated for the use of persons with disabilities is dealt with in the *Local Government (Parking for People with Disabilities) Regulations 2014*.

5.7 Parking on private land

- (1) In this clause, a reference to 'land' does not include land which is—
 - (a) a reserve;
 - (b) the subject of an agreement referred to in clause 1.4(3); or
 - (c) a parking station or a metered zone.
- (2) A person must not stop, park or permit a vehicle to remain parked 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 or drivers of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with that consent.

5.8 Parking on reserves

- (1) A person must not stop, park or permit a vehicle to remain parked on a reserve, otherwise than within a parking station, unless the person—
 - (a) is an employee of the local government in the course of their duties; or
 - (b) has obtained prior written permission from the local government; or
 - (c) clause 5.4 applies.

5.9 Heavy and bulky vehicle parking

- (1) A person must not stop, park or permit a vehicle or any combination of vehicles that, together with anything in or on that vehicle or vehicles, exceeds a GVM of 4.5 tonnes—
 - (a) on a thoroughfare for more than 4 hours consecutively; or
 - (b) on a thoroughfare for the purpose of repairing, servicing or cleaning that vehicle.

5.10 Over-length vehicle parking

- (1) A person must not stop, park or permit a vehicle or any combination of vehicles that, together with anything in or on that vehicle or vehicles, is more than 10 metres in length, on a carriageway for any period exceeding 1 hour during any 24-hour period.

5.11 Stopping in a taxi zone or bus zone

- (1) A driver must not stop, park or permit a vehicle to remain parked in a taxi zone unless the driver is driving an on-demand vehicle engaged in providing an on-demand rank or hail passenger transport service.
- (2) A driver must not stop, park or permit a vehicle to remain parked in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.
- (3) In subclause (1), the driver of the vehicle must not leave the vehicle unattended.

5.12 Stopping in a bus lane, transit lane or bicycle lane

- (1) A driver must not stop, park or permit a vehicle to remain parked in—
 - (a) a bus lane;
 - (b) a transit lane; or
 - (c) a bicycle lane,unless the driver is driving a public bus or on-demand vehicle providing an on-demand rank or hail passenger transport service, and is dropping off, or picking up, passengers.

5.13 Stopping in a shared zone

- (1) A driver must not stop, park or permit a vehicle to remain parked in a shared zone unless—
 - (a) 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;
 - (b) the driver stops in a parking space and the driver is permitted to stop in the parking space under this local law;
 - (c) the driver is dropping off, or picking up, passengers or goods; or
 - (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

5.14 Stopping in a loading zone

- (1) A person must not stop, park or permit a vehicle to remain parked in a loading zone unless it is—
 - (a) a motor vehicle used for commercial or trade purposes engaged in the delivery or collection of goods to commercial premises reasonably adjacent to the loading zone in which the vehicle is stopped or parked; or
 - (b) a motor vehicle used for commercial or trade purposes engaged in the delivery of goods to residential premises reasonably adjacent to the loading zone in which the vehicle is stopped or parked,
but, in any event, must not remain in that loading zone—
 - (c) for longer than a time indicated on the 'loading zone' sign; or
 - (d) longer than 30 minutes (if no time is indicated on the sign).

5.15 Other limitations in zones

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

5.16 Vehicles not to obstruct a public place

- (1) A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the lawful use of any part of that public place, unless that person has the prior written permission of the local government or is otherwise authorised under any written law.
- (2) An authorised person may deem a vehicle to be obstructing the use of a public place where—
 - (a) the vehicle is stopped or parked in a public place for a continuous period exceeding 24 hours.

PART 6—STOPPING AND PARKING ON THOROUGHFARES**6.1 Restrictions on parking in thoroughfares**

- (1) A person must not stop, park or permit a vehicle to remain parked on a thoroughfare—
 - (a) if the stopping or parking of vehicles is prohibited by a sign;
 - (b) during a period in which the stopping or parking of vehicles is prohibited by a sign;

- (c) if a sign specifies that the thoroughfare is for the stopping or parking of vehicles—
 - (i) of a different class; or
 - (ii) driven by a person of a different class;
 - (d) the side of which is marked with a continuous yellow edge line; or
 - (e) where the thoroughfare upon which the vehicle is stopped or parked is provided with parking spaces—other than wholly within a parking space.
- (2) Unless otherwise authorised by a sign referable to the thoroughfare, a person must not stop, park or permit a vehicle to remain parked within a parking space if that space is occupied by another vehicle.

6.2 Time restrictions for stopping or parking on a thoroughfare

- (1) A person must not stop, park or permit a vehicle to remain parked on a thoroughfare for longer than the maximum period, if any, stated on a sign referable to the thoroughfare, unless—
- (a) Clause 4.7 applies; or
 - (b) Regulation 174 of the Code applies.

6.3 Vehicles in motorcycle stalls

- (1) A person must not stop, park or permit a vehicle to remain parked in a parking space marked 'M/C' unless it is a motorcycle without a sidecar or trailer.

6.4 Parking a vehicle on a thoroughfare provided with marked parking spaces

- (1) A person must not stop, park or permit a vehicle to remain parked on a thoroughfare where parking spaces are marked otherwise than—
- (a) parallel to the kerb and as close to the kerb as practical; and
 - (b) headed in the direction of the movement of traffic on the part of the thoroughfare on which the vehicle is parked,
- unless otherwise exempted by the local government.
- (2) This clause does not apply to angled parking spaces.

6.5 Parking a vehicle on a carriageway where there are no marked parking spaces

- (1) Unless a sign referable to the parking area indicates otherwise, a person must not stop, park or permit a vehicle to remain parked on a carriageway not provided with marked parking space unless—
- (a) in the case of a two-way carriageway—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;
 - (b) in the case of a one-way carriageway—the vehicle 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;
 - (c) at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous dividing line, or dividing strip, or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) the front or the rear of the vehicle respectively are not less than one metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law;
 - (e) the vehicle does not obstruct any vehicle on the carriageway; and
 - (f) no portion of the vehicle is on a median strip or painted island.
- (2) In this clause 'continuous dividing line' means—
- (a) a single continuous dividing line only;
 - (b) a single continuous dividing line to the left or right of a broken dividing line; or
 - (c) 2 parallel continuous dividing lines.

6.6 Parking a vehicle on a carriageway where angle parking applies

- (1) Subject to subclause (2), where a sign referable to a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person stopping or parking a vehicle in the area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by an inscription on the parking sign or by the marks on the carriageway.
- (2) This clause does not apply to—
- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of more than 3 tonnes; or
 - (b) a person parking either a motorcycle without a trailer or a bicycle.

6.7 Parking near a fire hydrant or public post box

- (1) A person must not stop, park or permit a vehicle to remain parked on a thoroughfare 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 driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - (b) the driver is driving an on-demand vehicle engaged in providing an on-demand rank or hail passenger transport service, and the driver stops in a taxi zone and does not leave the vehicle unattended.
- (2) A person must not stop, park or permit a vehicle to remain parked on a thoroughfare so that any portion of the vehicle is within 3 metres of a public post box or within a mail zone, unless the vehicle is being used for the purpose of collecting postal articles from the post box.

6.8 Verge parking

- (1) A person must not stop, park or permit a vehicle to remain parked on a verge where a sign referable to that area prohibits the stopping or parking of vehicles on that verge.
- (2) A person must not drive, stop, park or permit a vehicle to remain parked on a verge in the absence of signs described in subclause (1) unless—
- (a) the person is the owner or the occupier of the lot abutting that portion of the verge;
 - (b) the person has the permission of the owner or the occupier of the lot abutting that portion of the verge;
 - (c) the person is an authorised person undertaking the duties for which they are authorised by the local government; or
 - (d) the person is acting under the authority of any written law.

6.9 Double parking

- (1) A person must not stop, park or permit a vehicle to remain parked on a carriageway so that any portion of the vehicle is between any stopped or parked vehicle and the centre of the carriageway.
- (2) This clause does not apply to—
- (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway in accordance with this local law.

6.10 Bus stops, pedestrian and children's crossing

- (1) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 m of the approach side of a bus stop, or within 10 m of the departure side of a bus stop, unless the vehicle is a public bus stopped to take up or set down passengers.
- (2) A person must not stop, park or permit a vehicle to remain parked in a bus stop except for the purpose of taking up or setting down passengers to or from such vehicle.
- (3) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is—
- (a) within 20 m of the approach side of pedestrian or children's crossing; or
 - (b) within 10 m of the departure side of pedestrian or children's crossing.
- (4) In this clause, distances are measured in the direction in which the driver is driving.

6.11 Keep clear markings

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

6.12 Movement of vehicles to avoid time limitation

Where the stopping or parking of vehicles on a thoroughfare is permitted for a limited period of time, and a vehicle has been stopped or parked on that thoroughfare for that length of time, a person must not stop or park that vehicle again on the thoroughfare unless it has been removed from the thoroughfare for at least one hour.

6.13 No parking of vehicles exposed for sale and other circumstances

- (1) A person must not park a vehicle on a thoroughfare—
- (a) for the purpose of exposing it for sale;
 - (b) if that vehicle is not licensed under the *Road Traffic Act 1974*;
 - (c) if that vehicle is a trailer or 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.
- (2) Subclause (1)(c) does not apply—
- (a) where the trailer or caravan is parked within the property abutting the verge and protrudes on to the verge in such a way that the part of the trailer or caravan located on the verge—
 - (i) protrudes no further than 2.5 metres beyond the property line;
 - (ii) no part of the trailer or caravan encroaches on to a path; and
 - (iii) no part of the trailer or caravan is closer to the kerb than 3 metres; or
 - (b) if the trailer or caravan is parked on the verge for the sole purpose of unloading or loading of the caravan or trailer, but, in any event for no longer than 72 hours.
- (3) In subclause (2), measurements are taken to apply from the outer edge of the contents of a trailer or of accessories attached to the trailer or caravan where those contents or accessories protrude beyond the dimensions of the trailer or caravan itself.

6.14 Traffic obstructions

- (1) Subject to any law relating to intersections with traffic control signals, a person must not stop, park or permit a vehicle to remain parked so that any portion of the vehicle is—
 - (a) in front of a right of way, crossover, passage or driveway, or so close to one as to deny vehicles reasonable access to, or egress from, the right of way, crossover, passage or driveway;
 - (b) upon an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (c) within 20 metres of the nearest kerb line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is stopped or parked where the intersection has traffic control signals installed;
 - (d) within 10 metres of the nearest kerb line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is stopped or parked, where the intersection does not have traffic-control signals installed;
 - (e) alongside any excavation, works, hoarding, scaffolding, obstacle or impediment to traffic, if the vehicle would obstruct traffic;
 - (f) on or over a footpath, or a place of refuge for pedestrians;
 - (g) in front of a crossing used by pedestrians to gain access to or from a path; or
 - (h) at the side of a carriageway marked with a continuous yellow edge line.
- (2) Subclause (1) does not apply where—
 - (a) stopping in that place is necessary due to stopped traffic or in the interests of safety, provided the vehicle is moved as soon as it is safe to do so; or
 - (b) the vehicle is stopped or parked in a parking space or metered bay.

PART 7—ELECTRIC VEHICLE CHARGING STATIONS

7.1 Interpretation

In this Part—

battery electric vehicle means a plug-in electric vehicle that runs on an electric drive train powered exclusively by a battery;

electric vehicle charging station means a publicly available parking space served by electric vehicle supply equipment designed specifically to charge batteries within plug-in electric vehicles by permitting the transfer of electrical energy from an external source to a battery within the electric vehicle;

electric vehicle supply equipment means equipment installed at a premises specifically for the purpose of transferring electrical energy between the premises and a plug-in electric vehicle;

plug-in electric vehicle means a vehicle registered for use on public roads that is propelled by 1 or more motors driven by electrical energy stored in 1 or more batteries installed in the vehicle, and that is primarily recharged by connection to an external stationary electricity supply, and includes battery electric vehicles and plug-in hybrid electric vehicles; or

plug-in hybrid electric vehicle means a plug-in electric vehicle that runs on an electric drive train powered by both a battery and an internal combustion engine.

7.2 Determination of electric vehicle charging stations

- (1) The local government may, by resolution, designate as an electric vehicle charging station a parking space or metered bay that is owned by or under the control of the local government and at which is installed electric vehicle supply equipment.
- (2) Where the local government makes a determination under subsection (1) it must erect signs to give effect to that determination.

7.3 Electric vehicle charging stations for exclusive use of plug-in electric vehicles while charging

- (1) A person must not park a vehicle in a designated electric vehicle charging station at any time unless that vehicle—
 - (a) is a plug-in electric vehicle registered for use on public roads; and
 - (b) is physically connected to the electric vehicle supply equipment for the purposes of charging the vehicle.

7.4 Other conditions of using an electric vehicle charging station

- (1) Use of an electric vehicle charging station located within a parking station is, in addition to the provisions of clause 7.3, subject to the provisions of Part 2 of this local law, including payment of an appropriate fee, unless otherwise signed.
- (2) Use of an electric vehicle charging station that is in a metered zone is, in addition to the provisions of clause 7.3, subject to the provisions of Part 3, including payment of an appropriate fee, unless otherwise signed.
- (3) Unless otherwise signed, a person may not park in a designated electric vehicle parking station for longer than 2 continuous hours.

PART 8—MISCELLANEOUS**8.1 Impersonation of authorised person**

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

8.2 Authorised person may order vehicle to be moved

A driver of a vehicle stopped or parked in a parking station, metered zone, thoroughfare or reserve must immediately move the vehicle if any authorised person or police officer directs the driver to move it.

8.3 Authorised person may mark tyres

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

8.4 Interference and damage to parking facilities and associated infrastructure

A person must not interfere with, alter, affix any thing to, damage, deface, remove, misuse or obstruct the operation of any parking facilities or any local government property used in, or in connection with, a parking facility, or attempt to do any such act.

8.5 Unauthorised signs

A person must not, without the permission of the local government, place, mark or erect a sign purporting to be or resembling a sign placed, marked or erected by the local government under this local law.

8.6 No contravention of sign

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.

8.7 General provisions about signs

- (1) For the purposes of this local law a sign may prohibit or regulate parking or stopping by the use of any symbol.
- (2) A sign is presumed, in the absence of evidence to the contrary, to be a sign placed, marked or erected under the authority of this local law.
- (3) Where an inscription or symbol on a sign 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 also related to the parking of vehicles.
- (4) The first three letters of any day of the week when used on a sign indicate that day of the week.

8.8 Removal of notice from vehicle

- (1) 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.
- (2) In this clause 'notice' means a notice referred to in section 9.13 of the Act or an infringement notice referred to in section 9.17 of the Act.

8.9 Impounding of vehicles

The impounding of vehicles and other goods is dealt with in sections 3.37 to 3.48 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.

8.10 Person not to provide false information when using ticket machine or parking app

A person must not falsely represent the identity of a vehicle when submitting registration details via a parking app or when using a ticket issuing machine that requires the submission of that information.

8.11 Exemptions

- (1) A provision of Parts 2, 3, 5 and 6 of this local law does not apply to the driver of an emergency vehicle or a special purpose vehicle if, in the circumstances—
 - (a) the driver is taking reasonable care; and
 - (b) it is reasonable that the provision should not apply.
- (2) A provision of Parts 2, 3, 5 and 6 of this local law does not apply to a driver who is an authorised person appointed for the purposes of this or another written law applicable to the district who is driving a vehicle in the course of his or her duties if, in the circumstances—
 - (a) the driver is taking reasonable care; and
 - (b) it is reasonable that the provision should not apply.
- (3) A provision of Parts 2, 3, 5 and 6 of this local law does not apply to a person who is at the site of, and engaged in, roadworks or maintenance of the thoroughfare if, in the circumstances—
 - (a) it is not practical for the person to comply with the provision; and
 - (b) sufficient warning of the roadworks has been given to other road users.

PART 9—ENFORCEMENT**9.1 Legal proceedings**

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

9.2 Offences and general penalty

- (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) 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.
- (3) The process for prosecutions is dealt with by Part 9, Division 2 of the Act.

9.3 Modified penalties

- (1) In accordance with section 9.16 of the Act, an authorised person who has reason to believe that a person has committed an offence against this local law may, within 28 days after the alleged offence is believed to have been committed, give a parking infringement notice to the alleged offender.
- (2) A person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in an infringement notice or within such further time as may, in any particular case, be allowed by the CEO, pay the modified penalty for that offence which, in accordance with section 9.21 of the Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.
- (3) The amount appearing in the final column on Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.
- (4) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

9.4 Forms of notices

- (1) For the purposes of this local law—
 - (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
 - (b) the form of infringement notice referred to in section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
 - (c) the form of the infringement notice referred to in section 9.16 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that shown in Schedule 3; and
 - (d) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

9.5 Objection and appeal rights

- (1) Division 1 of Part 9 of the Act applies to—
 - (a) a decision in relation to an application received—
 - (i) under clause 4.3 for a parking permit;
 - (ii) under clause 5.3(2) for a construction site work zone; and
 - (iii) under clause 5.4(1) for event parking approval;
 - (b) a decision—
 - (i) under clause 4.8 to revoke a parking permit;
 - (ii) under clause 4.9 to replace a parking permit; and
 - (iii) under clause 5.3(9) to revoke approval for a construction site work zone.

SCHEDULE 1—MODIFIED PENALTIES

Item	Clause (9.3)	Nature of Offence	Modified Penalty \$
1.	1.10	Unauthorised use of alternative method of payment.	\$90
2.	2.3(1)(a)	Failure to pay appropriate fee when demanded.	\$90
3.	2.3(1)(b)	Failure to obtain a valid parking session in a parking station by any form of permitted payment, including through a parking app.	\$90
4.	2.3(1)(c)	Failure to obtain an entrance ticket from a pay station or pay the appropriate fee prior to departure from a parking station.	\$90
5.	2.3(1)(d)	Failure to commence or keep active a parking session on a parking app in a parking station.	\$90
6.	2.3(3)(a)	Obtaining multiple parking tickets or commencing multiple parking sessions to extend initial fee free period.	\$100
7.	2.3(3)(b)	Moving a vehicle within a parking station to extend initial fee free period.	\$100
8.	2.3(3)(b)	Exiting and returning to a parking station to extend initial fee free period.	\$100
9.	2.5(1)	Parking in a parking station for more than the maximum period.	\$90
10.	2.5(2)	Returning to a parking station within 1 hour.	\$90
11.	2.6(1)(a)	Stopping or parking in a no stopping or no parking area in a parking station.	\$110
12.	2.6(1)(b)	Stopping or parking in a parking station during a prohibited period.	\$90
13.	2.6(1)(c)(i)	Parking in a parking space set aside for a different class of vehicle in a parking station.	\$90
14.	2.6(1)(c)(ii)	Parking in a parking space set aside for a different class of person in a parking station.	\$90
15.	2.6(2)(a)	Obstructing an entrance, exit or access way in a parking station.	\$110
16.	2.6(2)(b)	Stopping or parking across a footpath or place of refuge for pedestrians in a parking station.	\$110
17.	2.6(2)(c)	Parking outside a parking space in a parking station.	\$100
18.	2.7(1)(a)	Failing to display unexpired parking ticket in a parking station or valid parking session by any form of permitted payment, including through a parking app.	\$90
19.	2.8(a)	Driving in the wrong direction in a parking station.	\$100
20.	2.8(b)	Stopping or parking in a parking space which is already occupied by another vehicle.	\$100
21.	2.8(c)	Engaging in unauthorised activities in a parking station.	\$90
22.	3.3(1)(a)	Failure to pay appropriate fee to a parking meter, beyond a period of free parking.	\$90
23.	3.3(1)(b)	Failure to obtain parking ticket from ticket issuing machine in metered zone or valid parking session by any form of permitted payment, including through a parking app.	\$90
24.	3.3(1)(c)	Failure to commence or keep active a parking session on a parking app in a metered zone.	\$90
25.	3.3(3)(a)	Obtaining multiple parking tickets or commencing multiple parking sessions in a metered zone to extend initial fee free period.	\$100
26.	3.3(3)(b)	Moving a vehicle within a metered zone to extend initial fee free period.	\$100
27.	3.3(3)(b)	Exiting and returning to a metered zone to extend initial fee free period.	\$100
28.	3.5(1)	Parking in a metered zone for more than the maximum period.	\$90
29.	3.5(2)	Returning to a metered zone within 1 hour.	\$90
30.	3.6(1)(a)	Stopping or parking in a no parking or no stopping area in a metered zone.	\$110
31.	3.6(1)(b)	Stopping or parking in a metered zone during a prohibited period.	\$90

Item	Clause (9.3)	Nature of Offence	Modified Penalty \$
32.	3.6(1)(c)(i)	Parking in a metered space set aside for a different class of vehicle in a metered zone.	\$90
33.	3.6(1)(c)(ii)	Parking in a metered space set aside for a different class of person in a metered zone.	\$90
34.	3.6(2)	Stopping or parking in a metered space which is already occupied by another vehicle.	\$100
35.	3.6(3)(a)	Failure to park parallel and as close to the kerb as practicable in a metered space in a metered zone.	\$90
36.	3.6(3)(b)	Parking outside a metered space in a metered zone.	\$100
37.	3.6(5)	Failure to pay appropriate fee for each metered space occupied.	\$90
38.	3.7(1)(a)	Failing to display unexpired parking ticket in a metered zone.	\$90
39.	4.4(1)(a)	Failure to comply with conditions of approval for a parking permit.	\$90
40.	4.6(2)(a)	Continuing to use or display an invalid parking permit.	\$90
41.	4.6(2)(b)	Failure to notify local government in writing that person is no longer eligible for a permit.	\$90
42.	5.2(2)	Failure to display a valid permit in an area designated for 'Authorised Vehicles Only'.	\$90
43.	5.3(3)(a)	Failure to comply with conditions of approval for a work zone.	\$90
44.	5.3(11)	Unauthorised stopping or parking in a work zone.	\$90
45.	5.4(3)(a)	Failure to comply with conditions of approval for event parking approval.	\$90
46.	5.5(2)	Stopping or parking in an area subject to temporary parking restrictions.	\$90
47.	5.7(2)-(3)	Stopping or parking on private land without consent or contrary to consent.	\$110
48.	5.8(1)	Stopping or parking on a reserve.	\$110
49.	5.9(1)(a)	Stopping or parking a heavy or bulky vehicle on a thoroughfare for more than 4 hours.	\$100
50.	5.9(1)(b)	Stopping or parking a heavy or bulky vehicle on a thoroughfare for the purposes of repairing, servicing or cleaning that vehicle.	\$100
51.	5.10(1)	Stopping or parking an overlength vehicle on a carriageway for more than 1 hour during any 4-hour period.	\$100
52.	5.11(1)	Stopping or parking a vehicle, other than an on-demand vehicle, in a taxi zone.	\$90
53.	5.11(2)	Stopping or parking a vehicle, other than a public bus or permitted bus, in bus zone.	\$90
54.	5.12(1)	Stopping or parking a vehicle, other than a public bus or an on-demand vehicle, in a bus lane, transit lane or bicycle lane.	\$90
55.	5.13(1)	Unauthorised stopping or parking in a shared zone.	\$90
56.	5.14(1)	Unauthorised stopping or parking in a loading zone.	\$90
57.	5.15	Stopping or parking contrary to a sign in a parking zone.	\$90
58.	5.16(1)	Stopping or parking a vehicle so as to obstruct a public place.	\$110
59.	6.1(1)(a)	Stopping or parking in a no stopping or no parking area on a thoroughfare.	\$110
60.	6.1(1)(b)	Stopping or parking on a thoroughfare during a prohibited period.	\$90
61.	6.1(1)(c)(i)	Parking on a thoroughfare set aside for a different class of vehicle.	\$90
62.	6.1(1)(c)(ii)	Parking on a thoroughfare set aside for a different class of person.	\$90
63.	6.1(d)	Stopping or parking contrary to a continuous yellow edge line.	\$110
64.	6.1(e)	Parking outside a parking space on a thoroughfare.	\$100
65.	6.1(2)	Stopping or parking in a parking space on a thoroughfare which is already occupied by another vehicle.	\$100
66.	6.2(1)	Parking on a thoroughfare for more than the maximum period.	\$90

Item	Clause (9.3)	Nature of Offence	Modified Penalty \$
67.	6.3(1)	Parking a vehicle, other than a motorcycle without a sidecar or trailer, in a motorcycle stall.	\$90
68.	6.4(1)(a)	Failure to park parallel and as close to the kerb as practicable on a thoroughfare marked with parking spaces.	\$90
69.	6.4(1)(b)	Parking facing oncoming traffic on a thoroughfare marked with parking spaces.	\$90
70.	6.5(1)(a)	Failure to park parallel and as close to the left boundary as practicable on a two-way carriageway not marked with parking spaces.	\$90
71.	6.5(1)(a)	Parking facing oncoming traffic on a two-way carriageway not marked with parking spaces.	\$90
72.	6.5(1)(b)	Failure to park parallel and as close to the left boundary as practicable on a one-way carriageway not marked with parking spaces.	\$90
73.	6.5(1)(b)	Parking facing oncoming traffic on a one-way carriageway not marked with parking spaces.	\$90
74.	6.5(1)(c)	Failure to leave at least 3 metres between the vehicle and the farther boundary of carriageway or a continuous dividing line, dividing strip, median strip or other vehicle.	\$90
75.	6.5(d)	Stopping or parking within one metre of another vehicle.	\$90
76.	6.5(e)	Stopping or parking in a way that obstructs another vehicle on the carriageway.	\$110
77.	6.5(f)	Stopping or parking on or across a median strip or painted island.	\$110
78.	6.6(1)	Failure to park at 45 degrees where angled parking applies.	\$100
79.	6.7(1)	Stopping or parking within 1 metre of a fire hydrant or fire plug.	\$110
80.	6.7(2)	Stopping or parking within 3 metres of a public post box or mail zone.	\$90
81.	6.8(1)	Stopping or parking on a verge contrary to a sign.	\$110
82.	6.8(2)	Stopping or parking on a verge without consent.	\$110
83.	6.9(1)	Double parking on a carriageway.	\$110
84.	6.10(1)	Stopping or parking within 20 metres of the approach side, or within 10 metres of the departure side, of a bus stop.	\$100
85.	6.10(2)	Unauthorised stopping or parking in a bus stop.	\$100
86.	6.10(3)	Stopping or parking within 20 metres of the approach side, or within 10 metres of the departure side, of a pedestrian or children's crossing.	\$100
87.	6.11	Stopping or parking contrary to keep clear marking.	\$110
88.	6.12	Returning to a thoroughfare within 1 hour.	\$90
89.	6.13(1)(a)	Exposing a vehicle for sale on a thoroughfare.	\$90
90.	6.13(1)(b)	Parking an unlicensed vehicle on a thoroughfare.	\$90
91.	6.13(1)(c)	Parking an unattached trailer or caravan on a thoroughfare.	\$90
92.	6.13(1)(d)	Stopping or parking on a thoroughfare for the purposes of repairing the vehicle.	\$90
93.	6.14(1)(a)	Stopping or parking in front of, or denying reasonable access to, or egress from, a right of way, crossover, passage or driveway.	\$110
94.	6.14(b)	Stopping or parking on an intersection.	\$110
95.	6.14(c)	Stopping or parking within 20 metres of an intersection with traffic control signals.	\$100
96.	6.14(d)	Stopping or parking within 10 metres of an intersection not controlled by traffic control signals.	\$100
97.	6.14(e)	Stopping or parking alongside a traffic obstruction.	\$100
98.	6.14(f)	Stopping or parking across a footpath or place of refuge for pedestrians.	\$110
99.	6.14(g)	Stopping or parking at the side of a carriageway marked with a continuous yellow edge line.	\$110

Item	Clause (9.3)	Nature of Offence	Modified Penalty \$
100.	6.14(h)	Stopping or parking in front of a crossing used by pedestrians to gain access to or from a path.	\$110
101.	7.3(1)(a)	Stopping or parking a vehicle, other than a registered plug-in electric vehicle, in an electric vehicle charging station.	\$90
102.	7.3(1)(b)	Stopping or parking a plug-in electric vehicle in an electric vehicle charging station when the vehicle is not in the process of charging.	\$90
103.	7.4(3)	Parking for longer than 2 continuous hours in an electric vehicle parking station.	\$90
104.	8.1	Impersonating an authorised officer.	\$250
105.	8.2	Failure to remove vehicle when directed by authorised person to move it.	\$250
106.	8.3	Removing mark of authorised person.	\$250
107.	8.4	Affixing things to, altering, defacing or misusing parking facilities or associated infrastructure.	\$250
108.	8.4	Obstructing the operation of, interfering, damaging or removing parking facilities or associated infrastructure.	\$500
109.	8.5	Placing, marking or erecting unauthorised signs.	\$250
110.	8.6	Contravening a direction on a sign.	\$90
111.	8.8	Unlawfully removing a notice placed on a vehicle.	\$100
112.	8.10	Providing false information or details when using a ticket issuing machine or parking app.	\$100
113.		All other offences not specified.	\$90

SCHEDULE 2—INFRINGEMENT NOTICE FORMS

FORM 1

CITY OF MELVILLE PARKING LOCAL LAW 2023 INFRINGEMENT NOTICE

Serial No. _____

Date :/...../.....

To: (1)
of (2)

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

in respect your vehicle—

make:

model:

registration:

was involved in the following offence—

(5)
.....
.....

contrary to clause.....of the City of Melville Parking Local Law 2023.

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, you may pay the amount of the modified penalty within 28 days after the giving of this notice to you.

Unless within 28 days after the giving of this notice to you—

(a) the modified penalty is paid; or

(b) you—

(i) inform the Chief Executive Officer or an authorised person of the City of Melville 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 of the City of Melville 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 be deemed to have committed the above offence and court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of the modified penalty to the Chief Executive Officer at the City of Melville or by delivering this form and paying the amount to an authorised person at the office of the City of Melville at Almondbury Road, Booragoon, WA, 6163.

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 registered with the Registry additional costs will also be payable.

.....
Name of authorised person giving the notice.

.....
Title of authorised person

.....
Signature of authorised person

Insert—

(1) Name of alleged offender [or “owner of (vehicle identification)” if given with a notice under section 9.13 of the Act].

(2) Address of alleged offender [not required if given with a notice under section 9.13 of the Act].

(3) Time at which offence allegedly committed.

(4) Place at which offence allegedly committed.

(5) Description of offence.

Dated 13 December 2023.

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

KATY MAIR, Mayor.
GAIL BOWMAN, Chief Executive Officer.
