



Agenda attachments

Finance, Policy, Operations and Legislation Committee

Wednesday, 9 June 2021, 6.00pm

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FPOL2106-1 SWAN RIVER CROSSING ALIGNMENT

ATTACHMENT 1: 4 Options by Swan River Crossing Alliance

OPTION 1 BETWEEN THE BRIDGES, 2 X RAIL TRACKS

Option 1 proposes to build two new bridges between the existing rail bridge and the existing Fremantle Traffic Bridge. The new passenger rail bridge includes two tracks, to the east of the current rail bridge.







Key considerations:

- all transport infrastructure would be closer together, maximising the available space for urban landscape and design on the southern bank
- facilitates the possible retention of a remnant portion of the existing Fremantle Traffic Bridge
- constrained site would make design and construction more complex
- the heritage listed Ferry Capstan base would need to be relocated or reinterpreted
- current estimates would see construction of this alignment finished by late 2025.

- 1 New rail bridge, 2 new rail tracks
- 2 Existing rail bridge
- 3 New road bridge, 4 road lanes, western alignment
- 4 New PSP (Principal Shared Path)
- 5 New pedestrian footpath
- 6 Remnant Fremantle Traffic Bridge

Existing bridge to remain in part and functional as new bridge is under construction.

KEY SITE CONNECTIVITY

- | | | | |
|--|-----------------------------|--|---------------|
|  | PEDESTRIAN |  | SITE BOUNDARY |
|  | PSP (Principal Shared Path) |  | NEW RAIL |
|  | VEHICLE |  | EXISTING RAIL |



OPTION 2 BETWEEN THE BRIDGES, 1 X RAIL TRACK

Option 2 proposes to build two new bridges between the existing rail bridge and the existing Fremantle Traffic Bridge. The new passenger rail bridge includes one track, to the east of the current rail bridge.

Key considerations:

- all transport infrastructure would be closer together, maximising the available space for urban landscape and design on the southern bank
- facilitates the possible retention of a remnant portion of the existing Fremantle Traffic Bridge
- the heritage listed Ferry Capstan base would need to be relocated or reinterpreted
- the rail bridge would only facilitate one new track for passengers
- existing rail bridge would require significant work (or replacement) in 30 to 40 years
- current estimates would see construction of this alignment finished by late 2025.

- 1 New rail bridge, 1 new rail track
- 2 Existing rail bridge
- 3 New road bridge, 4 road lanes, western alignment
- 4 New PSP (Principal Shared Path)
- 5 New pedestrian footpath
- 6 Remnant Fremantle Traffic Bridge

Existing bridge to remain in part and functional as new bridge is under construction.

KEY SITE CONNECTIVITY

	PEDESTRIAN		SITE BOUNDARY
	PSP (Principal Shared Path)		NEW RAIL
	VEHICLE		EXISTING RAIL



OPTION 3 TO THE EAST, 2 X RAIL TRACKS

Option 3 proposes to build the new traffic bridge to the east of the existing Fremantle Traffic Bridge and includes a new passenger rail bridge with two tracks, to the east of the current rail bridge. This is the alignment that was presented by Main Roads last year.

Key considerations:

- facilitates the possible retention of a remnant portion of the old Fremantle Traffic Bridge, in between the new rail and road bridges
- alignment (including footpath) would move approximately 15m closer to the northern bank apartments than the existing alignment
- simpler more efficient southern intersection (Canning Hwy / Queen Victoria St)
- the alignment would widen the footprint of the transport infrastructure
- current estimates would see construction of this alignment finished by late 2024.

- 1 New rail bridge, 2 rail tracks
- 2 Existing rail bridge
- 3 New road bridge, 4 road lanes, eastern alignment
- 4 New PSP (Principal Shared Path)
- 5 New pedestrian footpath
- 6 Remnant Fremantle Traffic Bridge

Existing bridge to remain in part and functional as new bridge is under construction.

KEY SITE CONNECTIVITY

	PEDESTRIAN		SITE BOUNDARY
	PSP (Principal Shared Path)		NEW RAIL
	VEHICLE		EXISTING RAIL



OPTION 4 CURRENT LOCATION, 2 X RAIL TRACKS

Option 4 proposes to build the new traffic bridge on the same alignment as the existing Fremantle Traffic Bridge and includes a new passenger rail bridge with two tracks, to the east of the current rail bridge.





Key considerations:

- reduced construction complexities due to demolition of existing Fremantle Traffic Bridge
- the alignment would be on an already disturbed footprint of development
- the alignment would require the full closure of the existing Fremantle Traffic Bridge for up to 2 years, which is expected to have a significant impact on the adjacent road network
- heritage aspects would need to be interpreted differently as the new bridge would replace the current structure
- current estimates would see construction of this alignment finished by late 2024.

- 1 New rail bridge, 2 rail tracks
- 2 Existing rail bridge
- 3 New road bridge, 4 road lanes, western alignment
- 4 New PSP (Principal Shared Path)
- 5 New pedestrian footpath

Existing bridge to be completely demolished and all traffic to be diverted onto Stirling Bridge during construction of new bridge.

KEY SITE CONNECTIVITY

	PEDESTRIAN		SITE BOUNDARY
	PSP (Principal Shared Path)		NEW RAIL
	VEHICLE		EXISTING RAIL



FPOL2106-4 ADOPTION OF THE CITY OF FREMANTLE PARKING LOCAL LAW 2021

ATTACHMENT 1: Community feedback submissions

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

Respondent 1

"Pay by phone" zones are difficult for all people to use. Older people don't use phones. Please always provide alternatives for these people, rather than increasing exclusivity.

Respondent 2

"A review of the existing parking local law identified various improvements required to provide better controls and management of parking within the district, whilst also providing more flexibility for patrons." – How does electronic ONLY parking zones provide more flexibility for patrons? It actually marginalizes anyone who wishes to pay by cash or happens to not have their mobile phone with them. Casual visitors to Fremantle will be confronted with less flexible options, not more!!! This seems to be a direct contradiction of the above claim.

Respondent 3

5.18 1b - I believe that you should be able to park your boat trailer or caravan on the verge by your own house provided it is not a traffic hazard. There are many large verges in Fremantle which should be available to be utilised by the owner adjacent.

Respondent 4

I think it is grossly unfair to have extra parking places and spaces for those using apps, worse when they get discounts. I have a residents parking badge and get no such benefits in fact, there are constraints. As a senior I seldom use my mobile for purchases. Charging for M/cycles also seems counter productive; these are much smaller vehicle, hence can fit multiple vehicles in a std bay, more energy efficient, and there are very few roads that have m/c bays, and hence one has to drive around hunting for somewhere to park. When found that are often in very exposed location, and if you ever sat on a sun heated m/c you will know what I mean. Ought the City be encouraging m/c at the expense of cars and trucks? Parking on residential streets, particularly verges and paths, can be troublesome, Hampton rd. is particularly bad, making it difficult for permitted user on path traversing in comfort and safety. I also think we need to review the concept of verge use; verges are part of the road reserve, they are not owned by the adjacent home, made more complex with the growing number of rear battle-axe properties.

Respondent 5

I strongly oppose this. Is council should have a strong business model in place to be generating revenue. Instead we have what may/could/possibly be questionable management. The council should be looking into how financial assets have been and are managed along with a 3rd party independent audit of council assets.

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

Respondent 6

Rangers do a thankless job in the heat without much appreciation

Support motorcycle parking in any bay as their bays are limited.

Don't support pay by phone areas as some people don't have technology/data to allow it (eg tourists)

Respondent 7

I have used PayStay a couple of times now and was thrilled to learn I could pay only for the length of time I parked -- so much better than guessing and worrying about under-paying. I would be concerned, though, that some drivers may not use smartphones and/or not use an app to pay. The fee hikes seem somewhat arbitrary. I would encourage any new signage to be unambiguous and clearly posted. Also, whoever wrote this web page needs to learn the difference between "its" and "it's" -- there are several errors.

Respondent 8

Hi, don't agree with the installation of electronic parking. In stills no flexibility and looking at the gradual critique of raft of infringements we appear to heading down the nanny state route without even noticing. Also the motion to double the infringement of No.40 is an avid cyclist.....

Respondent 9

Do not agree that machines will only be for credit cards or Apps only.

The proposed increases are not in line with inflation and not justified as it appears to be a money grab by the council to assist in balancing the budget or making a surplus.

Respondent 10

What is the justification for increasing penalties typically by 18% to 40%? It will affect poor people and people with cognitive impairments or mental disability in a very disproportionate way. In a low inflation environment how can these be justified? And please do not refer to what 'everyone else' does as a moral argument. If current penalties do not discourage intelligent people from parking illegally then I am guessing these increases won't change behaviour a great deal.

Respondent 11

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

Parking is already difficult and expensive compared with shopping centres where there is free parking and plenty. Introducing electronic payments is another way of putting people off because of the technology and everyone does not have mobiles. This affects many of the elderly who will have difficulties.

Respondent 12

Increase the fines for inconsiderate / lazy / slovenly parking rather than fees overall i.e. not parking within the boundaries of a parking space as this prevents others from parking and reduces council revenue. The number of times I find this happening where people just don't care about how they park, and have they're bumpers overlapping the adjacent space preventing other from parking. But don't increase fines as many are still affected by covidor have higher fines for those driving expensive cars as they can afford it.

Respondent 13

I do not agree with no. 11 of the changes as i do not see trailer parking a problem in the City of Fremantle and I see no harm people parking a trailer without a car attached. On the contrary, a car attached would take up even more parking space.

I do not agree with no. 15 of the changes as anything done on a 'case to case' basis is fuelling individuals getting their 'specials'. I am not aware that the City has ever even enforced this law, i often had cars parked in front of my house for weeks and currently there is one in front of my neighbours which has been there for 5 months. I'd rather the City would enforce the current 24h rule than try to wash it down for 'special' cases.

Respondent 14

Verges

Under clause 5.18(1)(c) there is no provision for any exemptions. "A person must not stop or park a trailer, caravan or boat, that is not attached to a motor vehicle, so that any portion of it is on a verge". Whilst the intent appears to eliminate hazards by storing these objects on verges, there's always an exception which is acceptable to the community. Examples of when exemptions would apply are such as parking unhitched for repairs, preparations for short trips, or loading/ unloading.

Both subclause (1)(a) and (1)(b) have a exemptions, which are quite reasonable expectations of what the law is intending to be applied. An exemption for subclause (1)(c) should be added such as:

"Subclause (1)(c) does not apply to a trailer, caravan or boat when it is being loaded or unloaded, or if repairs are being undertaken by a person who is the owner or occupier of the premises adjacent to the verge, or is authorised by the occupier of those premises to park the trailer, caravan or boat. No portion of the trailer, caravan or boat parked on the verge is to obstruct the passage of any vehicle or person using a carriageway or footpath"

Abandoned Vehicles

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

Clause 7.11(c) refers to an abandoned vehicle, however there is no definition of the word abandoned is defined in this proposed local law.

Whilst I think this provides good intentions to removed vehicles that do not appear to be used for some time, there is no clear line for the general public to know what abandoned or not abandoned means. Given the significance of the action taken (infringement notice and/or their vehicle impounded), it is worth defining and being clearer what the intent of this word is meant to imply. Perhaps it might be better to update the term abandoned to abandoned vehicle wreck as per the Local Government Act 1995.

As per section 3.40A (5) of the Act,
Abandoned vehicle wreck means a vehicle:

- (i) that is not operational; and
- (ii) the owner of which has not been identified by the local government after using all reasonable avenues to do so; and
- (iii) that has a value that is less than the prescribed value calculated in the prescribed manner.

As per regulation 29A of the Regulations;

For the purposes of the definition of abandoned vehicle wreck in section 3.40A(5)(c) of the Act:

- (i) the prescribed value is \$500; and
- (ii) the prescribed manner in which that value is to be calculated is that the value is to be based on the local private sale value of a vehicle of the same, or a similar, model, year and condition.

Respondent 15

I would like to see restrictions on leaving your car parked for long periods (months) in high demand areas such as Northbank. People leave their cars in high demand bays for months on end. I have had people park in front of my house where there are only 2 bays for months. It means my visitors, silver chain etc cannot park. We need a restriction like East Fremantle has so people are not able to abandon their cars indefinitely.

Respondent 16

Hi firstly I don't agree with changing the current parking laws during a pandemic, the council should really be focusing its resources on rebuilding the hardest hit small businesses. However on the parking fines issue I suggest change the fines to a more compassionate approach and not fine on the first offence or if the ticket such as a 2hr ticket runs out by half an hour. The law should change to reflect a more compassionate and understanding element to society.

Trailers, Boats Caravans, trucks etc pay road registrations just like cars, which allows them to legally park on public roads. I don't agree that the council becomes selective in residential zoned areas.

Maybe if the council wants to consider public parking and fairness they should look at multiple car households using street parking, when even the 1 car bay often not used. And also could

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

consider air bnb developments that remove carbays to add a new airbnb dwelling which increases the reliance on street parking in busy areas.

This is I live on the very small Louisa St in South Freo. One house hold in the street has 3 large cars and a trailer parked on the street every night. Another recently enclosed the double garage to create an Air bnb and now has 3 cars relying on street parking. Another major renovation in the street with a large family extension off the lane way only has not included any additional car bays and still only has one small car bay where again the house hold mostly uses street parking for their 2 cars.

It should not be made law that only cars are allowed to park on the street but rather the number of registered vehicles from the household.

If the council feels a solution is required then I would suggest each household be given permit for 1 registered vehicle a car, boat, trailer, caravan truck etc. But only one per household.

Respondent 17

Will any 1-hour free parking zones be implemented, like other precincts such as Leederville?

Respondent 18

I would like to see a change to the minimum time you can pay for. Used to be able to pay only for 15 minutes parking in a one hour bay which was great for a drop off at the library etc but now car parks and roadside parking has a fee for eg one hour or part thereof which is costly for short trips and annoying. Could we please go back to where we can have a short stay.

Respondent 19

Everybody seems to have a lot of trouble with the phone app payment systems. Tourists and people from outside Fremantle get frustrated when they can't figure out how to use the app and don't have the Wi-Fi can't download the app pay cash should be available.

Respondent 20

Keeping "current parking restrictions" that have come about by issues going to Council Meetings regarding impacting residents affected by opening of business's/restaurants/cafes that parking impacts on the area regarding traffic, noise, safety. Council needs to maintain signage clearly so as when cars are park incorrectly, there is the signage to back it up. My example is "Cafe Lumos", the impact this has had on the residential area which affects directly the local residents.

Respondent 21

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

You want more empty shops and clearly you do, charge more for parking. You should encourage people to come to the city by not fleecing them for parking.
You really think you know more than shopping centre developers.

Respondent 22

Can't you see that the parking fees are helping to kill Freo as a shopping/restaurant centre ? Why would you come to Freo when you have the hassles of paying and finding parking when you can go elsewhere with the same facilities and have ample and free parking?

Respondent 23

Most of the amendments make sense. However, the proposed changes to verge parking if trailers, caravans and boats is an anomaly. I can understand that for residents in Fremantle where verge sizes are small and parking is at a premium. I live in Hilton and have a trailer, a boat and am considering buying a caravan as ongoing interstate and international travel post COVID19 is an unknown. I keep my verge tidy and have 50m of verge frontage and very limited street parking and onsite parking because we are a corner block. I have had a trailer and boat parked on different aspects of our verge for over 20years without any complaints. These proposed changes would result in me parking my trailer and caravan on the street, causing unnecessary congestion. The verges in Hilton are very wide and provide an excellent opportunity to balance green planting on verges as well as trailer parking. So long as this is done in an orderly and tidy manner, the existing laws are very appropriate. To change the laws will only cause negative ramifications for rate paying residents in my situation.

Respondent 24

Adding free or discounted parking for electric cars would be good as it would encourage electric cars in the community

Respondent 25

New payment methods don't affect me but we do need to ensure that provision is made for those people who either choose to not have a phone, yes they do exist, and those that may only have some coinage due to financial restraints or the necessary decision to eliminate a credit card from their possession. There are many people who need to remove the temptations of credit cards due to the temptation they provide. Not forgetting some people with disabilities or who are elderly find the world of technology confusing and stressful.

There needs to be allowances made for all of these community members, they are far too easily forgotten.

Respondent 26

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

What about a discount on penalties if they are paid on the same day that they are incurred? 10% off for example. With electronic systems/apps it could be winner in parking PR. This is something I came across in the late 1990s in a town in Spain whose economy relied heavily on tourism. We had to shove money into an envelope attached to the penalty notice and then put it into a sort of letter-box, but with an app it would be a breeze today. It made us feel good about paying a parking fine!!

Respondent 27

I would like to comment on the following amendment proposal. "Amendments to allow the City to establish a parking area where the only method of payment for a parking ticket is electronic through a mobile phone app or web browser." I, along with a lot of older people, do not have a smart phone. I do not have the facilities to purchase parking through a web browser. It is already hard enough to park in Fremantle, but now you are going to exclude even more people by getting rid of cash options. This will result in more shoppers moving to Garden City and more hardship for Fremantle businesses. Your goal should be to make it easier to get into Fremantle. This amendment will make it harder for so many people.

Respondent 28

It literally should be illegal for you guys to be wasting your time on this while the city is in such bad shape. Fremantle businesses are crying out for more customers, and you are only putting up more barriers to the city by implementing policies like this. If the council needs revenue, maintain a good business environment so that more businesses and households will be paying rates. Stop trying to fix the councils money problems with an extra \$2 at each parking meter/less free parking. Reconsider your approach and your priorities.

Respondent 29

Ensure provision for parking two wheels of a car on a footpath where there is a purpose-built mountable kerb - so long as pedestrian use is still maintained viable - example includes streets where Council trees are planted mid-footpath and Western power poles also - parking not to exceed those restrictions. Note residents have been doing this cooperatively and responsibly for years to avoid rubbish truck etc access problems and reduce risk in some very narrow streets. Otherwise Council to construct indented parking bays to the same effect - preferred solution made to Council but rejected. When (only) one elderly non-car owner resident objected that it would encourage more cars, which is a non-substantiable objection and should have been discounted as incorrect and the road parking alterations proceeded with, as recommended on several occasions and supported by a number of residents. Continued parking of licenced vehicles outside owners residence to not be subject to infringement/penalty.

Respondent 30

Instead of increasing the parking fees, council should allow free parking to attract people back into Fremantle. Perth CBD and many other places allow free parking so should Freo.

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

town is destroyed enough by the current Mayor and the last thing we need is upsetting the last few patrons with an ever increasing fine. I'm one of the battling small businesses remaining and my customers are constant complaining about parking issues and rangers, and council should of never have given away to serona the few car park assets they once owned to instead this could of been an income.
Please do NOT increase fines any more.

Respondent 31

I'm against not using verge for trailers, these are licensed vehicles and take up the same space as a car , parking them on the street would create more hazards .why are you changing this, look forward to your reply.

Respondent 32

I believe that the proposed changes to verge parking should not be approved. The verge area is Crown land and should not be controlled by any person just because they live closer to the land. This will disadvantage the other members of the community that have just as much right to use the Crown land.

Respondent 33

So disappointed I wont be able to park my trailer on the front verge. I live in Hilton. Its been 25 years and I haven't received a single complaint. I use my trailer often and always enjoy the convenience. This restriction affects nobody but me I feel personally targeted and fail to see where this is a positive move in terms of community.

Respondent 34

I would prefer that local people park there trailer on the verge as apposed to on the road. There's many reasons for this. It impacts traffic when a lot of trailers are on the road. It is a safety concern for blind spots. There is the potential of in hitched trailers rolling down the street.

Respondent 35

having verge parking prohibited without express permission from adjacent land owner should not be enacted. The verge is public land and should remain that way. If verge parking is an issue by others then a verge garden or permanent verge parking ban can be implemented. If

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Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

the land owner simply wishes to reserve the area for their own use then a fee should be applied to do so. The fee would cover any rehabilitation works and administration for compliance needed.

Respondent 36

I object to the proposed verge parking law you are trying to bring in the near future. We maintain our own verge.

Respondent 37

I strongly object to the proposal to amend (not 'improve') the provision whereby a trailer, boat or caravan can be parked (unattached to vehicle) on the owner/occupiers verge.

I have a very large verge at the corner of Amherst and Blinco streets in Fremantle on which I park our caravan and our 6x4 trailer. I also mow this verge, and the verge which runs beside Blinco Street, something that the City of Fremantle formerly did.

This proposed amendment (5.19) is not an 'improvement' in any way whatsoever. Our caravan is not blocking any sight lines or creating any problem. So what is the intention of these prised changes?

Respondent 38

'Proposal No.11 Clause 5.18

Totally against this proposal as trailers and caravans will end up being legally parked on the streets if the verge parking is outlawed hence causing more of a hazard and increasing risks by the following:

- Restricting road user's view therefore reducing the reaction time and increasing the risk of interaction between kids and traffic imagine trying to reverse out of driveways etc. currently with trailers and caravans parked setback on the verge it helps to reduce this.
- Also many Kids do use the street for playing, riding of bikes, skateboarding, street cricket etc. having extra trailers/Caravans long termed parked instead of verge parking will cause a impact on these activities and increase risks.
- Restricting access by narrowing space on street to weekly Council Rubbish collection trucks.
- Restricting access by narrowing space on street to Emergency Vehicle's such as Ambulances and Fire services whom will be responding when time is of the essence.
- Restricting access by narrowing space on street to essential services such as Western Power etc. to access over head Power lines.
- Restricting access by narrowing space on street to Street cleaning and other council maintenance work, tree watering etc.

What is the reason behind this proposal and what is the outcome that the Fremantle Council is trying to achieve ?

Why is this proposal limited to trailers and caravans and not all registered vehicles?

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Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

Why is it okay if the trailer or caravan is attached to another vehicle when parked on the verge?

The systems is working at the moment and it is a tried and proven method across many other councils, why fix something that isn't broken?

This does not seem to be thought through properly, as shown above there are many reasons this proposal will just be causing more issues when it really just looks like another revenue intake proposal that will cause community grief if not something more serious with a possible fatality, do a risk assessment and stop thinking about your wallet over safety.

Respondent 39

Proposal No.11 Clause 5.18

Totally against this proposal as trailers and caravans will be legally parked on the streets if the verge parking is outlawed. This will jeopardise the safety of all road user's as it will potentially restrict the view of road user's such as will restrict the space on the street for weekly council vehicle's such as rubbish collection etc. The system of parking on the verge is working in my area keeps the street clear of vehicles and trailers that otherwise would remain parked up on the street for longer periods

Respondent 40

I disagree with giving fines for parking trailers on the verge of your house. All citizens should be made aware of this and asked whether they agree or not.

Respondent 41

As a resident of Fremantle, I see no reason to allow those changes.

1. Infringement notices already pushing people out of our shops and effecting local businesses.
2. electronic parking only is pointless, and the machine allow for easy access for parking note, especially for those who do not use smart phones.
3. Free parking is not exploited and there is plenty of it.
4. Clearing the verge from caravans and trailers would just move those to street parking and will allow for less parking space.

Respondent 42

Please provide more parking for services like uber pickups and Uber Eats drop offs and courier deliveries. We live in LIV apartments on Queen Victoria Street, opposite the Heirloom apartments. Quite often when we have ordered a delivery or are waiting for a pickup there are no parking spots available for the car to stop for 5 minutes. Please provide parking bays for up to 15 minutes maximum in very busy, high density areas for the residents. There are

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Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

about 170 apartments in LIV and I am not sure how many but quite a few at Heirloom and no parking at peak times in the evenings. Also need more checks by parking inspectors to stop cars parking there all day. Thankyou.

Respondent 43

1. Use of electronic parking tech - agree in principle. However, what is the plan to ensure that potential breaches of discrimination legislation do not occur? That is, some sectors of the community may require assistance to use/access such tech - a service that indirectly excludes some people could be a risk?
2. The proposed increases in \$ re the infringement amounts is YoY in excess of CPI - can the increases not be capped at the average CPI taken over the 8 year period that increases have not increased? This would be fair and reasonable - anything more seems excessive.

Respondent 44

I oppose of the verge parking law that has been proposed. Because of the subdivisions there is limited parking @ our area.

Respondent 45

I agree with the amendments. Also, it is important that residents and visitors to Fremantle are encouraged not to drive cars into the city causing congestion, space use, safety issues and pollution. Any encouragement of public transport and active transport facilities is extremely important.

Respondent 46

As a North Fremantle Resident, I am glad we FINALLY have restrictions on parking Trailers, Caravans, Boats, etc. from 'both roads and verges'. I have had a caravan (with several replacements) parked across the road, almost permanently, on the street for years. It was wood blocked and covered and rarely ever used. Essentially, because of its (just legal size) my streetscape view. I have had so many visiting guests show amazement at it being there and even asking if I live in a caravan park!

We also have another caravan parked on my street, plus a large work trailer and an unused boat trailer on a verge. All virtually permanent fixtures.

This is long overdue and should absolutely remain, especially in a small street area like North Fremantle.

I did notice 2 omissions or withdrawals from the previous laws that could do with being included.

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

1. There is no mention of hitched vehicles (with trailers, etc) to cars being parked long-term. It seems that un-hitched has been covered appropriately, but not 'attached/hitched'. While this may be difficult to legally park this way for an extended time, it should be covered to conform with the un-hitched rules – why not?

2. The Time Limit of 24 hours has been removed completely.

This should remain, but perhaps with a bit more latitude, like 72 hours/3 days. This will set in place the ability to act on a vehicle (Car) parking long-term without moving. For example, a resident/visitor car parking long-term or a visitor parking while at Rottnest, etc.

In North Fremantle we had an example some time ago with a licensed vehicle parked (dumped) in one spot for well over a year taking up the limited street parking. It could only finally be removed once its Registration had expired.

This would at least give the City the power to request removal if deemed problematic.

I feel strongly that these should be addressed and hopefully you can assist with inclusion in the new policy.

Respondent 47

Would like free parking on Sundays in City of Fremantle

Respondent 48

I am strongly opposed to the changes about not allowing boats, caravans, and trailers to be parked on verges. Especially in suburbs like Hilton where many blocks have been subdivided and parking space is now at a premium. To be pushing infill development without allowing for verge space to be fully utilised is poor planning. This may be understandable if Fremantle Council still maintained verges, however they have pushed this responsibility back onto landowners. Many people cannot afford to store their recreational vehicles in paid for storage facilities and this change would mean people may have to sell their vehicles denying them access to an, often much loved, recreational activity. These changes represent a reduction in lifestyle amenity choices and should not be considered.

Respondent 49

I'd like to object to proposed change 11 regarding leaving the trailer on the verge. I can't see who benefits from this but tradespeople will suffer.

Respondent 50

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

Proposed Improvement No.11 (Clause 5.18)

It is not clear as to what your intent is in relation to 'Parking a trailer, caravan or boat on a verge, will be prohibited, unless it is attached to a vehicle'. As an owner of a caravan I object to this change as it has a negative impact on owners of caravans/trailers who use the nature strip to store their trailers. If the trailer is not blocking pedestrian access, nor obstructing road signs or others road users' vision, I can't see what the issue is.

Respondent 51

I agree in general with the updates to the parking in the city of Fremantle, however I disagree with the change concerning parking a trailer, caravan or boat on a verge, now being prohibited, unless it is attached to a vehicle.

There is a proportion of verges in the city of Fremantle that are very large with plenty of room for these plus vehicles plus trees and veggie gardens, they are not short on room.

Additionally, a trailer, caravan or boat may have been purchased with the view that it can be kept on a verge, to change the rule when these purchases have already been made is more than inconvenient. Some households with multiple cars will now no longer be able to park in the driveway as these will be taken up with trailers, caravans or boats. I do not agree with this change being made and would request it is removed.

Respondent 52

I support the change that allows a property owner / occupant to control parking that occurs on the verge in front of their house. As lots are increasingly subdivided, parking has become more of an issue, and verge space is sometimes required by the occupant to help keep cars off the street. As Fremantle has pushed much of the burden on the property owner to maintain the verge, control of parking on that verge is a good exchange for the maintenance burden.

I oppose the change that would make parking of unattached trailers on verges illegal, for the following reasons:

1. Especially in Hilton, many people have a small garden trailer that is stored on the verge to collect mulch or transport small items. Often these trailers are shared among neighbours and help build community, and they cause no obstruction to sight-lines. Why end a "heritage" practice that is probably as old as the neighbourhood itself? If bulk waste collection is terminated, garden trailers will be needed even more.

2. If registered trailers are prohibited on verges, they may instead be parked in the street, causing unnecessary traffic disruption.

3. Many people in the suburbs of Freo have a caravan or boat that needs to be occasionally parked on the verge for a few nights. Don't let this proposal limit residents' outdoor lifestyles.

4. A City representative suggested to me that this proposed change would be flexibly enforced. The last thing Fremantle needs is another law that is not consistently enforced. If there is some pressing need to control parking of unattached trailers on verges, start by:

1. Prohibiting unregistered trailers, or
2. Prohibiting trailers only in the Freo CBD; or

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

3. Prohibiting trailers that are more than 3 metres long and 2 metres high for more than 3 nights

I just don't see that it's a value-adding community issue (especially for residents outside the city centre) to ban unattached trailers, and thereby impinge on the lifestyle of trailer owners.

Respondent 53

Re change #11 parking trailer on verge. Owning a 454 sq. meter property I have limited parking and storage of trailer and therefore the verge parking is required, I feel this is an unnecessary change unless obstruction of view is created to neighboring properties. We have a need for a trailer for green waste disposal which we find in adequate depending on green bin collections and verge pickups. I therefore would like to lodge my strong objection to the proposed change in this matter.

Respondent 54

I completely disagree with the proposal to ban parking of trailers, boats and caravans etc on verges. Given that many houses in the Fremantle area do not have the facilities to park these vehicles on the property where are residents expected to store them? This proposal would also encourage a further lack of green areas within new residences being built in the future. This is an implausible proposal that will restrict residents access to such vehicles and increase the costs of owning one.

Respondent 55

I think it is unfair to prevent residents to park their trailers / caravans on the verge as most do not have adequate space on their property. Parking such things on verges does not disrupt traffic or interfere with pedestrian use of Fremantle streets.

Respondent 56

You can't make the parking pay by phone only. It's not inclusive. What are people who don't have or are incapable of using a smart phone? I watch the older people struggle to simply use the Wilson parking machine at the new Spotlight. It's unfair to expect people to be able to use it especially the system you currently have. I cannot use it, and I'm a tech savvy millennial who uses epark and easy park regularly.

The system for free resident parking needs an easier method of updating details and adding vehicles to the system.

Respondent 57

Stopping people parking trailers or caravans on verge is just plain nasty.

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

Respondent 58

#11. Clause 5.18. "Parking a trailer, caravan or boat on a verge, will be prohibited, unless it is attached to a vehicle."

This is just a money grabbing dog act. How about leaving well enough alone. We are a family of 5, 2 cars for the family and 2 cars for the kids who live at home, where do you suggest we park a trailer with a 11 meter street frontage? Don't do it!

#5. Clause 3.1.c, 3.2.2.c, 4.2.d. "Amendments to allow the City to establish a parking area where the only method of payment for a parking ticket is electronic through a mobile phone app or web browser."

The requirement of a mobile phone to be the only way to pay for parking, must be unconstitutional. I don't trust any company's ability to secure my personal/banking information, but Fremantle council think they can? What about the underprivileged whom don't have the money for a smart phone? Those who choose not to have a smart phone? Will those citizens be discriminated against and not allowed to use these parking spots? Don't do this, just because Wilson some other parking company want to make more money.

Respondent 59

Definition of Bicycle unclear.

The definition's exclusion of the power assisted bicycles is confusing.

1. (b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).

Does this mean the motor needs to be broken (non-operational) or if it is just turned off is that sufficient? What is intended here? It is not clear how this is intended to relate to parking stations. Are they in or out? And is there an intention to allow them to park when the motors are turned off in parking stall (operational but not operating)? (5.3(3)).

No stopping

It is not clear that the painting of "no stopping" on the roadway, instead of installing signs each end of the portion of roadway where parking is prohibited is accommodated. (see definitions section) to prohibit vehicles stopping.

It is a lot cheaper and easier to paint the carriageway than erect poles and signs which, in cramped thoroughfares may well hinder manoeuvrability.

Could the definition be amended please? Otherwise, can you set funds aside to paint yellow lines on all the affected portions currently marked with "no stopping" prior to the law coming into force. (as provided elsewhere within the text).

Alternatively, the problem could be fixed by amending 1.7. 1.7(b). These provisions currently require the existing signage to relate to parking, not stopping. This clause perhaps needs to include "no stopping" as well. It seems that no stopping was intended to be included as it is referred to in 1.7(3).

Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

"Occupier"

It is not clear what is intended by permitting a person who is in "unauthorised occupation" of Crown Land (see definition of "Occupier") to park or entitle another person to park on a verge (ref 5.18(2)). Should this not be "authorised occupation"?

Vehicles excused from Blocking driveways

Could you please delete "- unless the person is immediately dropping off or picking up passengers." from 5.19. There really isn't any justification for persons to stop or park across or in another's driveway because they can't organise themselves to park legally.

The current drafting will create conflict in areas clearly marked "no stopping" where the issue is a continual problem to occupants. Also, the current drafting may be misused as a permissive clause in the case where "No Stopping" is intentionally and clearly marked across a section of carriageway adjacent to a driveway.

Respondent 60

It has come to my attention that the City of Fremantle has been conducting reviews of its local laws. Over the last few years, I have written to the City of Fremantle, the Mayor, and my previous ward Councillors (and spoken to rangers) with respect to my neighbours and the fact they regularly leave their trailers on the verge, sometimes for many months at a time unused. One of them sits directly adjacent to my house, out the front of my window, as we are on a subdivided block and share the relevant verge.

I wrote to the former Mayor, Crs Wainwright and McDonald, in 2019 asking them to look to amend the City's local laws at the next opportunity to ensure verge parking time limits for trailers/boats that are not moveable (ie. attached to a motor vehicle), as is the case in many other local governments such as Melville and Canning. Regrettably, I only heard from the PA to the Mayor, who advised me that the issue would be discussed and I would hear more in the future - I never heard back (please read below).

It's therefore disappointing to learn that a local law review is being conducted, with a public submission period, and I have not been advised - specifically the Parking Local Law. I became aware of this because of a Facebook post made by a constituent regarding the public consultation period, which I only saw the day after the consultation period ended. I am aware how hard these local laws are to change, and so would be disappointed to miss the opportunity.

I would appreciate if you can advise me where the review is up to, and whether these issues have been taken into account. I know you personally have not been aware of my concerns previously, but I was impressed with you when you knocked on my door during the 2019 election campaign (which is why I supported you) and I hope you're able to assist.

Respondent 61

Please oppose the changes proposed in Parking Local Law 2021, Clause 5.18, that would make illegal the parking of trailers on verges in Fremantle.

Parking of trailers on verges should not be illegal for the following reasons:

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Proposed Parking Local Law 2021 - Public submissions

Do you have any comments on the Proposed Parking Local Law 2021? If so, please provide them below.

1. Many Fremantle residents have a small garden trailer that is stored on the verge to collect mulch or transport small items. Often these trailers are shared among neighbours and help build community, and they cause no obstruction to sight-lines.
2. If verge waste collection is terminated, garden trailers will be needed even more to help transport items to the Fremantle Recycling Centre.
3. If registered trailers are prohibited on verges, they may instead be parked in the street, causing unnecessary traffic disruption.
4. Some Fremantle residents have a caravan or boat that needs to be occasionally parked on the verge for a few nights. Camping and boating are core Western Australian activities with substantial mental health benefits, and the City should make them easier, not harder.
5. North Fremantle businesses that hire trailers, like Creation Landscape Supplies and Kennards Hire, would face unnecessary business cost and complication in managing parking fines that are issued to trailers they own but have been parked on verges by their customers.
6. A City representative suggested to me that this proposed change would be flexibly enforced. The last thing Fremantle needs is a law that is not consistently enforced, as this would lead to uncertainty regarding when and how residents can use the verge in front of their houses.

I suggest that proposed Parking Local Law 2021 could be beneficially and easily modified by changing 5.18(2) to read as follows, with modified text underlined and in bold:

1. Subclauses (1)(a), (1)(b), and (1)(c) **does** not apply to a person who –
 - 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 the vehicle so that any portion of it is on the verge.

Alternatively, if there is some life-changing need to control parking of trailers on verges, perhaps start by:

1. Prohibiting unregistered trailers, or
2. Prohibiting trailers only in the Freo CBD; or
3. Prohibiting trailers that are more than 4 metres long and 2 metres high for more than 3 nights

I just don't see that it's a value-adding community issue to fully ban the parking of trailers on verges, and thereby impinge on the lifestyle of trailer-owning residents.

Thank you for your consideration of this matter.

ATTACHMENT 2: Revised Parking Local Law 2021 (with track changes)

Draft: 27 May 2021

City of Fremantle

PARKING LOCAL LAW 2021

Published in the Government Gazette on [to be added]

Disclaimer:

This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

Local Government Act 1995

City of Fremantle

Parking Local Law 2021

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Local Government Act 1995

City of Fremantle

Parking Local Law 2021

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 **[add date]** 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.

Note: Section 9.47 of the Act states –

'In proceedings under this Act instituted by or under the direction of a local government, until evidence is given to the contrary, proof is not required of –

- (e) the fact that a place is within a parking region; or
- (f) the establishment or provision of a parking facility.'

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;

Section 9.10 of the Act states –

'Appointment of authorised persons

- (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.
- (2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.'

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 means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) –

- (a) including a pedicab, penny-farthing and tricycle; but
- (b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).

[Regulation 3(1) of the Code]

bicycle lane has the meaning given in the Code;

bicycle lane means a marked lane, or the part of a marked lane —

- (a) beginning at a "bicycle lane" sign applying to the lane; and
- (b) ending at the nearest of the following:
 - (i) an "end bicycle lane" sign applying to the lane;
 - (ii) an intersection (unless the lane is at the unbroken side of the continuing road at a T-intersection or continued across the intersection by broken lines);
 - (iii) if the carriageway ends at a dead end — the end of the carriageway;

Bicycle lane sign



End bicycle lane sign



Note There are a number of other permitted versions of the "bicycle lane" sign, and another permitted version of the "end bicycle lane" sign.

[Regulation 3(1) of the Code]

bicycle path has the meaning given in the Code;

bicycle path means a length of path beginning at a 'bicycle path' sign or a 'bicycle path' road marking and ending at the nearest of the following:

- (a) an 'end bicycle path' sign, or an 'end bicycle path' road marking;
- (b) a 'separated footpath' sign or a 'separated footpath' road marking;
- (c) a carriageway;
- (d) the end of the path;



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

- (a) on which there is provision for lighting by means of street lamps 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 road side to face drivers approaching a development consisting of dwelling houses, or business or industrial structures;

bus has the meaning given in the Code;

bus means a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver);

[Regulation 3(1) of the Code]

bus embayment has the meaning given in the Code;

bus embayment means an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane;

[Regulation 3(1) of the Code]

bus stop has the meaning given in the Code;

bus stop means 'a length of carriageway commencing 20m on the approach side

of, and ending 10m on the departure side of, a post indicating that public busses stop at that 'point';

[Regulation 3(1) of the Code]

bus zone has the meaning given in the Code;

bus zone means a length of carriageway to which a 'bus zone' sign applies;

[Regulation 3(1) of the Code]

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

caravan means a vehicle that is fitted or designed for habitation, and, unless the contrary intention appears, includes an annexe;

[Section 5(1) of 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;

children's crossing means a portion of carriageway between 2 parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than 5 metres apart marked across, or partly across the carriageway and near which a fluorescent red-orange flag or sign bearing the words 'children crossing – stop', are displayed and, where the lines are so marked partly across a carriageway, includes a portion of the carriageway between the prolongations of those lines;

Children crossing — stop sign

(octagonal background in red)

(square background in lime/yellow)



[Regulation 3(1) of 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*;

disability parking permit means a current document issued by the National Disability Service (ACN 008 445 485), consisting of –

- (a) an Australia disability Parking Permit; and
- (b) an ACROD Parking Program Card;

[Regulation 4 of 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 includes a motorbike, scooter and moped;

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;

emergency vehicle means a motor vehicle -

- (a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with the official duty;
- (b) of a fire brigade on official duty, in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;
- (c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;
- (d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument; or
- (e) duly authorised as an emergency vehicle for the purposes of these regulations, by the Director General;

[Regulation 3(1) of 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;
- (a) 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;

footpath means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;

[Regulation 3(1) of 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;

GVM means for a vehicle, the maximum loaded mass of the vehicle –

- (a) specified by the manufacturer on an identification plate on the vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General;

[Regulation 3(1) of 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 hammah-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;

mail zone means the length of carriageway to which a 'mail zone' sign applies;

Mail zone sign
(arrow and background to words in red)



[Regulation 3(1) of the Code]

median strip has the meaning given in the Code;

median strip means any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions;

[Regulation 3(1) of 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;

motor cycle has the meaning given in the Code;

motor cycle means a motor vehicle that has 2 wheels and includes -

- (a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels;

but does not include any trailer;

[Regulation 3(1) of 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;

nature strip means an area between a carriageway and the front boundary of adjacent land, but does not include a path;

[Regulation 3(1) of the Code]

no parking area has the meaning given in the Code;

no parking area means -

- (a) a portion of carriageway to which a 'no parking' sign applies; or
- (b) an area to which a 'no parking' sign applies;

No parking sign
(for a length of carriageway)
(circle, slash and arrow in red)

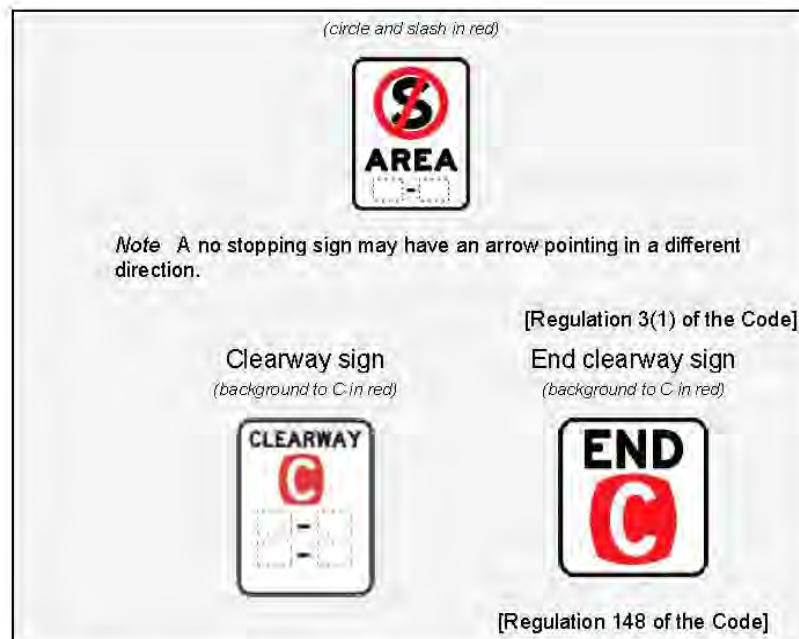


no parking sign means a sign with –

- (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;

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

[Section 1.4 of 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;

owner, where used in relation to land —

- (a) means a person who is in possession as —
 - (i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple;
 - (ii) a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act;
 - (iii) a mortgagee of the land; or
 - (iv) a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant, or mortgagee, mentioned in this paragraph;
- (b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a), except that of mortgagee;
- (c) where, under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;
- (d) where a person is lawfully entitled to occupy land which is vested in the Crown, and which has no other owner according to paragraph (a), (b), or (c), means the person so entitled;
- (e) means a person who —
 - (i) under the *Mining Act 1978*, holds in respect of the land a mining tenement within the meaning given to that expression by that Act;
 - (ii) in accordance with the *Mining Act 1978* holds, occupies, uses, or enjoys in respect of the land a mining tenement within the meaning given to that expression by the *Mining Act 1904*; or
 - (iii) under the *Petroleum Act 1967* holds in respect of the land a petroleum production licence or a petroleum exploration permit within the meaning given to each of those expressions by that Act;
 or
- (f) where a person is in the unauthorised occupation of Crown land, means the person so in occupation;

[Section 1.4 of the Act]

park has the meaning given in the Code;

park means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of —

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);
[Regulation 3(1) of 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 area means -

- (a) a portion of carriageway to which a 'permissive parking' sign applies; or
- (b) an area to which a 'permissive parking' sign applies;

Permissive parking sign
(for a length of carriageway)



Permissive parking sign
(for an area)



Permissive parking sign displaying
a people with disabilities symbol
(for a length of road)



Permissive parking sign
displaying a people with
disabilities symbol
(for an area)



[Regulation 3(1) of 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;

path includes bicycle path, footpath, separated footpath and shared path;
[Regulation 3(1) of the Code]

pedestrian crossing has the meaning given in the Code;

pedestrian crossing means a portion of a carriageway-


(a) defined:

- (i) by white stripes; or
- (ii) by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between those stripes,

in such a manner that each stripe is approximately parallel to the centre of the carriageway; and

(b) near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a pedestrian crossing sign;

Pedestrian crossing sign
(background in yellow).



[Regulation 3(1) of 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 bus' means a bus operated by or on behalf of the State as a passenger vehicle, to carry passengers for hire or reward, whether in connection with a railway or not, but does not include a vehicle in relation to which an on-demand rank or hail vehicle authorisation is in place;

[Regulation 3(1) of 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;

shared zone means the network of roads in an area with -

- (a) a 'shared zone' sign on each road into the area, indicating the same number; and
- (b) an 'end shared zone' sign on each road out of the area.

Shared zone sign
(circle in red)



End shared zone sign



Note: There are a number of other permitted versions of each of these signs;

Note: A 'shared zone' sign may also have a different number on the sign;
[Regulation 3(1) of 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;

special purpose vehicle means –

- (a) a vehicle being driven by a member of the Police Force (other than a police officer) on official duty or that vehicle when it is stationary at any place connected with the official duty;
- (b) a public utility service truck;
- (c) a tow truck;
- (d) a motor break-down service vehicle;
- (e) a vehicle being used by a government or local authority in connection with its roadwork or speed zoning functions; or
- (f) a vehicle duly authorised as a special purpose vehicle for the purposes of these regulations, by the Director General,

but does not include an emergency vehicle;

[Regulation 3(1) of the Code]

stop has the meaning given in the Code;

stop, in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law;

[Regulation 3(1) of 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 means a vehicle used or intended to be used in providing an on-demand rank or hail passenger transport service (as defined in the *Transport (Road Passenger Services) Act 2018* section 4(1));

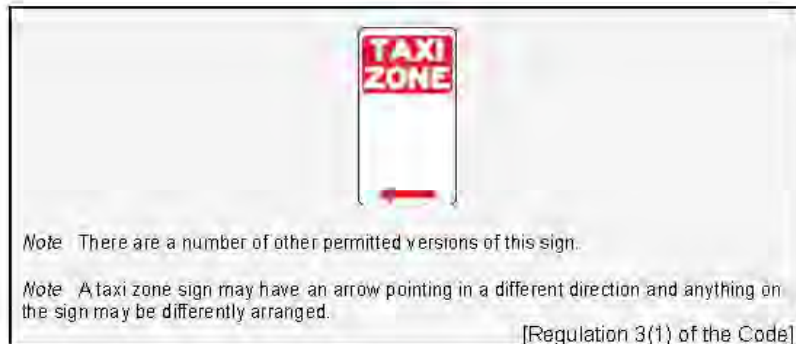
[Regulation 3(1) of the Code]

taxi zone has the meaning given in the Code;

taxi zone means 'a length of carriageway to which a 'taxi zone' applies;

Taxi zone sign

(arrow and background to words in red)



thoroughfare has the meaning given in the Act;

thoroughfare means a road or other thoroughfare and includes structures and other things appurtenant to the thoroughfare that are within its limits; and nothing is prevented from being a thoroughfare only because it is not open at each end;

[Section 1.4 of 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;

traffic island means any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;

[Regulation 3(1) of the Code]

trailer has the meaning given in the Code;

trailer means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side-car;

[Regulation 3(1) of 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

vehicle includes —

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means, and
 - (b) where the context permits, an animal being driven or ridden,
- [Section 4 of the *Road Traffic (Administration) Act 2008*]

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 effected 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 or 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 paying 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, rollerskate, 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 ~~an event considered by the local government or the CEO to be special or likely to attract a substantial number of people driving vehicles. 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 ~~set aside for the period specified on the signs a parking station for the parking of vehicles by those attending a special event.~~ –
- (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 ~~in a parking station set aside under subclause (2) during the period for which it is set aside unless a permit obtained from the local government or CEO with respect to the special event is –~~
- (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.

Regulation 174(1) and (2) of the Code states –

- (1) This regulation applies to a driver if —
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) a person with a disability is either the driver of or a passenger in the vehicle.
- (2) The driver may park continuously on a length of carriageway, or in an area, to which a "permissive parking" sign applies (except in a parking area for people with disabilities) —
 - (a) if the time limit indicated on or with the sign is under 30 minutes — for 30 minutes;
 - (b) if the time limit indicated on or with the sign is between 30 and 60 minutes — for 2 hours;
 - (c) if the time limit indicated on or with the sign is over 60 minutes — for twice the period indicated on the sign.¹

- (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) A person must not –~~
- ~~(a) stop a vehicle (other than a bicycle) so that any portion of it is on a verge;~~
 - ~~(b) stop or park a commercial vehicle or bus, or a trailer or caravan or boat attached to a motor vehicle, so that any portion of it is on a verge;~~

- ~~(e) — stop or park a trailer, caravan or boat, that is not attached to a motor vehicle, so that any portion of it is on a verge;~~
- ~~(d) — stop or park a vehicle so that any portion of it is on a verge during any period when the stopping or parking of a vehicle on the verge is prohibited by a sign referable to the verge; or~~
- ~~(e) — stop or park a vehicle so that any portion of it is on a verge and within 10 metres of the nearest edge of an intersection — unless permitted by a sign referable to the verge.~~
- (2) — ~~Subclause (1)(a) does not apply to a person who —~~
 - ~~(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 the vehicle so that any portion of it is on the verge.~~
- ~~(3) — Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded, with reasonable expedition, with goods or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided that no obstruction is caused to the passage of any vehicle or person using a carriageway or footpath.~~

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 — except when it is being loaded or unloaded, with reasonable expedition, with goods or materials collected from or delivered to the premises adjacent to the portion of verge on which the long or heavy vehicle is parked, provided that no obstruction is caused to the passage of any vehicle or person using a carriageway or footpath; 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 owner or occupier of those premises to stop or park the vehicle so that any portion of it is on the verge.

5.19 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.

5.20 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.

5.21 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 -

- has made an application for a residential parking permit or a multi-purpose parking permit under this Part;
- 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
- 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) is unlicensed; or~~
- ~~(c) is abandoned, or gives the appearance of having been abandoned.~~

- (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.

Regulation 29 of the *Local Government (Functions and General) Regulations 1996* states –

29. Contraventions that may lead to impounding of goods (Act s. 3.37)

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if –
 - (a) it occurs in a public place; and
 - (b) either –
 - (i) the presence of the goods –
 - (I) presents a hazard to public safety; or
 - (II) obstructs the lawful use of any place;
 - or
 - (ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.
 - (1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.
- (2) In subregulation (1) or (1a) –

public place includes a place that is on private property that the public are allowed to use.

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.

Note: For example, section 9.47 of the Local Government Act 1995 states –

'In proceedings under this Act instituted by or under the direction of a local government, until evidence is given to the contrary, proof is not required of –

- (e) *the fact that a place is within a parking region; or*
- (f) *the establishment or provision of a parking facility.'*

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

Item No.	Clause No.	Nature of offence	Modified penalty
27.	5.1(1)(d)	Parking vehicle in excess of maximum time	60
28.	5.1(1)(e)	Parking <i>or stopping</i> contrary to sign	60
	5.1(1)(e)	Stopping contrary to a sign	80
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 <i>or parking</i> in a no stopping area	80
	5.2(1)(a)	Parking in a no stopping area	80
32.	5.2(1)(b)	Stopping alongside continuous yellow lines	80
33.	5.2(1)(c)	Stopping <i>or parking</i> contrary to keep clear marking	80
	5.2(1)(c)	Parking contrary to keep clear marking	80
34.	5.2(1)(d)	Parking <i>or stopping</i> vehicle in motor cycle only area	80
	5.2(1)(d)	Stopping vehicle in motor cycle only area	60
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 <i>or parking</i> in a no stopping area	80
	5.2(2)	Parking in a no parking area	65
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 <i>or parking</i> a bicycle in a parking stall	65
	5.3(3)	Parking a bicycle in a parking stall	65
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

Item No.	Clause No.	Nature of offence	Modified penalty
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 <i>or parking</i> a vehicle causing an obstruction on a road	150
	5.9(3)(a)	Parking a vehicle causing an obstruction on a road	150
54.	5.9(3)(b)	Stopping <i>or parking</i> a vehicle causing an obstruction in a parking facility	80
	5.9(3)(b)	Parking a vehicle causing an obstruction in a parking facility	80
55.	5.9(3)(c)	Stopping <i>or parking</i> a vehicle on an intersection	150
	5.9(3)(c)	Parking a vehicle on an intersection	150
56.	5.9(3)(d)	Stopping <i>or parking</i> a vehicle within 20 metres of an intersection with traffic control signals	80
	5.9(3)(d)	Parking a vehicle within 20 metres of an intersection with traffic control signals	80
57.	5.9(3)(e)	Stopping <i>or parking</i> a vehicle within 10 metres of an intersection	80
	5.9(3)(e)	Parking a vehicle within 10 metres of an intersection	80
58.	5.9(3)(f)	Stopping <i>or parking</i> a vehicle on a prohibited place	80
	5.9(3)(f)	Parking a vehicle on a prohibited place	80
59.	5.9(3)(g)	Stopping <i>or parking</i> a vehicle near works	60
	5.9(3)(g)	Parking a vehicle near works	65
60.	5.9(3)(h)	Stopping <i>or parking</i> a vehicle on a bridge, tunnel or underpass	80
	5.9(3)(h)	Parking a vehicle on a bridge, tunnel or underpass	65
61.	5.9(3)(i)	Stopping <i>or parking</i> a vehicle where double lines	80
	5.9(3)(i)	Parking a vehicle where double lines	80
62.	5.9(3)(j)	Stopping <i>or parking</i> a vehicle where double lines	80
	5.9(3)(j)	Parking a vehicle where double lines	80
63.	5.9(3)(k)	Stopping <i>or parking</i> a vehicle within the head of a cul-de-sac	65
	5.9(3)(k)	Parking a vehicle within the head of a cul-de-sac	65
64.	5.10(1)	Stopping <i>or parking</i> an unauthorised vehicle in a loading zone	65
	5.10(1)	Parking an unauthorised vehicle in a loading zone	65

Item No.	Clause No.	Nature of offence	Modified penalty
65.	5.10(2)	Stopping <i>or parking</i> a vehicle in a loading zone in excess of maximum period	65
	5.10(2)	Parking a vehicle in a loading zone for longer than the 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 <i>or parking</i> a vehicle, other than a charter vehicle, in a charter vehicle zone	65
	5.12(1)	Parking a vehicle, other than a charter vehicle, in a charter vehicle zone	65
69.	5.12(2)	Stopping <i>or parking</i> in a charter vehicle zone for longer than the maximum period	65
	5.12(2)	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 <i>or parking</i> a vehicle in a shared zone	65
	5.13	Parking a vehicle in a shared zone	65
72.	5.14	Stopping <i>or parking</i> a vehicle in a pedestrian mall	65
	5.14	Parking a vehicle in a pedestrian mall	65
73.	5.15(1)	Stopping <i>or parking</i> a vehicle within 10 metres of the departure side of a bus bay or crossing	65
	5.15(1)	Parking a vehicle within 10 metres of the departure side of a bus bay or crossing	65
74.	5.15(2)	Stopping <i>or parking</i> a vehicle within 20 metres of the approach side of a bus bay, bus zone or crossing	65
	5.15(2)	Parking a vehicle within 20 metres of the approach side of a bus bay or crossing	65
75.	5.15(3)	Stopping <i>on parking</i> a vehicle, other than a permitted bus, in a bus zone	65
	5.15(3)	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

Item No.	Clause No.	Nature of offence	Modified penalty
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 2020.

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 2020*)
- (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 2020.

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 2020*)
- (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 2020.

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 2020*)
- (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 2020
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 2020*).
(2) Address of alleged offender.
(3) Signature of authorised person
(4) Name and title of authorised person giving notice

Attachment 3: Proposed Parking Local Law 2021

City of Fremantle

PARKING LOCAL LAW 2021

Published in the Government Gazette on [to be added]

Disclaimer:

This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

Local Government Act 1995

City of Fremantle

Parking Local Law 2021

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Local Government Act 1995

City of Fremantle

Parking Local Law 2021

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 **[add date]** 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.

Note: Section 9.47 of the Act states –

'In proceedings under this Act instituted by or under the direction of a local government, until evidence is given to the contrary, proof is not required of –

- (e) the fact that a place is within a parking region; or
- (f) the establishment or provision of a parking facility.'

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;

Section 9.10 of the Act states –

'Appointment of authorised persons

- (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.
- (2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.'

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 means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) –

- (a) including a pedicab, penny-farthing and tricycle; but
- (b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).

[Regulation 3(1) of the Code]

bicycle lane has the meaning given in the Code;

bicycle lane means a marked lane, or the part of a marked lane —

- (a) beginning at a "bicycle lane" sign applying to the lane; and
- (b) ending at the nearest of the following:
 - (i) an "end bicycle lane" sign applying to the lane;
 - (ii) an intersection (unless the lane is at the unbroken side of the continuing road at a T-intersection or continued across the intersection by broken lines);
 - (iii) if the carriageway ends at a dead end — the end of the carriageway;

Bicycle lane sign



End bicycle lane sign



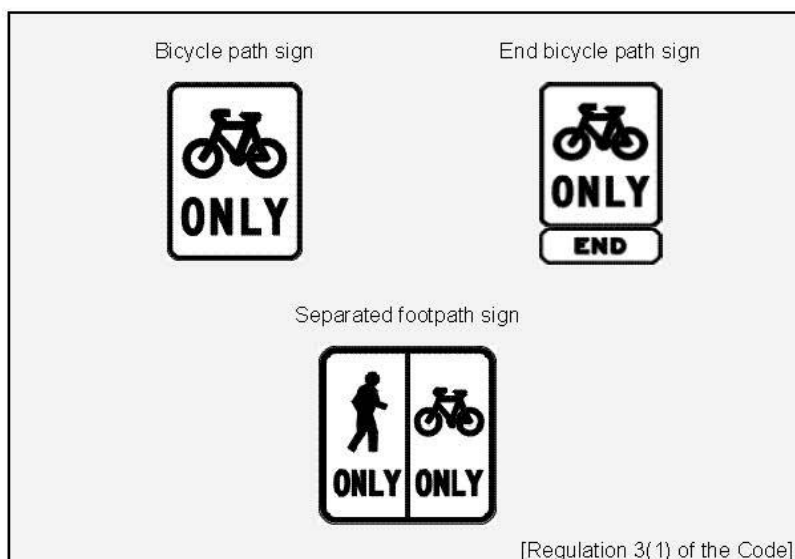
Note There are a number of other permitted versions of the "bicycle lane" sign, and another permitted version of the "end bicycle lane" sign.

[Regulation 3(1) of the Code]

bicycle path has the meaning given in the Code;

bicycle path means a length of path beginning at a 'bicycle path' sign or a 'bicycle path' road marking and ending at the nearest of the following:

- (a) an 'end bicycle path' sign, or an 'end bicycle path' road marking;
- (b) a 'separated footpath' sign or a 'separated footpath' road marking;
- (c) a carriageway;
- (d) the end of the path;



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

- (a) on which there is provision for lighting by means of street lamps 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 road side to face drivers approaching a development consisting of dwelling houses, or business or industrial structures;

bus has the meaning given in the Code;

bus means a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver);

[Regulation 3(1) of the Code]

bus embayment has the meaning given in the Code;

bus embayment means an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane;

[Regulation 3(1) of the Code]

bus stop has the meaning given in the Code;

bus stop means 'a length of carriageway commencing 20m on the approach side

of, and ending 10m on the departure side of, a post indicating that public busses stop at that 'point';

[Regulation 3(1) of the Code]

bus zone has the meaning given in the Code;

bus zone means a length of carriageway to which a 'bus zone' sign applies;

[Regulation 3(1) of the Code]

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

caravan means a vehicle that is fitted or designed for habitation, and, unless the contrary intention appears, includes an annexe;

[Section 5(1) of 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;

children's crossing means a portion of carriageway between 2 parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than 5 metres apart marked across, or partly across the carriageway and near which a fluorescent red-orange flag or sign bearing the words 'children crossing – stop', are displayed and, where the lines are so marked partly across a carriageway, includes a portion of the carriageway between the prolongations of those lines;

Children crossing — stop sign

(octagonal background in red)

(square background in lime/yellow)



[Regulation 3(1) of 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*;

disability parking permit means a current document issued by the National Disability Service (ACN 008 445 485), consisting of –

- (a) an Australia disability Parking Permit; and
- (b) an ACROD Parking Program Card;

[Regulation 4 of 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 includes a motorbike, scooter and moped;

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;

emergency vehicle means a motor vehicle -

- (a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with the official duty;
- (b) of a fire brigade on official duty, in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;
- (c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;
- (d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument; or
- (e) duly authorised as an emergency vehicle for the purposes of these regulations, by the Director General;

[Regulation 3(1) of 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;
- (a) 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;

footpath means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;

[Regulation 3(1) of 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;

GVM means for a vehicle, the maximum loaded mass of the vehicle –

- (a) specified by the manufacturer on an identification plate on the vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General;

[Regulation 3(1) of 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 hammah-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;

mail zone means the length of carriageway to which a 'mail zone' sign applies;

Mail zone sign

(arrow and background to words in red)



[Regulation 3(1) of the Code]

median strip has the meaning given in the Code;

median strip means any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions;

[Regulation 3(1) of 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;

motor cycle has the meaning given in the Code;

motor cycle means a motor vehicle that has 2 wheels and includes -

- (a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels;

but does not include any trailer;

[Regulation 3(1) of 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;

nature strip means an area between a carriageway and the front boundary of adjacent land, but does not include a path;

[Regulation 3(1) of the Code]

no parking area has the meaning given in the Code;

no parking area means -

- (a) a portion of carriageway to which a 'no parking' sign applies; or
- (b) an area to which a 'no parking' sign applies;

No parking sign
(for a length of carriageway)
(circle, slash and arrow in red)

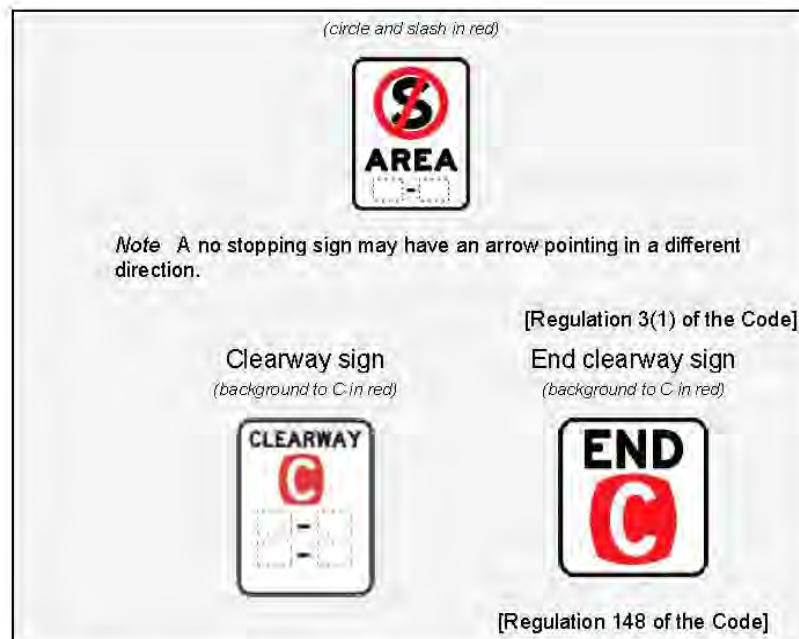


no parking sign means a sign with –

- (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;

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

[Section 1.4 of 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;

owner, where used in relation to land —

- (a) means a person who is in possession as —
 - (i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple;
 - (ii) a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act;
 - (iii) a mortgagee of the land; or
 - (iv) a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant, or mortgagee, mentioned in this paragraph;
- (b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a), except that of mortgagee;
- (c) where, under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;
- (d) where a person is lawfully entitled to occupy land which is vested in the Crown, and which has no other owner according to paragraph (a), (b), or (c), means the person so entitled;
- (e) means a person who —
 - (i) under the *Mining Act 1978*, holds in respect of the land a mining tenement within the meaning given to that expression by that Act;
 - (ii) in accordance with the *Mining Act 1978* holds, occupies, uses, or enjoys in respect of the land a mining tenement within the meaning given to that expression by the *Mining Act 1904*; or
 - (iii) under the *Petroleum Act 1967* holds in respect of the land a petroleum production licence or a petroleum exploration permit within the meaning given to each of those expressions by that Act;
 or
- (f) where a person is in the unauthorised occupation of Crown land, means the person so in occupation;

[Section 1.4 of the Act]

park has the meaning given in the Code;

park means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of —

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);
[Regulation 3(1) of 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 area means -

- (a) a portion of carriageway to which a 'permissive parking' sign applies; or
- (b) an area to which a 'permissive parking' sign applies;


Permissive parking sign
(for a length of carriageway)




Permissive parking sign
(for an area)



Permissive parking sign displaying
a people with disabilities symbol
(for a length of road)



Permissive parking sign
displaying a people with
disabilities symbol
(for an area)



[Regulation 3(1) of 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;

path includes bicycle path, footpath, separated footpath and shared path;
[Regulation 3(1) of the Code]

pedestrian crossing has the meaning given in the Code;

pedestrian crossing means a portion of a carriageway-


(a) defined:

- (i) by white stripes; or
- (ii) by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between those stripes,

in such a manner that each stripe is approximately parallel to the centre of the carriageway; and

(b) near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a pedestrian crossing sign;

Pedestrian crossing sign
(background in yellow).



[Regulation 3(1) of 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 bus' means a bus operated by or on behalf of the State as a passenger vehicle, to carry passengers for hire or reward, whether in connection with a railway or not, but does not include a vehicle in relation to which an on-demand rank or hail vehicle authorisation is in place;

[Regulation 3(1) of 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;

shared zone means the network of roads in an area with -

- (a) a 'shared zone' sign on each road into the area, indicating the same number; and
- (b) an 'end shared zone' sign on each road out of the area.

Shared zone sign
(circle in red)



End shared zone sign



Note: There are a number of other permitted versions of each of these signs;

Note: A 'shared zone' sign may also have a different number on the sign;
[Regulation 3(1) of 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;

special purpose vehicle means –

- (a) a vehicle being driven by a member of the Police Force (other than a police officer) on official duty or that vehicle when it is stationary at any place connected with the official duty;
- (b) a public utility service truck;
- (c) a tow truck;
- (d) a motor break-down service vehicle;
- (e) a vehicle being used by a government or local authority in connection with its roadwork or speed zoning functions; or
- (f) a vehicle duly authorised as a special purpose vehicle for the purposes of these regulations, by the Director General,

but does not include an emergency vehicle;

[Regulation 3(1) of the Code]

stop has the meaning given in the Code;

stop, in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law;

[Regulation 3(1) of 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 means a vehicle used or intended to be used in providing an on-demand rank or hail passenger transport service (as defined in the *Transport (Road Passenger Services) Act 2018* section 4(1));

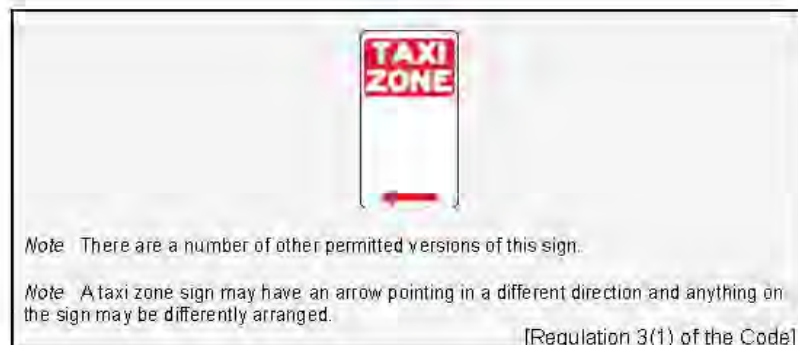
[Regulation 3(1) of the Code]

taxi zone has the meaning given in the Code;

taxi zone means 'a length of carriageway to which a 'taxi zone' applies;

Taxi zone sign

(arrow and background to words in red)



thoroughfare has the meaning given in the Act;

thoroughfare means a road or other thoroughfare and includes structures and other things appurtenant to the thoroughfare that are within its limits; and nothing is prevented from being a thoroughfare only because it is not open at each end;

[Section 1.4 of 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;

traffic island means any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;

[Regulation 3(1) of the Code]

trailer has the meaning given in the Code;

trailer means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side-car;

[Regulation 3(1) of 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

vehicle includes —

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means, and
- (b) where the context permits, an animal being driven or ridden,

[Section 4 of the *Road Traffic (Administration) Act 2008*]

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 effected 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 or 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 paying 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, rollerskate, 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.

Regulation 174(1) and (2) of the Code states –

- (1) This regulation applies to a driver if —
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) a person with a disability is either the driver of or a passenger in the vehicle.
- (2) The driver may park continuously on a length of carriageway, or in an area, to which a "permissive parking" sign applies (except in a parking area for people with disabilities) —
 - (a) if the time limit indicated on or with the sign is under 30 minutes — for 30 minutes;
 - (b) if the time limit indicated on or with the sign is between 30 and 60 minutes — for 2 hours;
 - (c) if the time limit indicated on or with the sign is over 60 minutes — for twice the period indicated on the sign.¹

- (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 – except when it is being loaded or unloaded, with reasonable expedition, with goods or materials collected from or delivered to the premises adjacent to the portion of verge on which the long or heavy vehicle is parked, provided that no obstruction is caused to the passage of any vehicle or person using a carriageway or footpath; 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 owner or occupier of those premises to stop or park the vehicle so that any portion of it is on the verge.

5.19 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.

5.20 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.

5.21 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.

Regulation 29 of the *Local Government (Functions and General) Regulations 1996* states –

29. Contraventions that may lead to impounding of goods (Act s. 3.37)

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if –
 - (a) it occurs in a public place; and
 - (b) either –
 - (i) the presence of the goods –
 - (i) presents a hazard to public safety; or
 - (ii) obstructs the lawful use of any place;
 - or
 - (ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.
 - (1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.
- (2) In subregulation (1) or (1a) –

public place includes a place that is on private property that the public are allowed to use.

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.

Note: For example, section 9.47 of the Local Government Act 1995 states –

'In proceedings under this Act instituted by or under the direction of a local government, until evidence is given to the contrary, proof is not required of -

(e) the fact that a place is within a parking region; or

(f) the establishment or provision of a parking facility '

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

Item No.	Clause No.	Nature of offence	Modified penalty
27.	5.1(1)(d)	Parking vehicle in excess of maximum time	60
28.	5.1(1)(e)	Parking <i>or stopping</i> 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 <i>or parking</i> 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 <i>or stopping</i> vehicle in motor cycle 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 <i>or parking</i> 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 <i>or parking</i> a bicycle in a parking stall	65
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 <i>or parking</i> a vehicle causing an obstruction on a road	150
54.	5.9(3)(b)	Stopping <i>or parking</i> a vehicle causing an obstruction in a parking facility	80

Item No.	Clause No.	Nature of offence	Modified penalty
55.	5.9(3)(c)	Stopping <i>or parking</i> a vehicle on an intersection	150
56.	5.9(3)(d)	Stopping <i>or parking</i> a vehicle within 20 metres of an intersection with traffic control signals	80
57.	5.9(3)(e)	Stopping <i>or parking</i> a vehicle within 10 metres of an intersection	80
58.	5.9(3)(f)	Stopping <i>or parking</i> a vehicle on a prohibited place	80
59.	5.9(3)(g)	Stopping <i>or parking</i> a vehicle near works	60
60.	5.9(3)(h)	Stopping <i>or parking</i> a vehicle on a bridge, tunnel or underpass	80
61.	5.9(3)(i)	Stopping <i>or parking</i> a vehicle where double lines	80
62.	5.9(3)(j)	Stopping <i>or parking</i> a vehicle where double lines	80
63.	5.9(3)(k)	Stopping <i>or parking</i> a vehicle within the head of a cul-de-sac	65
64.	5.10(1)	Stopping <i>or parking</i> an unauthorised vehicle in a loading zone	65
65.	5.10(2)	Stopping <i>or parking</i> 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 <i>or parking</i> a vehicle, other than a charter vehicle, in a charter vehicle zone	65
69.	5.12(2)	Stopping <i>or parking</i> 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 <i>or parking</i> a vehicle in a shared zone	65
72.	5.14	Stopping <i>or parking</i> a vehicle in a pedestrian mall	65
73.	5.15(1)	Stopping <i>or parking</i> a vehicle within 10 metres of the departure side of a bus bay or crossing	65
74.	5.15(2)	Stopping <i>or parking</i> a vehicle within 20 metres of the approach side of a bus bay, bus zone or crossing	65
75.	5.15(3)	Stopping <i>on parking</i> 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

Item No.	Clause No.	Nature of offence	Modified penalty
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 2020.

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 2020*)
- (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 2020.

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 2020*)
- (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 2020.

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 2020*)
- (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 2020
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 2020*).
(2) Address of alleged offender.
(3) Signature of authorised person
(4) Name and title of authorised person giving notice

FPOL2106-5 ADOPTION OF COMPLAINT OF THE COUNCIL CODE OF CONDUCT, DIVISION 3, COMPLAINT HANDLING POLICY'

ATTACHMENT 1: Council code of conduct, Division 3, complaint handling Policy'

Council Policy



Council Code of Conduct Division 3 Complaint Handling Policy

Policy scope

The purpose of the City's Code of Conduct is to guide the decisions, actions and behaviours of Council Members, Committee Members, and candidates for election as a Council Member.

The objective of this Policy is to deal with matters relating to breaches of the behaviour requirements outlined in Division 3 of the Code of Conduct, and all Complaints under this Policy should be made with that objective in mind.

Complaints not dealt with under this policy

A breach of the Rules of Conduct (as per Division 4 of the Code of Conduct) is a minor breach under s5.105(1) of the Local Government Act 1995 and is not the intended subject of this Policy.

Consequently, Complaints such as the following are inappropriate to be dealt with under this Policy:

- a. Complaints made with the intent of addressing personal grievances or disagreements,
- b. Complaints made to express dissatisfaction with a Council or Committee Member's lawfully made decisions or performance of their role,
- c. Minor breaches under s5.105(1) of the *Local Government Act 1995*,
- d. Serious breaches under s5.114 of the *Local Government Act 1995*; and
- e. Allegations of corruption.

Policy statement

Part 1 Making a complaint

1.1 Initiating a Complaint

- a. Any person may make a Complaint alleging a behaviour breach.
- b. A Complaint must be in writing on the City's approved form – Complaint About Alleged Behaviour Breach form.
- c. The complainant must lodge the Complaint with the City's Complaints Officer.
- d. The complainant must provide with the Complaint, details of the alleged behaviour breach together with any supporting evidence.
- e. The Complaint must be lodged within one month of the occurrence of the alleged behaviour breach.
- f. A Complaint must be submitted by the complainant.

1.2 A Complaint cannot be submitted anonymously.

1.3 The Complaints Officer is to provide all Complaints to the Investigator in accordance with the following clause.

- 1.4 The Complaints Officer, within 14 days of receiving a Complaint:
 - a. must contact the complainant acknowledging that the Complaint has been received,
 - b. as part of the acknowledgment process, must provide the complainant with a copy of this Policy,
 - c. must provide the Council or Committee Member to whom the Complaint relates with a copy of the Complaint (including the name of the complainant); and
 - d. must send to the Investigator the Complaint together with details of the alleged breach and any supporting evidence provided by the complainant. (or within 14 days of the person to whom the Complaint relates being elected to Council)
- 1.5 Complaints are to be dealt with and considered in the order in which they are received by the Complaints Officer.
- 1.6 A Complaint relating to a candidate is only to be referred to an Investigator if the candidate is elected as a Council Member.

Part 2 Fees and costs in the complaints process

- 2.1 No fee is payable to lodge a Complaint under this Policy.
- 2.2 The City may pay an Investigator or mediator, appointed pursuant to the Policy, a fee to cover the costs of dealing with the Complaint whether or not a breach is ultimately found.

Part 3 Considering Complaints

- 3.1 Council will appoint a panel, of a minimum of 3 independent persons, with relevant legal expertise and knowledge, who are not current or former employees or elected members of the City to be the City's investigators.
- 3.2 The Chief Executive Officer may appoint an investigator from the panel to review and consider one or more Complaints of behaviour breach and to report on the outcome of any investigations to the Complaints Officer.

Part 4 Mediation

- 4.1 Within 14 days of notification of the Complaint the Investigator must offer mediation to both parties as the first option for dealing with a Complaint and before progressing with the consideration of the Complaint.
- 4.2 If within 14 days of the offer of mediation, a party to the complaint has not responded, it is to be taken as a refusal.
- 4.3 If issues raised in the Complaint are resolved to the satisfaction of both parties in mediation and otherwise before the determination of the Complaint, the complainant must lodge a Withdrawal of Complaint in writing with the Complaints Officer.

Part 5 Investigators determination

- 5.1 Within 14 days of the expiration of the offer of mediation or of an unsuccessful mediation the Investigator must provide the Council Member or Committee Member to whom the Complaint relates with an opportunity of 14 days to respond to the allegations in the Complaint and to provide their own comments and evidence for consideration.
- 5.2 After considering the Complaint, the Investigator must make a determination as to whether the alleged behaviour breach has occurred.
- 5.3 The determination must be made within 21 days from the expiry of the period of time provided for the Council Member or Committee Member to whom the Complaint relates to respond to the complaint.
- 5.4 A determination by the Investigator that the alleged behaviour breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- 5.5 Having made a determination on the alleged behaviour breach, the Investigator must provide a determination and reasons for it in a Determination Report to the Complaints Officer.
- 5.6 If the Investigator makes a determination that the alleged breach has occurred, the Report must make a recommendation of what, if any, further action is required and the contents of a plan, if a plan is recommended, to address the behaviour of the person to whom the Complaint relates (action plan).
- 5.7 The Investigator may recommend to the Complaints Officer that a Complaint is dismissed in accordance with the Code of Conduct.

Part 6 Action plans

- 6.1 When preparing an action plan under this Policy, the Investigator must consult with the person to whom the Complaint relates. The Council or Committee Member must be provided with the opportunity to be involved in matters such as the timing of meetings or training.
- 6.2 An action plan may include a requirement for the person to whom the Complaint relates to do one or more of the following –
 - a. Engage in mediation,
 - b. Undertake counselling,
 - c. Undertake training; or
 - d. Take other action the local government considers appropriate.

- 6.3 An action plan should be designed to provide the Council or Committee Member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives. The plan should outline:
- the behaviour(s) of concern,
 - the actions to be taken to address the behaviour(s),
 - who is responsible for the actions; and
 - an agreed timeframe for the actions to be completed.

Part 7 Report provided to council

- 7.1 The Complaints Officer must provide a confidential report to council including:
- a copy of the Complaint,
 - the Investigator's Report,
 - a copy of any evidence, submissions or other communications from the parties, considered by the Investigator,
 - a recommendation on the question of whether a behaviour breach has occurred,
 - a recommendation about what, if any, further action is required,
 - the content of any action plan intended to address the behaviour of the person to whom the Complaint relate if further action is recommended, and
 - a reason for any inconsistencies between the Investigator's Report findings and recommendations and the Complaint Officers recommendations to Council.

Part 8 Council finding

- 8.1 When making a finding that a behaviour breach has occurred Council must be satisfied that:
- the person to whom the Complaint relates has been given a reasonable opportunity to be heard.
 - The finding is based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- 8.2 Based on the Investigator's Report, the evidence, and any further comments or submissions by the parties, the council may:
- dismiss the Complaint in accordance with clause 11 of this Policy.
 - find that the alleged breach **has** occurred; and
 - decide that further action is required and consider the adoption of an action plan to address the behaviour of the person to whom the Complaint relates; or
 - decide that no further action is required
 - find that the alleged breach **has not** occurred.
- 8.3 If the council makes a finding that the alleged breach has occurred, it may resolve to –
- take no further action; or
 - prepare and implement an action plan recommended by the Investigator with or without modifications as it thinks fit.

Part 9 Acting on council finding

Within 14 days of Council making a finding in relation to a Complaint, the Complaints Officer must give the complainant and the person to whom the Complaint relates –

- a. a copy of the finding; and
- b. any further action required by Council.

Part 10 Confidentiality of Complaints

Information relating to:

- a. the receipt of a Complaint and its referral to an Investigator
- b. the Investigator's deliberations and determination
- c. consultation with the person to whom the Complaint relates in the preparation of a draft action plan

are confidential matters and should not be disclosed unless and until Council has made a formal finding of a breach in respect of the Complaint.

Part 11 Dismissal of Complaint

11.1 Council must dismiss a Complaint where:

- a. the behaviour occurred at a council or committee meeting and either:
 - i. the behaviour was dealt with by the person presiding at the meeting; or
 - ii. the person responsible for the behaviour has taken remedial action in accordance with the local law of the local government that deals with meeting procedures.

11.2 In any event behaviour that is an offence under a local law that deals with meeting procedures cannot be dealt with as a behaviour breach.

Part 12 Withdrawal of Complaint

12.1 A complainant may withdraw their Complaint any time before it is considered by Council.

12.2 The withdrawal of a Complaint must be made –

- a. in writing; and
- b. to the Complaints Officer.

Part 13 Compliance with action plan requirement

13.1 The Complaints Officer is to monitor the actions in timeframes set out in an action plan.

13.2 Failure to comply with an action plan that includes any of the requirements in clause 6.2 of this policy, is a breach of clause 23 of the Code of Conduct and is therefore considered to be a minor breach under s5.105(1) of the *Local Government Act 1995*.
If

Part 14 Vexatious or unreasonable persistence complaints

Some complainants may persist in disagreeing with the action or decision taken in relation to their complaint or they may contact Council or the Chief Executive Officer persistently about the same issue.

Where a complaint has been considered by Council in accordance with this Policy, but the complainant refuses to accept the outcome of the complaint, the Complaints Officer may advise the complainant, in writing, that no further consideration will be given to complaints of any kind:

- a. that are the same, or substantially the same, or
- b. that raise no new matters for consideration,

when compared with previous communications received from them.

Definitions and abbreviations

Behaviour Breach means a breach of a behaviour requirement in Division 3 of the Code of Conduct.

Candidate an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under s4.49 of the *Local Government Act 1995*. The Code of Conduct applies to the candidate from that point. Any alleged behaviour breach may only be dealt with if the candidate is elected as a Council Member.

Code of Conduct means the Code of Conduct for Council Members, Committee Members and Candidates adopted by the City of Fremantle.

Committee Member includes any Council Member, or unelected member of the community, who has been appointed by the council to be a member of a council committee.

Complainant means a person complaining of a behaviour breach by a Council or Committee Member of the City or a candidate.

Complaint means a complaint made under clause 11(1) of the Code of Conduct.

Complaints Officer means a person authorised in writing by the council, or by the CEO exercising authority delegated by the council, to receive complaints and withdrawals of complaints under clause 11 of the Code of Conduct.

Council Member means an individual who has been elected as a Council Member under the *Local Government Act 1995*.

Determination Report means the report for the council of the outcome of the investigation of a Complaint including the following:

- a. whether or not the Investigator considers that the behaviour the subject of the Complaint has occurred,
- b. the evidence relied on by the Investigator under clause 12(3) of the Code for that conclusion; and
- c. a recommendation as to whether no further action should be taken on the Complaint, or the recommended terms of a plan under clause 12(4)(b) of the Code.

Evidence means the available facts or information which go to indicate whether or not an allegation of a breach is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as any other available evidence, to decide whether a breach has occurred.

Investigator means a person appointed as Investigator under Part 3 of this Policy.

Other terms used in this Policy that are also used in the *Local Government Act 1995* have the same meanings as they have in the Act unless the contrary intention appears.

Responsibility and review information	
Responsible officer:	Chief Executive Officer
Document adoption/approval details	Adoption date Meeting name and date
Document amendment details	Amendment date Meeting name and date

FPOL2106-7 COMMERCIAL EVENTS POLICY REVIEW

Attachment 1: Revised Outdoor Events Policy

Council Policy



Outdoor Events Policy

Policy scope

This Policy applies to all privately managed outdoor events held at designated outdoor event venues.

This Policy does not apply to the following:

- Council-managed events
- Street events including community street parties, neighbourhood gatherings, processions, street festivals, triathlons, or fun runs
- Ongoing markets (where a lease or licence has been issued by Council)

Policy statement

The City of Fremantle is recognised as a destination city, known for its culture, heritage and unique places. Fremantle is an ideal location boasting sought-after venues for events.

Council recognises that events contribute to the delivery of the Strategic Community Plan outcomes, and the community as they can entertain or educate, build pride, bring vibrancy, enhance community connections and stimulate the economy.

We seek to manage and support a diverse range of events that create opportunities for the community, visitors and businesses to connect and celebrate, improve social relationships and build community pride.

Strategic objectives

The future planning, development and management of events will be guided by the following strategic objectives:

Community benefit and cultural experience

- use events to encourage the community to engage, include and connect with each other through participating in enjoyable experiences that increase their sense of belonging
- encourage events that build the capacity of the community, fosters local talent and recognises artistic and cultural strengths within the municipality
- endeavour to provide local access to a diverse range of traditional and contemporary events, across the municipality, throughout the year
- maintain and build on the mix of art, cultural, sporting and entertainment events that combine to make Fremantle a destination City.

Event attraction

The City will be proactive and strategically plan to attract events that have significant social, cultural or commercial/economic benefits for the community.

Where possible, we will work collaboratively with key partners to attract such events and be acknowledged as the venue of choice for event organisers.

Once secured, the City will work with event organisers to assist with the approval and compliance, co-ordination and facilitation of these events to ensure they meet the legislative requirements of the City of Fremantle and other authorities.

Venues

1. Outdoor Event Venues

The following venues are deemed as designated outdoor event venues and are categorised as either Gold, Silver or Bronze, depending on their suitability to accommodate events.

Gold venues – Venues that are more sensitive to events and do not suit more than two large impact, or major impact events per year. Events at these venues may have a greater impact on the community given their proximity to residents or the loss of prime public amenity when events are held. These venues are sought after for their location, and/or size but are restricted to a lesser number of higher impact events per year.

Silver venues – Venues that suit up to three large or major impact events per year. Events at these venues are deemed to have a moderate impact on the community with less residents within the immediate vicinity of the venues and are venues that support activation. These venues are sought after for their suitability to accommodate events.

Bronze venues – Venues that are not suitable for any large or major impact events but can accommodate small to medium impact events regularly.

Large and Major impact events are understood to cause a perceived impact to surrounding residents and businesses. The frequency of these events is limited per year to minimise this impact.

The number of large and Major impact events that can be held at each venue per year is detailed below.

Outdoor Event Venues	Annual Event Frequency
Gold Locations	

South Beach	No Major events, maximum of two Large impact events
Fremantle Park	Maximum of one Major or Large impact event
Silver Locations	
Esplanade Reserve	Maximum of three Major or Large impact events
Fremantle Oval	Maximum of three Major or Large impact events
Kings Square	No Major events, maximum of two Large impact events
Port Beach	No Major events, maximum of two Large impact events
Bronze Locations	
Bathers Beach	No Major or Large impact events
Boo Park	No Major or Large impact events
Leighton Beach	No Major or Large impact events
Pioneer Park	No Major or Large impact events
Port Beach North Carpark	No Major or Large impact events
Princess May Park	No Major or Large impact events
Wilson Park	No Major or Large impact events

All venues can accommodate small and medium impact events in line with the City's event approval process.

The following principles will be applied to the scheduling and frequency of events:

- No more than one event will normally be approved on the same day in each venue.
- The scheduling of approved events will be structured to maintain a balance between events and recreational use of the venue.
- The frequency of events will be structured to ensure at least a 10-day buffer (from bump out, to bump in) between Large and Major events.
- Events will be scheduled to allow for the physical rehabilitation of the venue.
- Events will be scheduled in such a way as to accommodate the primary use of the venue.

Event approval will take account of the frequency and timing of events to ensure they:

- are spread throughout the year wherever possible

- the event is suitable
- the venue is available.

The City reserves the right to approve events outside these principles if it considers that the benefits of doing so outweigh any potential impacts.

2. Event Categories

Event applications are assessed based on the event detail and classified into categories. This policy deals only with those events that are categorised as Large or Major.

Event applications that sit below these categories i.e. Small or Medium, will be dealt with by the Events team according to the City's existing approvals process.

Event Detail	Large Impact Event	Major Impact Event
Attendees	5,000 - 9,999 attendees	Greater than 10,000 attendees
Duration	Up to eight hours, single day, single event site	Up to ten hours, single or multiple event days, multiple event sites
Bump in/out days	Up to five bump in/out days	Up to ten bump in/out days
Timings	Held between 7am and 10pm	Held between 7am and 12am
Noise impact	May involve amplified noise / Reg 18 may be required. Max noise level at 30m from stage – 98dB(a) laeq5min 110dB(c) laeq5min	May involve amplified noise / Reg 18 may be required. Max noise level at 30m from stage – 100dB(a) laeq5min, 115dB(c) laeq5min
Pyrotechnics	May involve pyrotechnics	May involve pyrotechnics
Infrastructure	May involve significant infrastructure build	May involve significant infrastructure build
Power	May involve power requirements	May involve power requirements
Vehicle movements	May require significant levels of infrastructure or vehicle access on site	May require significant levels of infrastructure or vehicle access on site
Public transport disruption	May involve minor public transport disruptions	May impact public transport
Road closures	May involve minor road closures or impact normal use of roads	May require road closures or impact normal use of roads
Food sales	May involve food sales	May involve food sales
Liquor license	May be licensed	May be licensed

1. Requirements for all events

The City requires all events to:

- Align with the City's strategic objectives, and this policy.
- Comply with relevant legislation and Council policies and procedures.

- Positively impact Fremantle's brand and reputation as a destination City.
- Provide pass outs for patrons, unless the City deems the impact on community outweighs the benefit of having pass outs.
- Reasonably involve adjoining businesses to participate in the event and manage the impact the event has on local businesses as much as reasonably practicable.
- Not promote tobacco, gambling or alcohol.
- Not involve exotic (non-domesticated) animals, or cruelty to animals.

2. Expression of Interest Process

Large and Major events held at outdoor event venues will be subject to an annual Expression of Interest (EOI) process. The EOI process will be used to proactively seek a broad range of complementary Large and Major impact events across the City.

These events will support the City's events calendar and will secure provisional approval for the upcoming season. Provisional approval is the first step in the event application process and secures the date and location of the event.

Large or Major impact events can be supported outside the EOI process however venue and date availability will be limited. Small and Medium impact event applications can be received and will be processed year-round.

3. EOI Process: Selection Criteria

The City will utilise this selection criteria to select the successful Large and Major impact events that apply via the EOI process if the number of event applications received exceeds the approved maximum number of events each venue can accommodate.

Priority will be given to those event applications that best demonstrate they:

- Contribute to Fremantle being recognised locally, nationally and internationally for its festivals and street life.
- Incorporate local business and allow them to take an active role in the event.
- Create interesting and diverse activities to encourage people to stay longer in Fremantle including offering pass outs.
- Engage, include and connect a range of people in our community, providing diverse opportunities for engagement and participation.
- Minimise community impact and maximise economic and community benefit.

Applications will be selected to ensure the event calendar in its entirety meets the City's event criteria to ensure the event offering is one of mix and diversity.

Once the EOI Process is finalised, further assessment is undertaken to ensure a diverse mix of events is presented to the community.

4. Application Review and Requirements for Approval

Approval is required for all outdoor events held in the City of Fremantle. Large and Major impact event applications are received via the EOI process. The stages of the EOI process and requirements for approval are detailed below:

Stage 1 – Provisional Approval

Stage 1 is the provisional approval stage in the process. During this stage:

- The application is received, and the event is assessed against the requirements outlined in this Policy.
- Council officers may consult with other agencies including WA Police, Public Transport Authority, Port Authority and Main Roads WA.

This stage secures the date and the venue, and the concept of the event. If the concept of the event changes, the application will revert to Stage 1 for re-assessment.

Event information and documentation deadlines are set. Failure to meet these deadlines will result in additional fees and/or cancellation of the event.

Once applications have been issued provisional approval, they proceed to the assessment stage.

Stage 2 – Operational Assessment

Stage 2 is the second stage in the process. Throughout this period event operations, required documentation and plans are submitted and assessed. This is to ensure the event will be safe and will have the desired impact for the City and community.

During Stage 2:

- All documentation is received and approved.
- Local residents and businesses are notified of the event via letter drop, newspaper advertisement and/or community briefing session depending on the impact.
- Approval is received from all stakeholders.
- Payment of invoices is made in full.

The following is required in order to obtain final event approval:

- Event management plans must be approved by the City including (but not limited to) risk management, emergency management, noise management, site plans, stakeholder management (including notifying local businesses and local residents), security provisions, and waste management.

- Events must meet all legal and regulatory requirements, including (but not limited to) obtaining approvals related to public building permits, music licences, food service, and liquor licensing.
- Events require public liability insurance indemnifying the City.
- Road closures require a professionally produced traffic management plan and are subject to approval from a City of Fremantle Traffic Engineer.
- Use equipment and infrastructure that is well maintained, structurally sound and can withstand exposure to climatic conditions.
- Event contractors are the responsibility of the event organiser and must be appropriately qualified and insured.

It is the responsibility of the event organiser to seek and obtain all approvals relating to their event.

Stage 3 – Final Approval

During this stage, the event is approved and delivered as per all approved plans and event approval conditions.

Stage 4 – Event Debrief

Feedback will be sought by relevant stakeholders and the City will debrief the event with the event organiser.

5. Community Notification

Where the event organiser's use of the outdoor event venue causes or is likely to cause an impact to local businesses or residents, whether actual or perceived, the organiser is required to:

- Notify affected residents within the direct perimeter of the venue of any and all information pertaining to the event, including but not limited to road closures, event bump in and bump out times, event running times and sound check times.
- If requested by City officers, the Organiser may be required to conduct a resident briefing meeting with any residents or businesses within the direct perimeter of the venue who are likely to be significantly impacted by the staging of the event.
- Place an advert in local newspapers advising any and all information pertaining to the event which may be relevant, including but not limited to road closures, event bump in and bump out times, event running times and sound check times.
- Include event day phone numbers and road closure information for residents in an easily navigable location on the event website.

A consultation process will be undertaken for events outside of this policy scope. Council will be provided with event management approaches and the outcomes of the consultation process prior to approval being sought. Local community, key authorities and stakeholders will be engaged to obtain views and to minimise any potential negative impacts.

6. Fees and Charges

The framework for applying venue hire fees for outdoor events is categorised by:

- type of event (commercial or community)
- type of venue (categorised as Gold, Silver or Bronze)
- event impact (low, medium, or high impact)
- event activity per day (bump in/out day or event day).

Fees are set through the annual Council budget process, or as varied by Council resolution.

Cost recovery fees – Cost recovery fees are based on the principles of cost recovery and include permit fees, licence fees, and car bay hire fees. Event organisers are required to reimburse Council for the cost of any restoration or repairs which are required as a result of the event and/or its associated activities. A bond is required in advance of the event.

Venue hire fees – Venue hire fees are separate from the cost recovery fees and can be adjusted through the annual Council budget process to reflect market climate.

Definitions and abbreviations

Commercial Event - A for profit commercial, corporate event often with an entrance or membership fee.

Community Event - A free event produced by a local community group or organisation, which encourages local celebration and/or community capacity building.

Event - Any organised activity or function where people are brought together at a given time and place for entertainment, recreation, cultural or community purposes.

Event Organiser - Any person, group or organisation that is responsible for organising an event.

Responsibility and review information	
Responsible officer:	Manager/Director/CEO
Document adoption/approval details	Approval/adoption date Proof of adoption/approval - meeting name or document no#
Document amendment details	Amendment approval/adoption date Proof of adoption/approval - meeting name or document no#

FPOL2106-8 SUSTAINABLE EVENTS POLICY REVIEW

ATTACHMENT 1: Sustainable Events Policy

Council Policy



Sustainable Events Policy

Policy scope & objectives

The City of Fremantle (the City) is committed to improving sustainability practices for all events co-ordinated or approved by the City. For these events, this policy seeks to reduce waste, improve resource recovery and promote sustainable transport options.

Policy application

This policy applies to:

- All events produced by the City, or contractors employed by the City to produce an event ('City events');
- All events produced by a third party but subject to the formal approval of the City including externally produced events held on land under the City's care and control, and events supported by City grants ('Approved events').

Notwithstanding the above, all events held in the City of Fremantle are encouraged to adhere to this policy.

Policy statement

1. City Events

1.1. Events produced by the City, or contractors working employed by the City to produce an event, are to:

1.1.1. Provide paired and clearly labelled recycling and waste bins.

1.1.2. Exclude:

- a) Provision, sale, distribution or use of balloons and confetti as part of the event.
- b) Use of Polystyrene and Styrofoam in the sale or distribution of food or drinks at the event.
- c) Provision, sale or distribution of single-use plastics at the event. This includes: straws, cutlery, cups, coffee cups, bottles (including individual single use water bottles), plates, containers, bags and cling wrap. This does not include bio-plastics made from 100% plant material that are certified as compostable according to Australian standards.

1.1.3. Provide an easily accessible alternative to bottled water which enables patrons to refill empty drink bottles with drinking water free of cost.

1.1.4. Restrict promotional material, decorations and supplies to those which can be reused, recycled, contain recycled content and/or be certified carbon offset.

1.1.5. Minimise the use of printed promotional material.

1.1.6. Incorporate:

- a) Promotion of walking, riding and public transport options.
- b) Provision of adequate bike parking for all large scale events.

2. Approved Events

2.1. Events produced by a third party but subject to the formal approval of the City are to:

2.1.1. Exclude:

- a) Provision, sale, distribution or use of balloons and confetti as part of the event.
- b) Use of Polystyrene and Styrofoam in the sale or distribution of food or drinks at the event.
- c) Provision, sale or distribution of plastic straws at the event. This does not include paper straws or straws made from bio-plastics that are certified as compostable according to Australian standards.

2.1.2. Minimise the use of printed promotional material.

2.2. In addition, all large scale events are to:

2.2.1. Provide paired and clearly labelled recycling and waste bins.

2.2.2. Incorporate:

- a) Promotion of walking, riding and public transport options.
- b) Provision of adequate bike parking for all large scale events.

2.2.3. Provide an easily accessible alternative to bottled water which enables patrons to refill empty drink bottles with drinking water free of cost.

Small scale events are encouraged to adhere to these requirements also.

2.3. Encouraged Provisions

2.4. Events approved by the City but produced by a third party are encouraged to:

2.4.1. Exclude provision, sale or distribution of single-use plastics at the event. This includes: cutlery, cups, coffee cups, bottles, plates, containers, bags and cling wrap. This does not include bottled water or bio-plastics made from 100% plant material that are certified as compostable according to Australian standards

2.4.2. Restrict promotional material, decorations and supplies to those which can be reused, recycled, contain recycled content and/or be certified carbon offset.

3. Variations

3.1. Variations to this policy may be sought for health and safety reasons or where there is no other practical alternative available.

4. Implementation and Enforcement

4.1. Implementation of the policy will be staged over an initial 2 year roll out period. Compliance with the policy will be pursued through proactive communication, education and support rather than through formal monitoring and enforcement approaches.

Definitions and abbreviations

Event – Includes, but is not limited to: civic, community or commercial events; meetings; functions; workshops; training; markets; festivals; expos; approved parties; information sessions; conferences; sporting; and, recreational events.

Large scale event - an event with a capacity of 5000 people or more in attendance on any one day or night.

Review information and related documentation

Reviewing officer:	Manager Strategic Planning
Policy adopted:	28 November 2018 FPOL 1181-4
Policy amended:	Click here to enter a date. "<Council number>"
Legislation:	NA
Delegations:	NA
Related documents:	NA
Next review date:	28 November 2020