



Additional information

Finance, Policy, Operations and Legislation Committee

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FPOL2206-2 PROPOSED CITY OF FREMANTLE PARKING AMENDMENT LOCAL LAW 2022

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 28 July 2021 to make this local law.

Part 1 - Preliminary

1.1 Title

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

1.2 Commencement

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

1.3 Repeal

The *City of Fremantle Parking Local Law 2006* published in the *Government Gazette* on 29 November 2006 is repealed.

1.4 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to -
 - (a) the approach and departure prohibition areas of all traffic control signal installations as determined by the Commissioner of Main Roads;
 - (b) the prohibition areas that apply to all bridges and subways as determined by the Commissioner of Main Roads; and
 - (c) any road that comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.
- (3) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law is to apply to that facility or station.
- (4) The agreement referred to in subclause (3) may be made on such terms and conditions as the parties may agree.

1.5 Terms used

In this local law -

Act means the *Local Government Act 1995*;

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

attended parking station means a parking station –

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

authorised person means a person appointed under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law;

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

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

bicycle has the meaning given in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given in the Code;

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

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

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus stop has the meaning given in the Code;

bus zone has the meaning given in the Code;

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

carriageway means –

- (a) a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and
- (b) where a thoroughfare has 2 or more of those portions divided by a median strip, - each of those portions, separately;

CEO means chief executive officer of the local government;

centre, in relation to a carriageway, means a line or a series of lines, marks or other indications –

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

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

clearway means a length of carriageway to which a 'clearway' sign applies;

Code means the *Road Traffic Code 2000*;

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

commercial vehicle –

- (a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than –
 - (i) a trailer or a vehicle to which a trailer is attached; or
 - (ii) a motor vehicle for the conveyance of passengers; and
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

Council means the council of the local government;

disability parking permit has the meaning given in the ~~Local Government (Parking for People with Disabilities) Regulations 2014~~ *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the local government;

driver means any person driving or in control of a vehicle;

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

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

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

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

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

~~**emergency vehicle** has the meaning given in the Code;~~

~~**employee** means an employee of the local government;~~

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

~~**fee paying machine** means –~~

- (a) a parking meter;



- (b) a ticket issuing machine;
- (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;

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

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

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

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

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

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

local government means the City of Fremantle;

mail zone has the meaning given in the Code;

median strip has the meaning given in the Code;

metered stall means a parking stall in a metered zone;

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

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

motorcycle has the meaning given in the Code;

motor vehicle –

- (a) means a self-propelled vehicle that is not operated on rails; and
- (b) includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

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

- (a) does not include a grouped dwelling; and
- (b) includes any dwellings above the ground floor in a mixed-use development;

nature strip has the meaning given in the Code;

no parking area has the meaning given in the Code;

no parking sign means a sign with -



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

no stopping area has the meaning given in the Code;

no stopping sign means a sign with –

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

occupier has the meaning given in the Act;

owner -

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

park has the meaning given in the Code;

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

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

parking area has the meaning given in the Code;

parking facilities includes –

- (a) land, thoroughfare, reserves, buildings, shelters, parking stations, metered zones, metered stalls, ticket machine zones, pay by phone zones, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

parking meter means a machine or device that, as a result of a payment by any permitted means, indicates (without the issue of a ticket) the period during which it is lawful for a vehicle to ~~remained~~ 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 ~~4.31.4~~;

parking region means the area to which this local law applies, as described in clause ~~4.31.4~~;

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

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

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

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

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

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

path has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

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

~~**permissive parking sign** means a sign inscribed with –~~

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

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

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

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

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

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



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

right of way means a portion of land that is -

- (a) shown and marked 'Right of Way' or 'R.O.W', or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*,

but does not include -

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

road means a thoroughfare that is open to, or used by, the public;

Schedule means a Schedule to this local law;

shared zone has the meaning given in the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device on which may be shown words, numbers, expressions or symbols, that is -

- (a) approved by the local government or by the CEO; and
- (b) placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given in the Code;

stop has the meaning given in the Code;

~~symbol includes any symbol specified by Australian Standard 1742.11 2016 and any symbol specified from time to time by Standards Australia for use in the regulation of parking, and any reference to the wording of any sign in this local law includes a reference to the corresponding symbol;~~

taxi has the meaning given in the Code;

taxi zone has the meaning given in the Code;

thoroughfare has the meaning given in the Act;

ticket includes a token;

ticket issuing device means a mobile device ~~that as a result of payment~~ which issues a ticket showing the period during which it is lawful to remain parked in a parking stall or a parking station or part of the parking station in the area to which the device relates ~~issues a parking ticket;~~

ticket issuing machine means a machine ~~that as a result of payment~~ which issues a ticket showing the period during which it is lawful to remain parked in a parking stall or a parking station or part of the parking station in the area to which the machine relates ~~issues a parking ticket;~~

ticket issuing machine zone means a parking station, or any other road or reserve, in respect of which a ticket issuing machine is installed to regulate parking in parking stalls;

traffic island has the meaning given in the Code;

trailer has the meaning given in the Code;

truck means a vehicle that has a load capacity exceeding 1,000 kilograms;

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

unexpired parking ticket means a ticket, whether paper or electronic, on which a date and expiry time is printed or displayed, and that time has not expired;

valve stem reading means a method of recording the position of the tyre valves in relation to the kerb or road surface;

vehicle has the meaning given in the ~~Road Traffic (Administration) Act 2008~~ **Road Traffic (Administration) Act 2008**; and

verge has the same meaning as ***nature strip***.

1.6 Application of particular terms

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

1.7 Pre-existing signs

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



1.8 Classes of vehicles

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

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

1.9 Part of thoroughfare to which sign applies

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

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

Part 2 - General powers to regulate parking

2.1 Establishment of parking facilities

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

2.2 Power to prohibit and regulate

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

2.3 Determinations

(1) The Council may determine –

- (a) permitted times and conditions of stopping and parking that may vary within the parking region;
- (b) permitted classes of persons who may stop or park their vehicles;
- (c) permitted classes of vehicles that may stop or parking park; and
- (d) the manner of stopping or parking.

(2) Where the Council makes a determination under subclause (1) –





- (a) it may vary the determination; and
- (b) the CEO is to ensure that one or more signs are erected to give effect to the determination.

2.4 Parking fees

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

2.5 Approved alternative methods of payment

- (1) The Council may approve an alternative method of payment for parking under this local law.
- (2) An approved alternative method of payment -
 - (a) is to be on the terms and conditions determined by the Council;
 - (b) may enable a payment to be made in advance or in arrears; and
 - (c) may be ~~affected~~ 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 **otherwise** required for parking) a period of free parking is permitted, a person must not move a vehicle within, or return to, the fee paying zone unless the vehicle has been removed from the fee paying zone for at least 4 hours.

Part 4 - Parking stations

4.1 Restrictions on entering

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

- (a) permitted by a sign applicable to that parking station; or
- (b) the person entering the parking station is –
 - (i) employed at the parking station and is in the course of his or her functions;

- (ii) a police officer and is in the course of his or her functions; or
- (iii) the driver of, or a passenger in, a vehicle stopped or parked in that station.

4.2 Payment of fees

A person who stops or parks a vehicle in –

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

4.3 Suspension of requirement to pay fees

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

4.4 Display of parking tickets

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

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



4.5 Use of counterfeit or altered parking tickets

A person must not –

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

4.6 No entrance or parking ticket

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

4.7 Removal of vehicles

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

4.8 Time restrictions

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



4.9 Entering and exiting

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

4.10 Locking of a parking station

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

4.11 Stopping and parking restrictions

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

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

4.12 Behaviour in a parking station

A person must not –

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

4.13 Special event parking

- (1) In this clause, special event means a function or activity characterised by all or any of the following—
 - (a) formal organisation and preparation;
 - (b) its occurrence is generally advertised or notified in writing to particular persons;
 - (c) organisation by or on behalf of a club or a body corporate;



- (d) payment of a fee to attend; and
 - (e) systematic recurrence in relation to the day, time and place.
- (2) The local government may, ~~by the use of a sign~~—
- (a) by giving local public notice and the use of a sign:
 - (i) ~~set aside, for a period not exceeding 4 weeks, the period specified on the signs a parking station facilities for the parking of vehicles by those attending a special event; or~~
 - (ii) ~~establish additional parking facilities on a reserve or local government property, for a period not exceeding 4 weeks any period specified on the sign, for the parking of vehicles by those attending a special event.~~
 - (b) by resolution of council and by giving a minimum of 4 weeks local public notice, and the use of a sign:
 - (i) *set aside parking facilities for a period exceeding 4 weeks for the parking of vehicles by those attending a special event; or*
 - (ii) *establish additional parking facilities on a reserve or local government property, for a period exceeding 4 weeks, for the parking of vehicles by those attending a special event.*
- (3) A person must not stop or park a vehicle—
- (a) in a parking station set aside under subclause (2) during the period for which it is set aside; or
 - (b) on a reserve or local government property established as a parking facility under subclause (2) during the period for which it is established,

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

Part 5 - Stopping and parking generally

Division 1 – Parking facilities and other thoroughfares

5.1 Contrary to signs

- (1) A person must not stop or park a vehicle in a parking facility –
 - (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;



- (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) for more than the maximum time specified by a sign unless –
 - (i) clause 6.11 applies; or
 - (ii) the vehicle displays a disability parking permit, and the person with the disability is either the driver or the passenger, in which case the vehicle may be parked (except in a parking area for people with disabilities) in accordance with regulation 174(2) of the Code;
 - (e) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked; or
 - (f) that is designated by a sign as a loading dock – unless, in respect of the vehicle, a person is actively engaged in loading or unloading goods or materials used in any trade, business, industry or other work.
- (2) Unless permitted by an authorised person, a person must not stop or park a vehicle, otherwise than in an authorised vehicle, in an area designated by a sign stating, 'Authorised Vehicles **Excepted Only**'.
- (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~~ *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 **or verge** 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 **or verge** 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 **single continuous longitudinal line or 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~~ **continuous 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 **on a thoroughfare** so that any portion of the vehicle is within 10 metres of the departure side of –
 - (a) a bus embayment or a bus zone unless the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) a pedestrian crossing or children's crossing.
- (2) A person must not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is within 20 metres of –
 - (a) the approach side of a bus embayment or a bus zone, unless the vehicle is a public bus stop to take up or set down passengers;
 - (b) the approach side of a pedestrian crossing or children's crossing; or
 - (c) the approach side or departure side of a railway crossing.
- (3) A person must not stop or park a vehicle in a bus zone unless the person is driving a public bus, or a bus of a type that is permitted by a bus zone sign applying to the bus zone to stop at the bus zone.
- (4) This clause does not apply if –
 - (a) the vehicle is stopped or parked in a marked stall;
 - (b) the driver of the vehicle is prevented from proceeding by circumstances beyond his or her control; or
 - (c) it is necessary for the driver of the vehicle to stop to avoid an accident.

5.16 Fire hydrant or public letter box

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



- (a) the person is driving a public bus that stops in a bus embayment or bus zone and is not left unattended; or
 - (b) the person is driving a taxi that stops in a taxi zone and the taxi is not left unattended.
- (2) A person must not stop or park a vehicle within 3 metres of a public letter box unless the person –
- (a) is dropping off, or picking up, passengers or mail; or
 - (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies, and the driver is permitted to stop at that place under the Code.

5.17 Median strips and traffic islands

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

5.18 Verges

- (1) In this clause, long or heavy vehicle means a vehicle that –
- (a) is more than 6.5m long;
 - (b) is more than 2.2m wide;
 - (c) is more than 2.4m high; or
 - (d) exceeds a GVM of 3.5 tonnes.
- (2) A person must not –
- (a) stop or park a bus on any part of any verge;
 - (b) stop or park a long or heavy vehicle on any part of any verge – unless subclause (3) or subclause (4) applies; or
 - (c) stop or park a vehicle (except for a bus, a long or heavy vehicle, or a bicycle) –
 - (i) on a verge that is adjacent to a grouped or multiple dwelling; or
 - (ii) on a verge that is not adjacent to a grouped or multiple dwelling unless the person –
 - (A) is the owner or occupier of the premises adjacent to the verge; or
 - (B) is authorised by the occupier of those premises to stop or park the vehicle so that any portion of it is on the verge.



- (3) A person may stop or park a long or heavy vehicle on any part of any verge while the vehicle is being loaded or unloaded, with reasonable expedition, with goods or materials collected from or delivered to the premises adjacent to the portion of the verge on which the vehicle is parked, provided that no obstruction is caused to the passage of any vehicle or person using a carriageway, driveway or footpath.
- (4) A person may stop or park a long or heavy vehicle on a verge provided that –
 - (a) the vehicle does not exceed a GVM of 4.5 tonnes;
 - (b) the verge is not adjacent to a grouped or multiple dwelling;
 - (c) the person stopping or parking the vehicle –
 - (i) is the owner or occupier of the premises adjacent to the verge; or
 - (ii) is authorised by the occupier of those premises to stop or park the vehicle on the verge;
 - (d) no part of the vehicle is less than 1.5m from the nearest kerb; and
 - (e) no obstruction is caused to the passage of any vehicle or person using a carriageway, driveway or footpath.

5.185.19 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.

5.195.20 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.

5.205.21 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~~ Council may determine –

- (a) classes of parking permits, in ~~additional~~ 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 6.167;

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

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

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

6.15 Eligibility

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

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

- (ii) is not a commercial vehicle that exceeds 7.5m in length or 4.5 tonnes gross vehicle mass.

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

6.16 Restrictions on numbers of permits

- (1) In respect of a single house or residential unit, the maximum numbers of residential parking permits and/or multi-purpose parking permits that can be issued are set out in the Eligibility Table.
- (2) The CEO or an authorised person may restrict the number of residential parking permits or multi-purpose parking permits that can be issued in respect of a particular road or a particular area.

6.17 Eligibility Table

The Eligibility Table is –

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

6.18 Temporary parking permits

- (1) After receipt of an application for a residential parking permit (under clause 6.3) and before its determination, the CEO or an authorised person may issue to the applicant in the form of one or more temporary residential parking permits, the number of residential parking permits that would be issued to the applicant, in accordance with the Eligibility Table, if their application were to be successful.
- (2) A temporary residential parking permit issued under this clause is to be for the period, not exceeding 6 months, that the CEO considers is appropriate to enable the application to be determined.

6.19 Power to override eligibility requirements

If an applicant -

- (a) has made an application for a residential parking permit or a multi-purpose parking permit under this Part;



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

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

Part 7 - Miscellaneous

7.1 Powers of an authorised person

- (1) An authorised person may, for a purpose connected with their functions –
 - (a) mark the tyres of a vehicle parked in a parking facility with chalk or other non-indelible substance;
 - (b) take a valve stem reading of a vehicle;
 - (c) record a vehicle registration number;
 - (d) photograph a vehicle or anything in or on it; or
 - (e) affix to a vehicle any notice.
- (2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.
- (3) No offence under this local law is committed by an authorised person while carrying out their functions.

7.2 Impersonating an authorised person

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

7.3 Obstructing an authorised person

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

7.4 Use of fee paying machines

- (1) A person must not insert into a fee paying machine anything other than the designations of coin or bank note or other form of permitted payment indicated by a sign on the fee paying machine.
- (2) A person must not operate a fee paying machine except in accordance with the operating instructions on the fee paying machine.

7.5 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.



7.6 Unauthorised signs and defacing of signs

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

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

7.7 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence.

7.8 General provisions about signs

- (1) A sign that is marked, erected, set up or displayed on or near a thoroughfare is, in the absence of evidence to the contrary, presumed to be a sign that is marked, erected, set up or displayed under this local law.
- (2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

7.9 Damage to local government property

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

7.10 Special purpose, emergency and vehicles driven by authorised persons

Despite anything to the contrary in this local law -

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

7.11 Vehicles not to obstruct a public place

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

- (a) obstructs the use of any part of the public place; or



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

7.12 Direction to move vehicle

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

7.13 Urgent, essential or official functions

- (1) Where –
 - (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
 - (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility, the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.
- (2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.
- (3) Permission given under subclause (1) may –
 - (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and
 - (b) be revoked or suspended at any time by an authorised person.
- (4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

Part 8 - Enforcement

8.1 Legal proceedings

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

8.2 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.



- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is to be liable, on conviction, to a penalty not less than \$250 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.3 Form of notices

For the purposes of this local law -

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 2;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 2;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 2; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 2.



SCHEDULE 1 - PRESCRIBED OFFENCES

Item No.	Clause No.	Nature of offence	Modified penalty
1.	3.2(2)	Failure to pay fee in the a fee paying zone	60
2.	3.4(a)	Parking when meter has expired	60
3.	3.4(b)	Parking in excess of maximum 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(1)	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 or stopping contrary to sign	60
29.	5.1(2)	Parking without permission in an area designated for 'Authorised Vehicles Only'	80
30.	5.1(3)	Stopping without permission in a reserved area	80
31.	5.2(1)(a)	Stopping or parking in a no stopping area	80
32.	5.2(1)(b)	Stopping alongside continuous yellow lines	80
33.	5.2(1)(c)	Stopping or parking contrary to keep clear marking	80
34.	5.2(1)(d)	Parking or stopping vehicle in motorcycle only area	80
35.	5.2(1)(fe)	Parking in a transit bus lane	150
36.	5.2(1)(h)	Stopping in a bicycle lane	150
37.	5.2(2)	Stopping or parking in a no stopping parking area	80
38.	5.2(3)(a)	Parking in thoroughfare for purpose of sale	65
39.	5.2(3)(b)	Parking unlicensed vehicle in thoroughfare	65
40.	5.2(3)(c)	Parking a trailer on a thoroughfare	65
41.	5.2(3)(d)	Parking in thoroughfare for purpose of repairs	65
42.	5.3(1)	Failure to park wholly within parking stall	80
43.	5.3(2)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	65
44.	5.3(3)	Stopping or parking a bicycle in a parking stall	65
45.	5.4	Double parking	150
46.	5.5(a)	Failure to park on the left of two-way carriageway	65
47.	5.5(a) or 5.5(b)	Parking against the flow of traffic	65
48.	5.5(b)	Failure to park on boundary of one-way carriageway	80
49.	5.5(c)	Parking when distance from farther boundary less than 3 metres	80
50.	5.5(d)	Causing obstruction on carriageway	80
51.	5.6	Moving vehicle to avoid time limitation	60
52.	5.7(1)	Parking heavy or long vehicle on carriageway	80
53.	5.9(3)(a)	Stopping or parking a vehicle causing an obstruction on a road	150
54.	5.9(3)(b)	Stopping or parking a vehicle causing an obstruction in a parking facility	80



Item No.	Clause No.	Nature of offence	Modified penalty
55.	5.9(3)(c)	Stopping or parking a vehicle on an intersection	150
56.	5.9(3)(d)	Stopping or parking a vehicle within 20 metres of an intersection with traffic control signals	80
57.	5.9(3)(e)	Stopping or parking a vehicle within 10 metres of an intersection	80
58.	5.9(3)(f)	Stopping or parking a vehicle on a prohibited place	80
59.	5.9(3)(g)	Stopping or parking a vehicle near works	60
60.	5.9(3)(h)	Stopping or parking a vehicle on a bridge, tunnel or underpass	80
61.	5.9(3)(i)	Stopping or parking a vehicle where double lines	80
62.	5.9(3)(j)	Stopping or parking a vehicle where double single lines	80
63.	5.9(3)(k)	Stopping or parking a vehicle within the head of a cul-de-sac	65
64.	5.10(1)	Stopping or parking an unauthorised vehicle in a loading zone	65
65.	5.10(2)	Stopping or parking a vehicle in a loading zone in excess of maximum period	65
66.	5.11(1)	Stopping a vehicle, other than a taxi, in a taxi zone	65
67.	5.11(2)	Leaving a taxi unattended in a taxi zone	65
68.	5.12(1)	Stopping or parking a vehicle, other than a charter vehicle, in a charter vehicle zone	65
69.	5.12(2)	Stopping or parking in a charter vehicle zone for longer than the maximum period	65
70.	5.12(3)	Leaving a charter vehicle unattended in a charter vehicle zone	65
71.	5.13	Stopping or parking a vehicle in a shared zone	65
72.	5.14	Stopping or parking a vehicle in a pedestrian mall	65
73.	5.15(1)	Stopping or parking a vehicle within 10 metres of the departure side of a bus bay or crossing	65
74.	5.15(2)	Stopping or parking a vehicle within 20 metres of the approach side of a bus bay, bus zone or crossing	65
75.	5.15(3)	Stopping on parking a vehicle, other than a permitted bus, in a bus zone	65
76.	5.16(1)	Parking within 1 meter of fire hydrant or plug	65
77.	5.16(2)	Parking within 3 metres of public letter box	65
78.	5.17	Parking on a median strip/traffic island	80
79.	5.18	Stopping on verge	80
80.	5.18 5.19	Parking on a driveway	80



Item No.	Clause No.	Nature of offence	Modified penalty
81.	5.19 5.20	Driving or parking on reserve	150
82.	5.20(2) 5.21(2)	Parking on land that is not a parking facility without consent	150
83.	5.20(3) 5.21(3)	Parking on land not in accordance with consent	65
84.	6.12(a)	Using a counterfeited or altered parking permit	150
85.	7.1(2)	Removing mark of authorised person	150
86.	7.3	Obstructing or hindering an authorised person	250
87.	7.4(1)	Non-permitted insertion in ticket issuing machine	80
88.	7.6(a)	Marking, setting up or exhibiting a sign	250
89.	7.6(b)	Removing, defacing or misusing a sign	250
90.	7.6(c)	Defacing a sign	250
91.	7.9	Damage to local government property	250
92.	7.11	Leaving vehicle so as to obstruct a public place	150
93.	7.12	Parking contrary to directions of authorised person	250
94.		All other offences not specified	65



SCHEDULE 2 – INFRINGEMENTS NOTICE FORMS

[Clause 8.3]

FORM 1

PARKING LOCAL LAW 2021

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle:

make: ;

model: ;

registration: ;

was involved in the commission of the following offence -

.....

.....

.....

contrary to clause of the Parking Local Law 2021.

You are required under section 9.13 of *the Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

- (a) within 28 days after being served with this notice;
 - (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5)

(6)

Insert:

(1) Name of 'owner' (as defined in the *Parking Local Law 2021*)

(2) Address of owner (not required if owner not named)

(3) Time of alleged offence

(4) Location of alleged offence

(5) Signature of authorised person

(6) Name and title of authorised person giving notice



FORM 2
PARKING LOCAL LAW 2021
INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)

in respect of vehicle:

make: ;

model: ;

registration: ;

you committed the following offence:

.....
.....
.....
contrary to clause of the Parking Local Law 2021.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

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

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

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. ~~Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.~~

(6)

(7)

Insert:

- (1) Name of alleged offender or 'owner' (as defined in the *Parking Local Law 2021*)
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice



FORM 3
PARKING LOCAL LAW 2021
INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)
in respect of vehicle:
make: ;
model: ;
registration: ;
you committed the following offence:
.....
.....

contrary to clause of the Parking Local Law 2021.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice:

- (a) you pay the modified penalty; or
(b) you:
(i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,
you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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

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



If the above address is not your current address, or if you change your address, it is important that you advise us immediately. ~~Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.~~

(6)

(7)

- Insert:
- (1) Name of 'owner' (as defined in the *Parking Local Law 2021*)
 - (2) Address of owner (not required if owner not named)
 - (3) Time of alleged offence
 - (4) Location of alleged offence
 - (5) Place where modified penalty may be paid
 - (6) Signature of authorised person
 - (7) Name and title of authorised person giving notice



FORM 4
PARKING LOCAL LAW 2021
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)
Infringement Notice No. dated / /
in respect of vehicle:
make: ;
model: ;
registration: ;

for the alleged offence of
.....
.....
.....
has been withdrawn.

The modified penalty of \$
has been paid and a refund is enclosed.
has not been paid and should not be paid.
delete as appropriate.

(3)
(4)

Insert:

(1) Name of alleged offender to whom infringement notice was given or the 'owner' (as defined in the *Parking Local Law 2021*).
(2) Address of alleged offender.
(3) Signature of authorised person
(4) Name and title of authorised person giving notice



Dated the _____ day of _____ 2021

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

Andrew Sullivan
DEPUTY MAYOR

Glen Dougall
A/CHIEF EXECUTIVE OFFICER



FPOL2206-6 COUNCIL CODE OF CONDUCT DIVISION 3 COMPLAINT HANDLING POLICY REVIEW

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:
- must contact the complainant acknowledging that the Complaint has been received,
 - as part of the acknowledgment process, must provide the complainant with a copy of this Policy,
 - 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
 - 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 use the relevant State Government Common Use Agreement (in accordance with the City's procurement processes) to appoint 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:

- a. the behaviour(s) of concern,
- b. the actions to be taken to address the behaviour(s),
- c. who is responsible for the actions; and
- d. 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. a copy of the Complaint,
- b. the Investigator's Report,
- c. a copy of any evidence, submissions or other communications from the parties, considered by the Investigator,
- d. a recommendation on the question of whether a behaviour breach has occurred,
- e. a recommendation about what, if any, further action is required,
- f. 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
- g. 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:

- a. the person to whom the Complaint relates has been given a reasonable opportunity to be heard.
- b. 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:

- a. dismiss the Complaint in accordance with clause 11 of this Policy.
- b. find that the alleged breach **has** occurred; and
 - i. 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
 - ii. decide that no further action is required
- c. 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 –

- a. take no further action; or
- b. 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: 23 June 2021 Ordinary Meeting of Council – FPOL2106-5
Document amendment details	Amendment date Meeting name and date
Next review date	23 June 2025



FPOL2206-6 COUNCIL CODE OF CONDUCT DIVISION 3 COMPLAINT HANDLING POLICY REVIEW

CAT ACT 2011 LOCAL GOVERNMENT ACT 1995

CITY OF FREMANTLE CAT MANAGEMENT LOCAL LAW 2020

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Fremantle resolved on Wednesday 13 May 2020 to make the following local law.

Part 1 – Preliminary

1.1 Citation

This local law may be cited as the *City of Fremantle Cat Management Local Law 2020*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Definitions

In this local law unless the context otherwise requires –

Act means the *Cat Act 2011*;

applicant means the occupier of the premises who makes an application for a permit under this local law;

authorised person means a person authorised by the local government to perform the functions conferred on an authorised person under this local law;

cat prohibited area means the land –

(a) described in Schedule 3;

cat management facility means –

(a) a facility operated by a local government that is, or may be, used for keeping cats;

(b) a facility for keeping cats that is operated by a person or body prescribed; or

(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

cattery means any premises where more than 3 cats are kept, bred, boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary owner of the cats;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the City of Fremantle;



nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;**
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;**
- (c) interference which causes material damage to land or other property on the land affected by the interference;**

owner has the meaning given to it in the Act;

permit means a permit issued by the local government under Part 3;

permit holder means a person who holds a valid permit under Part 3;

premises includes the following –

- (a) land (whether or not vacant);
- (b) the whole or part of a building or structure (whether of a permanent or temporary nature); and
- (c) a vehicle;

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

Schedule means a schedule to this local law;

Scheme means a planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents; and

Veterinarian means a registered veterinary surgeon as defined in section 2 of the *Veterinary Surgeons Act 1960*

Part 2 – Cat control

2.1 Cat prohibited areas

- (1) A cat shall not be in the places specified in Schedule 3 at any time, whether or not under effective control.
- (2) If a cat is in a cat prohibited area in contravention of subclause (1), then the owner of the cat commits an offence unless the owner of the cat has first obtained written authorisation from the Local Government.

2.2 Cat not to be a nuisance

- (1) An owner shall not allow a cat to be or create a nuisance.**
- (2) Where in the opinion of an authorised person, a cat is creating a nuisance, the local government may give written notice to the owner of the cat requiring that person to abate the nuisance.**
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government in the notice which shall not exceed 28 days.**
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.**



Part 3 – Permits for keeping cats

3.1 Interpretation

In this part, and for the purposes of applying the definition of 'cattery', *cat* does not include a cat less than 6 months old.

3.2 Cats for which a permit is required

- (1) Subject to subclause (2) a person is required to have a permit to –
 - (a) keep more than 3 cats on any premises; or
 - (b) use any premises as a cattery or cat management facility.
- (2) A permit is not required under subclause (1) if the premises concerned are –
 - (a) a refuge of the RSPCA
 - (b) a cat management facility which has been approved by the local government;
 - (c) a veterinary surgery.

3.3 Application for permit

An application for a permit under clause 3.2 shall be –

- (a) made in writing by an occupier of the premises in relation to those premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
- (c) accompanied by a brief reason and justification for the request;
- (d) accompanied by the plans of the premises to which the application relates in the form determined by the local government from time to time;
- (e) accompanied by the consent in writing of the owner of the premises where the occupier is not the owner of the premises to which the application relates; and
- (f) accompanied by the application fee for the permit determined by the local government from time to time.

3.4 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.3.

3.5 Factors relevant to the determination of application

- (1) In determining an application for a permit the local government may have regard to –
 - (a) the reasons and justification provided for the request;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the proposed use;
 - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (e) the structural suitability of any enclosure in which any cat is to be kept;
 - (f) the likelihood of a cat causing nuisance, inconvenience, or annoyance



- (g) to the occupiers of adjoining land;
 - (g) the likely effect on the amenity of the surrounding area of the proposed use;
 - (h) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the use;
 - (i) any submissions received under subclause (2) within the time specified in subclause (2); and
 - (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to –
 - (a) consult with nearby landowners; or
 - (b) advise nearby landowners that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice, before determining the application for the permit.
- (3) The local government may specify the extent of consultation with nearby residents, as specified in subclause 3.5(2)(a) and may specify which properties should be consulted.

3.6 Decision on application

- (1) The local government may –
 - (a) approve an application for a permit as it was submitted, in which case it shall approve it subject to the conditions in clause 3.7 and may approve it subject to any other conditions it sees fit;
 - (b) approve an application but specify an alternative number of cats permitted to be housed at the address; or
 - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue a permit to the applicant in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1) then it shall advise the applicant accordingly in writing.

3.7 Conditions

- (1) Every permit is issued subject to the following conditions –
 - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
 - (b) each cat shall be contained on the premises unless under the effective control of a person;
 - (c) the permit holder will provide adequate space for the exercise of the cats;
 - (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
 - (e) those conditions contained in Schedule 1.
- (2) In addition to the conditions in subclause (1) of this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

3.8 Compliance with conditions of permit

A permit holder shall comply with each condition of a permit.



3.9 Duration of a permit

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires –

- (a) if it is revoked; or
- (b) if the permit holder ceases to reside at the premises to which the permit relates.

3.10 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

3.11 Permit not transferable

A permit is not transferrable either in relation to the permit holder or the premises.

3.12 Permit to be kept at premises and available for view

- (1) A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.
- (2) In the case of a registered cattery or cat management facility, the permit shall be displayed in a prominent place within the premises.

Part 4– Offences and penalties

4.1 Serving of infringement notices

An infringement notice served under section 62 of the Act or this local law may be given to a person—

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

4.2 Objections and Appeals

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

4.3 General offence and penalty provisions

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of Section 84 of the Act.
- (3) Unless otherwise specified, any person who commits an offence under this local law is liable on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.



- (4) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule, is the modified penalty for that offence.
- (5) Where an authorised person has reason to believe that a person has committed an offence under this local law in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (6) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012* to the person named in the infringement notice.
- (7) A penalty for an offence against this local law may be recovered by the local government taking proceedings against the alleged offender in a Magistrate's Court.
- (8) The local government shall cause to be kept adequate records of all infringement notices given, and all modified penalties paid under this local law.

4.4 Defence

It is a defence to a charge of an offence of contravening clause 3.2(1), if the owner charged satisfies the court that at the material time some other person (whom he or she shall identify) over the age of 18 years was the owner of the cat(s).

4.5 Forms

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Part 4, Division 4 of the Act.
- (2) An infringement notice in respect of an offence against this local law may be given under Section 62 of the Act and is to be in the form of Schedule 1, Form 6 of the *Cat Regulations 2012*.
- (3) A notice sent under Section 65 of the Act withdrawing an infringement notice is to be in the form of Schedule 1, Form 7 of the *Cat Regulations 2012*.

Schedule 1 – Additional conditions applicable to particular permits

[Clause 3.7]

A. Permit to keep more than 3 cats

Additional conditions:

- (1) In the case of a grouped dwelling where there is no suitable dividing fence or multiple dwellings on the same level, the written consent to the application for a permit of the occupier of the adjoining dwellings has been obtained.
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat –
 - (a) dies; or
 - (b) is permanently removed from the premises.



B. Permit to use premises as a Cattery or Cat Management Facility

Additional conditions:

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the local government.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Washing basins with a minimum of running cold water are to be available to the satisfaction of the local government.
- (7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
- (8) A register is to be kept recording in respect of each cat the –
 - (a) date of admission;
 - (b) date of departure;
 - (c) breed, age, colour and sex; and
 - (d) name and residential address of the owner.
- (9) The register is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats kept on the premises.
- (12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

Schedule 2—Prescribed offences

[Clause 4.3]

Item- No.	Clause- No.	Nature of Offence	Modified Penalty
1	2.1	Cat in prohibited area	\$200
2	3.2	Failure of a person to hold a permit when required	\$200
3	3.8	Breach of a condition of a permit	\$200

Schedule 2 Prescribed Offences [Clause 2.2]			
Item No.	Clause No.	Nature of Offence	Modified Penalty
1	2.1	Cat in prohibited area	\$200
2	2.2	Cat causing a nuisance	\$200
3	3.2	Failure of a person to hold a permit when required	\$200
4	3.8	Breach of a condition of a permit	\$200

Schedule 3—Cat prohibited areas

[Clause 2.1]

Places where cats are prohibited:

#	Common Name	Location	Description
1	Booyeembara Park	80 Montreal Street, Fremantle	Reconstructed landscape of natural bushland local to the area. Established to create a representative landscape and increase local biodiversity. Managed as a natural bushland area and refuge for native wildlife, includes formal turfed parkland with native vegetation garden beds.
2	Sir Fredrick Samson Park	McCombe Avenue, Samson	Remnant bushland. Bush Forever site.
3	Bathers Beach Reserve	Arthur Head, Fleet St, Fremantle	Reconstructed dune vegetation
4	Port Beach reserve	Port Beach Road, North Fremantle	Reconstructed dune vegetation
5	Leighton Beach Reserve	Port Beach Road, North Fremantle	Reconstructed dune vegetation
6	South Beach Reserve	Ocean Drive, South Fremantle	Reconstructed dune vegetation
7	Cantonment Hill	135 Queen Victoria Street, Fremantle	Reconstructed natural landscape. Bush Forever site.
8	Rocky Bay Reserve	Rocky Bay, North Fremantle	Swan River foreshore and part of the Swan and Canning Riverpark.
9	North Fremantle Foreshore Reserve (including Prawn Bay)	Johannah St, North Fremantle	Swan River foreshore and part of the Swan and Canning Riverpark. Migratory birds.

10	Hollis Park, Sandown Park and other land within the boundary of the former South Fremantle landfill site	Lot 39 Daly Street, 17 Cockburn Road and Hollis Park Reserve Fremantle	Hollis Park, Sandown Park and other land within the boundary of the former South Fremantle landfill site contains habitat and refuge for native wildlife.
11	Royal Fremantle Golf Course,	359 High Street, Fremantle	Managed as a golf course with mature, significant trees providing habitat and refuge for native wildlife.
12	Fremantle Public Golf Course	20 Montreal Street, Fremantle	Managed as a golf course with mature, significant trees providing habitat and refuge for native wildlife.

Schedule 3
Cat Prohibited Areas

[clause 2,1]

Places where cats are prohibited –
All City of Fremantle owned and managed property.