

# TOWN OF VICTORIA PARK VEHICLE MANAGEMENT LOCAL LAW 2021

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**LOCAL GOVERNMENT ACT 1995**

**TOWN OF VICTORIA PARK**

**VEHICLE MANAGEMENT LOCAL LAW 2021**

Under the powers conferred by the *Local Government Act 1995* and by all other powers the Council of the Town of Victoria Park resolved to make the following local law on the **day of month** year.

**Part 1 – Preliminary**

**1 Citation**

This local law may be cited as the *Town of Victoria Park Vehicle Management Local Law 2021*.

**2 Commencement**

This local law commences on:

- (a) 1 July 2021; or
  - (b) fourteen days following its publication in the *Government Gazette*;
- whichever occurs last.

**3 Purpose and effect**

- (1) The purpose of this local law is to provide for the regulation, control and management of parking and vehicles within the local government.
- (2) The effect of this local law is to regulate parking and vehicles, including where they may stop or park, requiring tickets for parking in certain locations and preventing certain types of vehicles from being in certain locations.

**4 Repeal**

The *Town of Victoria Park Parking and Parking Facilities Local Law 2008* as published in the *Government Gazette* on 14 January 2009 and as amended on 1 December 2009, 5 April 2013, and 29 November 2013 is repealed.

**5 Application and pre-existing signs**

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) A sign that—

(a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and

(b) relates to the parking of vehicles within the parking region,

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

(5) An inscription or symbol on a sign referred to in subclause (4) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

(6) The provisions of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

## 6 Interpretation

(1) In this local law unless the context otherwise requires—

**Act** means the *Local Government Act 1995*;

**area control sign** means a sign which operates at the entry or exit of, or within the boundary of, a parking control area;

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

**bay** includes 'stall' or 'space';

**car carrier** means a vehicle together or separately from any attached trailer that is designed for the transportation of cars or of other vehicles but excludes tow trucks;

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

**CEO** means the Chief Executive Officer of the local government;

**clearway** means a length of carriageway that has 'clearway' signs erected appurtenant to it;

**Code** means the *Road Traffic Code 2000*;

**commercial vehicle** 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 a motor vehicle for the conveyance of passengers, and 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;

**continuous dividing line** means –

(a) a single continuous dividing line only;

(b) a single continuous dividing line to the left or right of a broken dividing line; or

(c) 2 parallel continuous dividing lines;

**Council** means the Council of the local government;

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

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

**district** means the district of the local government;

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

**driveway** means an area of land on private property which abuts a crossover and is designed primarily for vehicles to ingress and egress that property;

**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;

**GVM** (which stands for 'gross vehicle mass') has the meaning given to it by the Code;

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

**heavy or long vehicle** means a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes;

**laneway** means a public road designed to provide access to the side or rear of lots principally for vehicle parking;

**local government** means the Town of Victoria Park;

**money** means any coin which is legal tender under the *Currency Act 1965 (Commonwealth)* and any 'Australian Notes' as that term is defined in section 32 of the *Reserve Bank Act 1959 (Commonwealth)*;

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

**no parking sign** means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;

**no stopping sign** means a sign with the words 'no stopping' or 'no standing' in red letters on a white background or the letter 'S' within a red annulus and a red diagonal line across it on a white background;

**occupier** has the meaning given to it by the Act;

**owner:**

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1976*, means the person in whose name the vehicle has been registered under that *Road Traffic Act 1976*;
- (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;

**parking facilities** includes land, buildings, shelters, parking zones, paid parking zones, parking spaces and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with the parking of vehicles;

**parking permit** means a permit issued by the Town pursuant to clause 76 of this local law;

**parking region** means the area described in Schedule 1;

**parking space** means a section or part of a thoroughfare, public reserve or of a parking zone, which is marked, or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may stop or be parked whether on payment of a fee or charge or otherwise;

**parking zone** means any land, structure, section or part of a thoroughfare or public reserve provided for the purpose of accommodating vehicles with or without charge which is constituted under clause 54 to be a parking zone;

**penalty unit** has the meaning given to in the *Town of Victoria Park Penalty Unit Local Law 2021*;

**permit** means a permit issued under this local law;

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

**public place** includes—

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

**public reserve** means any land—

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

**right of way** means a portion of land that is –

- (a) shown and marked "Right of Way" or "ROW", or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a "right of way" and vested in the Crown under section 152 of the *Planning and Development Act 2005*; and
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include –
  - (i) private driveways; and
  - (ii) a "right of way" created by a deed of easement between two or more parties;

**road** has the same meaning as "carriageway";

**Schedule** means a schedule to this local law;



**sign** includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or public reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles, and includes an area control sign;

**special purpose vehicle** has the meaning given to it by the Code, and includes a vehicle driven by an authorised person on duty or that vehicle when it is stationary at any place connected with the official duty;

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

**stopping zone** means any land, structure, section or part of a thoroughfare or public reserve provided for the purpose of accommodating vehicles to stop and includes:

- (a) loading zones;
- (b) taxi zones;
- (c) bus zones;
- (d) mail zones;
- (e) shared zones; and
- (f) school zones;

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

**strata company** has the meaning given to it by the *Strata Titles Act 1985*;

**tare weight** in relation to a vehicle means the weight of the vehicle without any passengers or load;

**thoroughfare** has the meaning given to it by the Act;

**tow truck** has the meaning given to it in the *Road Traffic (Vehicles) Regulations 2014*;

**truck** means a motor vehicle with a GVM over 3 t, except a bus or tractor;

**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;

**valve stem reading** means a record of the position of the valve stem on a wheel; and

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

- (2) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (3) A reference to a parking space includes a reference to part of the parking space.
- (4) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the *Road Traffic Act 1976* or in the Code, then the term shall have the meaning given to it in that Act or the Code.

## **7 Classes of vehicles and drivers**

- (1) For the purpose of this local law, vehicles are divided into classes as follows—

- (a) buses;
- (b) commercial vehicles;

- (c) motorcycles and bicycles;
- (d) taxis;
- (e) heavy or long vehicles;
- (f) car carriers;
- (g) tow trucks;
- (h) emergency vehicles;
- (i) special purpose vehicles; and
- (j) all other vehicles.

(2) For the purpose of this local law, drivers are divided into the following classes:

- (a) authorised persons;
- (b) employees of the Town;
- (c) customers or patrons of a shop, shopping centre, facility or event;
- (d) persons who work in a shop or shopping centre; and
- (e) all other persons not otherwise classified.

#### **8 Part of thoroughfare to which sign applies**

(1) Subject to subclause (2) where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

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

(2) Where under this local law the parking of vehicles in an area is controlled by an area control sign, that sign shall be read as applying to the area which:

- (a) lies beyond the sign; and
- (b) where there is a further sign beyond that sign, lies between the sign and the next sign beyond that sign.

## **9 Powers of local government**

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

## **Part 2 – General Laws of Parking and Stopping**

### **Division 1 - General**

## **10 Regulation of parking of local government**

The local government, by resolution, may determine and vary and indicate by signs:

- (a) prohibitions;
- (b) regulations; and
- (c) restrictions,

on the parking and stopping of vehicles of a specified class or by persons of a specified class in the parking region, but a determination shall not be inconsistent with any provision of this local law.

## **11 Authorised person may order vehicle on thoroughfare to be moved**

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

## **12 Suspension of parking limitations for urgent, essential or official duties**

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

### **Division 2 – Parking Position**

## **13 Parking position on a thoroughfare or carriageway**

- (1) A person shall not stop or park a vehicle or permit a vehicle to stop or park on any thoroughfare or carriageway or part of a thoroughfare or carriageway, unless they stop or park:
  - (a) parallel to the boundary of the thoroughfare or carriageway and as close to the boundary of the thoroughfare or carriageway as practical;
  - (b) headed in the direction of the movement of traffic on the side of the thoroughfare or carriageway on which the vehicle is parked, unless otherwise exempted by the local government; and
  - (c) wholly within a parking space if the part of the thoroughfare or carriageway upon which the vehicle is stopping or parked is provided with parking spaces, subject to clause 15.
- (2) A person parking a vehicle on a thoroughfare or carriageway other than in a parking space shall park it:

- (a) in the case of a two-way thoroughfare or carriageway, so that it is as near as practicable to and parallel with, the left boundary of the thoroughfare or carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare or carriageway on which the vehicle is parked;
- (b) in the case of a one-way thoroughfare or carriageway, so that it is as near as practicable to and parallel with either boundary of the thoroughfare or carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare or carriageway on which the vehicle is parked; and
- (c) in any event so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law;

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

- (3) A person parking a vehicle on a thoroughfare or carriageway other than in a parking space shall park it:

- (a) so that at least 3 metres of the width of the thoroughfare or carriageway lies between the vehicle and the farther boundary of the thoroughfare or carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the thoroughfare or carriageway; and
- (b) so that it does not obstruct any vehicle on the carriageway,

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

- (4) Where a parking space in a thoroughfare or carriageway is set out otherwise than parallel to the kerb, then a person must park a vehicle wholly within that parking space.

#### **14 Prohibited or restricted area**

- (1) A person shall not park or stop or attempt to park or stop a vehicle in a prohibited or restricted area.
- (2) Where a vehicle is parked such that any part of it is in a prohibited or restricted area, the whole of that vehicle is deemed to be in the prohibited or restricted area.

#### **15 One vehicle per parking space**

A person shall not park or attempt to park a vehicle in a parking space in which another vehicle is parking.

#### **16 Wholly within a parking space**

A person shall not stop or park a vehicle in a parking space other than wholly within a parking space unless a motor vehicle is too wide or long to fit completely within a single parking space, in which case, the vehicle shall be parked within the minimum number of parking spaces needed to park that motor vehicle.

#### **17 Parallel and angled parking**

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and

- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

#### **18 Motorcycle parking**

- (1) A person shall not stop or park a vehicle other than a bicycle or a motorcycle to which no side car or side-box is attached in a parking space –
  - (a) marked with the symbol "M/C"; or
  - (b) in which the parking of bicycles or motorcycles is permitted by a sign referable to that parking space.
- (2) A person shall not stop or park a bicycle or motorcycle in a parking space marked with the symbol "M/C" –
  - (a) for longer than the maximum period permitted for parking in that parking space by a sign referable to that parking space; or
  - (b) otherwise than wholly within the motorcycle parking space.

### **Division 3 – No Stopping or Parking**

#### **19 Parking or stopping contrary to signs**

- (1) A person shall not park or stop a vehicle on a thoroughfare or a portion of a thoroughfare—
  - (a) if by a sign it is set apart for the parking or stopping of vehicles of a different class;
  - (b) if by a sign it is set apart for the parking or stopping of vehicles by persons of a different class; or
  - (c) during any period when the parking or stopping of vehicles is prohibited by a sign.
- (2) A person shall not park or stop a vehicle in a parking zone, except in accordance with the signs associated with the parking zone and with this local law.

#### **20 Parking on local government property or public reserves**

- (1) A person other than an employee of the local government in the course of their duties or a person authorised by the local government, shall not drive, stop or park a vehicle upon or over any portion of a public reserve or local government property other than upon an area specifically set aside for that purpose without the written consent of an authorised person or the local government.
- (2) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

#### **21 Parking on private land**

- (1) In this clause a reference to 'land' does not include land—
  - (a) which belongs to the local government;
  - (b) of which the local government is the management body under the *Land Administration Act 1997*;
  - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or

(d) which is subject to an agreement referred to in clause 5(2).

- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

## **22 Fire hydrant**

A driver shall not stop or park a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

- (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
- (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.

## **23 Bus stop, bus lane and transit lane**

- (1) In this clause:
- (a) distances are measured in the direction in which the driver is driving; and
- (b) a trailer attached to a public bus is deemed to be a part of the public bus.
- (2) A person shall not stop or park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless:
- (a) the vehicle is a public bus stopped to take up or set down passengers; or
- (b) the person 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 this local law.
- (3) A driver shall not stop or park a vehicle in a bus lane or transit lane unless the driver is driving a public bus or passenger transport vehicle, and is dropping off, or picking up, passengers.

## **24 Stopping on a path, median strip, or traffic island**

- (1) The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on or obstructs a path, traffic island or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) Subject to any law relating to intersections with traffic control signals a person shall not stop or park a vehicle so that any portion of the vehicle is –
- (a) on or adjacent to a median strip; or
- (b) on or adjacent to a traffic island,
- unless a sign or markings on the carriageway indicate otherwise.

## **25 Stopping or parking on verge**

- (1) A person shall not—
- (a) stop or park a vehicle (other than a bicycle);
  - (b) stop or park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
  - (c) stop or park a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,
- so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the person if they are the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge, unless otherwise prohibited by a written resolution of the strata company responsible for the common property of the lot adjacent to that verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

## **26 Stopping or parking on or over a footpath or path**

- (1) A driver shall not stop or park a vehicle (other than a bicycle or an animal) so that any portion of the vehicle is on any footpath or pedestrian crossing.
- (2) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless:
- (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking space and the driver is permitted to stop in the parking space under this local law.

## **27 Obstructing access to and from a path, driveway, etc.**

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

## **28 Letter box**

A driver shall not stop or park a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless –

- (a) the vehicle is a postal vehicle;
- (b) the driver is dropping off, or picking up passengers; or

- (c) 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 this local law.

**29 Bicycle lane**

A person shall not stop or park a vehicle in a bicycle lane, unless the driver is driving a public bus or taxi and is dropping off or picking up passengers.

**30 Right of way and laneway**

A person shall not stop or park a vehicle so that any portion of the vehicle is obstructing a right of way or laneway, or so close thereto as to likely deny any vehicle reasonable access to or egress from the right of way or laneway.

**31 Eating areas**

A person shall not stop or park a vehicle in a parking space which has been authorised in writing by the local government to be set up or conducted as an eating area and which is designated by signs as such at that time.

**32 Vehicles exposed for sale and in other circumstances**

A person shall not park or stop a vehicle on any portion of a thoroughfare or parking facility—

- (a) for the purpose of exposing it for sale, or any goods on or in the vehicle for sale;
- (b) if that vehicle is not licensed under the *Road Traffic Act 1974*;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare or parking facility.

**33 No stopping**

A driver shall not stop on a length of carriageway, or in an area,

- (a) to which a 'no stopping' sign applies.
- (b) during times a sign specifies a "no stopping" restriction is in operation; or
- (c) to which a "clearway" sign applies.

**34 No parking**

A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver is—

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.



**35 Yellow edge lines**

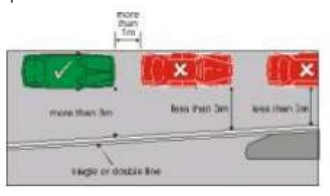
A driver shall not stop or park at the side of a carriageway marked with a continuous yellow edge line.

**36 Other no stopping areas**

Subject to any law relating to intersections with traffic control signals, a person shall not stop or park a vehicle so that any portion of the vehicle is –

- (a) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (b) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;

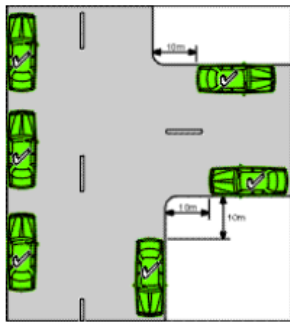
Example:



In this example, the vehicles marked with an 'X' are parked in contravention of this local law.

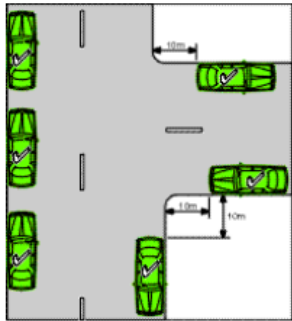
- (c) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;

Example:



- (d) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked; or

Example:



- (e) within the head of a cul-de-sac,  
unless a sign or markings on the carriageway indicate otherwise.

### 37 Stopping near an obstruction

Subject to any law relating to intersections with traffic control signals, a person shall not stop or park a vehicle so that any portion of the vehicle is –

- (a) an obstruction on the carriageway in a position that further obstructs traffic on the carriageway; and
- (b) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic,

unless a sign or markings on the carriageway indicate otherwise.

### 38 Double parking

- (1) A person shall not stop or park a vehicle on a thoroughfare so that any portion of the vehicle is between any vehicle which is parked or stopped on a carriageway of that thoroughfare and the centre of the thoroughfare.
- (2) This clause does not apply to a driver stopped in traffic.

## Division 4 – Trucks and other heavy vehicles

### 39 No parking heavy vehicles, long vehicles or car carriers

- (1) A person shall not park a heavy or long vehicle, or a car carrier in any area specified in Schedule 3 except where—
  - (a) the driver of that vehicle has received prior written permission from an authorised person; or
  - (b) that vehicle is parked wholly within a designated loading zone, and in any case only in accordance with the provisions of this local law.
- (2) A person shall not park a heavy or long vehicle or car carrier on a carriageway or parking facility for any period exceeding one hour, unless engaged in the picking up or setting down of goods.
- (3) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

#### **40 Livestock trucks**

- (1) A person shall not park a vehicle containing livestock.
- (2) A person may stop a truck containing livestock provided it is:
  - (a) wholly within a designated loading zone;
  - (b) picking up or setting down goods in that vehicle;
  - (c) is not left unattended; and
  - (d) remains for no more than 30 minutes.

#### **41 Truck noise from residential land**

A person shall not start or drive a heavy or long vehicle on land zoned, approved or used for residential purposes between the hours of 11pm and 7am on the following day without first obtaining the written consent of the local government.

### **Division 5 – Parking facilities and detection devices**

#### **42 Behaviour in parking facility**

- (1) A person shall not remain in or on a parking facility after having been directed to leave that parking station by an authorised person or a Police Officer.
- (2) A person shall not drive in a parking facility in a direction other than the direction indicated by arrows, if arrows are marked in that parking facility.
- (3) A person shall not ride on or drive or be carried on any bicycle, tricycle, skateboard, roller skate or roller blade or other wheeled contrivance other than a licenced vehicle or a wheelchair/motorised wheelchair within a parking facility.
- (4) A person shall not permit a vehicle to park on any part of a parking facility, if an authorised person directs the driver of such vehicle to move the vehicle.

#### **43 Selling and hiring in parking facilities**

No person shall at or on any part of a parking facility sell, hire, give away, offer or expose for sale or hire anything of any nature, unless that person has the prior written permission of the local government to do so.

#### **44 Damage to parking facilities**

- (1) A person must not, nor attempt to, remove, damage, deface, misuse or interfere with any part of a parking zone, parking facility, parking space or any infrastructure appurtenant to those areas.
- (2) A person must not operate or attempt to operate a payment machine except in accordance with the operating instructions appearing on those devices.

#### **45 Interfere with or damage to detection devices**

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

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

### **Part 3 – Stopping Zones**

#### **46 Determination of stopping zones**

- (1) The local government, by resolution, may constitute any land, structure, section or part of a thoroughfare or public reserve as a stopping zone.
- (2) In respect of stopping zones the local government under subclause (1), may determine:
- (a) the permitted times and conditions of stopping of a vehicle;
  - (b) the classes of vehicles permitted to stop;
  - (c) the classes of persons permitted to stop a vehicle; and
  - (d) the manner of stopping a vehicle.
- (3) A stopping zone constituted under subclause (1) may be varied as to land, structure, section or part of a thoroughfare or public reserve which it comprises by the local government.
- (4) Where the local government makes a determination under this clause, it shall erect signs to give effect to this determination.

#### **47 Stopping in a loading zone**

- (1) A person shall not stop a vehicle in a loading zone unless it is: -
- (a) a motor vehicle used for commercial or trade purposes and engaged in the picking up or setting down of goods; or
  - (b) a motor vehicle picking up or setting down passengers;
- but in any event shall not remain in that loading zone:
- (c) for longer than a time indicated on the 'loading zone' sign; or
  - (d) for longer than 30 minutes (if no time is indicated on the sign).
- (2) For the purposes of clause 48(1)(a) a vehicle conducting food delivery services is a motor vehicle used for commercial or trade purposes and engaged in the picking up or setting down of goods.

For example: A vehicle used for uber eats deliveries.

#### **48 Stopping in a taxi zone**

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A person driving a taxi shall not leave the taxi unattended whilst it is in a taxi zone.

Note: Under the code, the definition of taxi includes any form of hail or booked transport service, which includes Uber, Ola and Didi.

**49 Stopping in a bus zone**

- (1) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.
- (2) A bus shall not remain in a bus zone for longer than the time it takes to take up or set down passengers or for mandatory breaks, emergencies or radio communications.

**50 Stopping in a mail zone**

A person shall not stop a vehicle in a mail zone unless the vehicle is a postal vehicle.

**51 Stopping in a shared zone**

A driver shall not stop in a shared zone unless—

- (a) the driver 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 this local law;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

**52 School zone**

- (1) A person must not stop a vehicle in a school zone during a school zone period:
  - (a) in a no stopping area;
  - (b) in a no parking area;
  - (c) at the side of a carriageway marked with a continuous yellow edged line;
  - (d) on a verge that is prohibited by a sign;
  - (e) on a footpath, pedestrian crossing or pedestrian refuge;
  - (f) in a parking bay in which another vehicle is stopped or parked;
  - (g) double park as outlined in clause 38;
  - (h) on or across a driveway as outlined in clause 27;
  - (i) so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of:
    - (i) a bus embayment or a bus stop unless the vehicle is a bus stopped to take up or set down passengers;
    - (ii) a pedestrian crossing; or

(i) a children's crossing.

- (2) A person must not stop or park a vehicle on a carriageway in a school zone during a school zone period so that it obstructs or may obstruct a vehicle on the carriageway.
- (3) A person shall not stop or park a vehicle on any part of a thoroughfare, whether or not that park is marked as a parking bay, for more than the maximum time specified by a sign.

### **53 Other limitations in zones**

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

## **Part 4 – Parking Zones**

### **54 Determination of parking zones**

- (1) The local government, by resolution, may constitute any land, structure, section or part of a thoroughfare or public reserve as a parking zone.
- (2) In respect of parking zones the local government under subclause (1), may determine:
- (a) the location of parking spaces within a parking zone;
  - (b) the permitted times and conditions of parking or stopping of a vehicle;
  - (c) the classes of vehicles permitted to park or stop;
  - (d) the classes of persons permitted to park or stop a vehicle; and
  - (e) the manner of parking or stopping a vehicle.
- (3) A parking zone constituted under subclause (1) may be varied as to the land, structure, section or part of a thoroughfare or public reserve which it comprises by the local government.
- (4) Where the local government makes a determination under this clause, it shall erect signs to give effect to this determination.

### **55 Parking time limits**

A person shall not stop or park a vehicle in a parking zone for more than the maximum time specified by a sign, unless –

- (a) the vehicle displays a valid disability parking permit, 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; or
- (b) the vehicle has first been removed from that parking zone for at least two (2) hours since the vehicle was last parked in that parking zone.

**56 Maximum time limit for heavy vehicles, caravans and trailers**

A person shall not permit a heavy or long vehicle, caravan or trailer to remain parked in a parking zone for more than 1 hour unless the vehicle is in an area designated by a parking sign or parking signs permitting such vehicles to be parked for a longer period.

**57 No movement of vehicles to avoid time limitations in parking zones**

Where the parking of vehicles in a parking zone is permitted for a limited time, a person shall not permit a vehicle to be parked or otherwise remain within the parking zone so that the total time of parking exceeds the maximum permitted unless the vehicle has first been removed from that parking zone for at least two (2) hours since the vehicle was last parked in that parking zones.

**58 Parking position for motorcycles**

A person shall not stop or park a motorcycle in a parking zone unless it is wholly within a parking space marked with the symbol "M/C" or otherwise designated as being set aside for the parking of motorcycles.

**59 Obstruction of parking zone entrances or exits**

A person shall not stop or park a vehicle so as to obstruct an entrance to or exit from a parking zone, or any area or part thereof within a parking zone provided for or intended for the movement of vehicles through such parking zone.

**60 Footpaths and places of refuge for pedestrians**

A person shall not stop or park a vehicle on any part of a parking zone so that any portion of such vehicle is on or over a footpath or place of refuge for pedestrians.

**61 Prohibitions on stopping or parking within parking zone**

(1) A driver shall not stop a vehicle on any part of a parking zone:

- (a) if the stopping of a vehicle on that part is prohibited by a sign; or
- (b) during a period in which the stopping of vehicles on that part is prohibited by a sign.

(2) A driver shall not park a vehicle on any part of a parking zone:

- (a) if the parking of vehicles on that part is prohibited by a sign;
- (b) during a period in which the parking of vehicles on that part is prohibited by a sign;
- (c) if a sign specifies that the part is for the parking of vehicles:
  - (i) of a different class; or
  - (ii) driven by a person of a different class;

**62 Authorised spaces in parking zone**

(1) The local government may by use of signs set aside any parking zone or any parking space in a parking zone for the parking of vehicles by persons authorised by the local government.

- (2) Where the local government authorises a person pursuant to subclause (1) the local government:
- (a) shall issue a written permit to the person; and
  - (b) may revoke the permit at any time.
- (3) A person shall not park or stop a vehicle in a parking space set aside under this clause unless a permit issued with respect to the vehicle is displayed inside the vehicle and is clearly visible to and readable by any authorised person examining the permit from outside the vehicle.
- (4) It shall be the responsibility of such person to take all precautions as may be necessary so as to ensure the permit is displayed and remains displayed as required by this clause.

## **Part 5 – Paid Parking**

### **63 Definitions**

In this part:

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

**expired payment** means a payment which is insufficient to the amount of time the vehicle has been parked;

**paid parking space** means a parking space in a parking zone for which a fee is payable to stop or park and may include a parking space for motorcycles;

**parking payment machine** means a machine or device which is installed in or near a parking zone, thoroughfare or parking facility by or on behalf of the local government and which upon payment of the appropriate fee allows a person to stop or park their vehicle in the paid parking space and includes any such machine where payment of a fee may not be required for a specified period; and

**payment system** means the system defined in clause 64.

### **64 Payment system**

For the purpose this local law the payment system for parking in a paid parking space is to make payment:

- (a) via a parking payment machine;
- (b) electronically via the software program determined by the local government.

### **65 Determination of paid parking space**

- (5) The Council, by resolution, may constitute, determine and vary parking spaces within a parking zone to be paid parking spaces.
- (6) In respect of paid parking space the Council in its resolution under subclause (1), may prescribe:
- (a) the appropriate fee payable for parking or stopping a vehicle;
  - (b) the permitted times and conditions of parking or stopping of a vehicle;
  - (c) the classes of vehicles permitted to park or stop;
  - (d) the classes of persons permitted to park or stop a vehicle; and



(e) the manner of parking or stopping a vehicle.

(7) Where the Council makes a resolution under this clause, the local government shall erect signs to give effect to this determination and publish a copy of the determination on its official website.

#### **66 Fees in paid parking spaces**

- (1) Fees for stopping and parking of vehicles in a paid parking space may be determined and imposed by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) A person shall not stop or park a vehicle in a paid parking space unless the appropriate fee has been tendered or in the case of a period where parking is free in the paid parking space, registered their vehicle via the payment system.
- (3) The payment of the fee referred to in subclause (1) in accordance with subclause (2) entitles a person to stop or park a vehicle in a paid parking space for the period allowable based upon their fee, but does not authorise the stopping or parking of the vehicle in a parking space, or part of the parking facility during any time when stopping or parking in that zone is prohibited –
- (a) under this local law;
  - (b) by the sign on the parking payment machine referable to the zone; or
  - (c) by a sign referable to that space.

#### **67 Parking time limits**

- (1) A person shall not stop or park a vehicle in a paid parking space during any permitted period for longer than the maximum period.
- (2) Where the parking of vehicles in a paid parking space is permitted for a free period of time, a person shall not permit a vehicle to be parked or otherwise remain within paid parking space or obtain another free parking ticket so that the total free time of parking exceeds the maximum free time permitted.
- (3) A reference in this clause to –
- (a) maximum period means the maximum period stated on signs or the payment machines in the parking zone during which the continuous parking of a vehicle in the zone is permitted;
  - (b) permitted period means the period stated on the signs or payment machines during which the parking of vehicle is permitted upon making payment via the payment system.

#### **68 No parking when payment has expired**

Subject to clause 70, a person shall not leave or permit a vehicle to remain parked in a paid parking space with an expired payment.

#### **69 One payment per vehicle**

Regardless of the number of parking spaces taken up by a vehicle, only one payment is required for the vehicle.

For example: If a person parks a car with a trailer across two parking space then they are required to only make one payment.

**70 Suspension of requirement to pay fee**

The Council, by resolution, may from time to time determine that the provisions of clauses 66 and 68 shall not apply during the periods and days specified in the determination.

**71 Entitlement to a receipt**

A person paying a fee for a paid parking space is to be entitled to receive a receipt on demand showing the period of parking covered by the payment.

**72 Permitted insertions in payment machines**

- (1) A person shall not insert into a payment machine anything other than the designations of money or such other permitted form of payment indicated by a sign on the payment machine.
- (2) The insertion of a coin or banknote into any payment machine or the making of payment in such other form as may be permitted shall be effected only in accordance with the instructions printed on that particular payment machine.

**73 No movement of vehicles to avoid time limitations in paid parking space**

Where the parking of vehicles in a paid parking space is permitted for a limited time, a person shall not permit a vehicle to be parked or otherwise remain within the paid parking space so that the total time of parking exceeds the maximum permitted unless the vehicle has first been removed from that parking zone for at least two (2) hours since the vehicle was last parked in that parking zone.

**Part 6 – Parking Permits**

**74 Parking permit policy**

- (1) The Council, by resolution, shall adopt policies in respect of:
  - (a) Parking permits for owners and occupiers of land within the district; and
  - (b) Parking permits for work sites.
- (2) The Council, by resolution, may amend the policies adopted under subclause (1).
- (3) The local government must give local public notice of the adoption or amendment of the policies under subclause (1) and make a copy of the policies available on the local government’s official website and in any place where a copy of this local law is available.

**75 Definitions**

- (1) For the purposes of this Part of the local law:
  - eligible person** means a person who is eligible to be issued with and use a parking permit under the policies adopted by the Council under clause 74.
  - electronic parking permit** means a parking permit issued by the local government electronically and does not need to be physically displayed.
- (2) A permit will only be taken to be valid and effective for the purposes of this part if it is:
  - (a) issued by the local government;

- (b) not rendered invalid for any of the reasons set out in clause 78 of this local law; and
- (c) displayed in a vehicle specified in the permit, unless the permit is an electronic parking permit.

#### **76 Parking Permits**

- (1) Subject to the relevant policy adopted under clause 74, a person may apply for a parking permit to park a vehicle on a thoroughfare, in a parking zone or other form of parking facility.
- (2) An application for a permit shall be made in the form, accompanied by the payment of any fee, determined by the local government under section 6.16 to 6.19 of the Act.
- (3) The local government may in respect of an application for a permit for the purpose of subclause (1):
  - (a) approve it;
  - (b) approve it subject to such conditions as the local government considers appropriate; or
  - (c) refuse to approve it and provide reasons to the applicant for the refusal.
- (4) Where the local government makes a decision under subclauses (3)(a) or (b), it shall issue a permit in the form determined by it to the person who applied for the permit.
- (5) A parking permit issued for the purpose of this part is valid for the dates, days and or times as set out in the conditions of the approval of the permit, and is valid until the expiry date and or time set out in the conditions of the permit.

#### **77 Conditions of Exemption for Permit Holders**

- (1) Where on any part of a thoroughfare, parking zone or parking facility the stopping or parking of vehicles is prohibited by a sign for more than a specified period or where any part of a thoroughfare is a paid parking space, the holder of a valid permit is exempted from the time restriction or requirement to pay.
- (2) The local government may also issue a permit which exempts the holder from compliance with the requirements of clauses 76(3)(a) and 76(3)(b).
- (2) The exemption conferred by subclause (1) shall apply only:
  - (a) to that part of a thoroughfare, parking zone or parking facility specified in the permit;
  - (b) where the time restriction applicable to that part of the thoroughfare is for a period exceeding 30 minutes;
  - (c) if a permit is specified to be only for a particular vehicle, that vehicle.
  - (d) unless the permit is an electronic parking permit, if the permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read by an authorised person from outside the vehicle; and
  - (e) if the permit is valid.

- (3) The exemption conferred by subclause (1) shall not, unless specifically noted on the permit, apply during any period in which the stopping or parking of vehicles is prohibited in the thoroughfare or the part of the thoroughfare specified in the permit.

#### **78 Validity of permit**

Every parking permit as the case may be, shall cease to be valid upon –

- (a) the expiry of a period of one (1) year from and including the date on which it is issued;
- (b) the holder of the permit ceasing to be an eligible person;
- (c) the revocation of the permit by the local government pursuant to clause 79; or
- (d) the replacement of any permit by a new permit issued by the local government pursuant to clause 80(1).

#### **79 Revocation of a permit**

- (1) The local government may at any time give an eligible person to whom a permit was issued pursuant to the provisions of this local law notice requiring that person to notify the local government of any reason why that permit should not be revoked.
- (2) The local government shall give notice referred to in subclause (1) by serving a notice on the eligible person to whom the permit was issued.
- (3) After fourteen (14) days of the serving of a notice referred to in subclause (2), the local government may revoke the permit.
- (4) For the purpose of subclause (3) the date of receipt of the notice shall be the date the notice was served.

#### **80 Replacement of permit**

- (1) The local government may upon a written application of an eligible person and upon payment of the relevant fee, if any, issue a permit to replace a parking permit which is lost, misplaced, destroyed or stolen.
- (2) The local government may determine and impose a fee, in accordance with section 6.16 to 6.19 of the Act, for the issue of a replacement permit pursuant to this clause.
- (3) Notwithstanding subclause (2), no fee shall be payable for the issue of a replacement permit if evidence is produced in writing to the satisfaction of the local government:
  - (a) that the vehicle in which the permit is displayed has been disposed of;
  - (b) that the vehicle's windscreen in which the permit is displayed has been replaced; or
  - (c) which the local government considers warrants the waiving of the fee.

### **Part 7 – Miscellaneous**

#### **81 Temporary parking permission**

- (1) The local government or authorised person may, whether upon payment of a fee or not, issue a written temporary parking permission which allows a specific vehicle to park:

- (a) in a specified kerbside area;
- (b) in a parking zone which is controlled by a sign, in contravention of the restriction specified on that sign; or
- (c) in any other place under the control of the local government.

(2) A temporary parking permission issued under subclause (1) may:

- (a) authorise 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 the local government or an authorised person before the expiration of any time or period specified in the permit without responsibility for any liability or loss or claim.

(3) A person shall not stop or park a vehicle in respect of which a temporary parking permission has been given pursuant to subclause (2) except:

- (a) at the times or during the period specified in the written temporary parking permission;
- (b) for any purpose other than the purpose for which the written temporary parking permission was issued; or
- (c) in accordance with any conditions associated with that written temporary parking permission;

(4) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law relating to a person's right of appeal against the local government revoking or suspending a permit.

## **82 Removal of notices on vehicle**

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

## **83 Authorised person may mark tyres**

An authorised person may in a parking facility –

- (a) mark the tyres of a vehicle with chalk or any other non-indelible substance;
- (b) record the position of a vehicle;
- (c) take a valve stem reading of a vehicle; or
- (d) record vehicle details and vehicle registration numbers;

for any purpose connected with or arising out of their duties or powers.

## **84 Unauthorised signs and defacing of signs**

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

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

**85 Signs must be complied with**

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

**86 General provisions about signs**

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

**87 Special purpose and emergency vehicles**

Notwithstanding anything to the contrary in this local law, the driver of—

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

**88 Vehicles not to obstruct a public place**

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A vehicle which is parked in any portion of a public place where vehicles may be lawfully parked, is deemed to cause an obstruction and may be impounded where:
  - (a) the vehicle is parked for any period exceeding 24 hours;
  - (b) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign;
  - (c) the vehicle is unregistered or no registration plates are displayed; or
  - (d) in the opinion of an authorised person the presence of the vehicle presents a hazard to public safety or obstructs the lawful use of any place.

## **89 Contravention that may lead to impounding**

For the purposes of Part 3 Division 3 Subdivision 4 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996* a contravention of this local law is a contravention that may lead to impounding.

## **Part 8 – Objections and Review**

### **90 Objections and review**

Where the local government makes a decision under this local law, the provisions of Part 9 Division 1 of the *Local Government Act 1995* and Regulation 33 of the *Local Government (Functions and General) Regulations 1996*, apply to that decision.

## **Part 9 – Penalties**

### **91 Offences and penalties**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty, not less than \$500 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.
- (3) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule identifies the modified penalty for an offence against that clause.
- (5) Where this local law expresses the modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit as specified in the *Town of Victoria Park Penalty Units Local Law 2021* by the number of penalty units specified in this local law.

### **92 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 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

## **Schedule 1 – Parking Region**

### Clause 6(1)

The parking region is the whole of the district excluding the following portions of the district—

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road has been delegated by the Commissioner of Main Roads to the local government.



## Schedule 2 – Prescribed Offences

Clause 91(4)

Item	Clause	Nature of Offence	Penalty Units
1	11	Parking contrary to directions of Authorised Person	16
2	13(1)(a) 13(2)(a) 13(2)(b)	Failure to park parallel to the boundary of the thoroughfare or carriageway	16
3	13(1)(b) 13(2)(a)	Parking against the flow of traffic	16
4	13(3)(a)	Parking when distance from the farther boundary is less than 3 meters	16
5	13(3)(b)	Parking that obstructs a vehicle on the carriageway	16
6	13(4) 16	Failure to park wholly within parking space	7
7	14	Parking in a prohibited or restricted area	7
8	15	Parking or attempting to park more than one vehicle in a parking space	7
9	17	Failure to park at an appropriate angle	7
10	18(1)	Parking unlawful vehicle in motorcycle only area	7
11	18(2)(a)	Parking longer than time allowed in motorcycle bay	7
12	18(2)(b)	Not parking bicycle or motorcycle wholly within motorcycle bay	7
13	19	Parking or stopping contrary to a sign or limitation	7
14	20(1)	Parking or stopping on a public reserve or local government property without approval	16
15	20(2)	Parking without permission in an area designated for 'Authorised Vehicles Only'	16
16	21	Parking on private land without the permission of the owner or occupier or contrary to the consent of the owner and occupier	16
17	22	Parking within 1 meter of fire hydrant or fire plug	24
18	23(2)	Parking or stopping a vehicle within 10 meters of departure side of bus stop	16
19	23(2)	Parking or stopping a vehicle within 20 meters of approach side of bus stop	16
20	23(3)	Parking or stopping a bus stop or in a bus lane or transit lane	16
21	24(1)	Parking or stopping on or obstructing a path, traffic island or median strip.	16
22	24(2)	Parking or stopping a vehicle on or adjacent to a median strip or traffic island	16
23	25	Stopping or parking on a verge without consent	7
24	26	Stopping or parking on a footpath or pedestrian crossing	16
25	27	Obstructing access to or from a driveway or vehicle access way	16
26	28	Parking or stopping within 3 meters of public letter box	7
27	29	Parking or stopping on a bicycle lane	16
28	30	Parking or stopping which obstructs a right of way or laneway	16
29	31	Parking or stopping in an eating area	16
30	32(a)	Parking or stopping a vehicle to expose it, or goods within it, for sale	7
31	32(b)	Parking or stopping a vehicle which is not licenced	24
32	32(c)	Parking or stopping a trailer or caravan that is not attached to a vehicle	7
33	32(d)	Parking or stopping a vehicle to affect repairs	7
34	33	Stopping contrary to a no stopping or clearway sign	16
35	34	Parking or stopping contrary to a no parking sign	16
36	35	Parking or stopping contrary to a yellow edge line	16
37	36(a)	Parking or stopping within 10 metres of a traffic island	16
38	36(b)	Parking contrary to continuous line markings	16
39	36(c)	Parking on intersection	16
40	36(d)	Parking within 10 meters of the nearer property line on an intersection	16
41	36(e)	Parking within the head of a cul-de-sac	16
42	37(a)	Parking or stopping a vehicle near an obstruction	16

43	37(b)	Parking or stopping near works causing an obstruction	16
44	38	Double parking	16
45	39	Park car carrier or heavy or long vehicle in prohibited area.	7
46	40	Unlawfully parking or stopping a vehicle containing livestock	7
47	41	Starting or driving a heavy or long vehicle on residential land between 11pm and 7am	7
48	42(1)	Remaining in a parking facility after being directed to leave	16
49	42(2)	Driving in the wrong direction in a parking facility	7
50	42(3)	Riding or driving a vehicle other than a licenced vehicle in a parking facility	7
51	42(4)	Parking contrary to the direction of an authorised person	16
52	43	Unlawfully selling goods in a parking facility	7
53	44	Damaging a parking facility or payment machine	24
54	45	Interfering or damaging a detection device	24
55	47	Stopping unlawfully in a loading zone	7
56	48	Stopping unlawfully in a taxi zone	7
57	49	Stopping unlawfully in a bus zone	7
58	50	Stopping unlawfully in a mail zone	7
59	51	Stopping unlawfully in a shared zone	7
60	52	Stopping unlawfully in a school zone during a school zone period	16
61	53	Stopping in a zone contrary to a sign	7
62	55	Parking in a parking zone longer than the maximum time	7
63	56	Parking a heavy vehicle, caravan or trailer in a parking zone longer than the maximum time	7
64	57	Moving a vehicle to avoid time limitations	7
65	58	Parking or stopping a motorcycle in a parking zone outside of a motorcycle bay	7
66	59	Obstructing the entrance or exit of a parking zone	16
67	60	Parking or stopping a footpath or pedestrian refuge in a parking zone	16
68	61	Parking or stopping contrary to a sign in a parking zone	16
69	66(2)	Parking in a paid parking space without payment of a fee	7
70	67	Parking longer than the maximum period in a paid parking space	7
71	68	Parking in a paid parking space after payment has expired	7
72	72	Inserting anything than money in a payment machine	24
73	73	Moving a vehicle to avoid time limitation in a paid parking space	7
74	82	Unlawfully removing a notice placed on a vehicle	16
75	83	Removing a marking on a tyre	16
76	84	Erecting unauthorised signs or defacing a sign	16
77	85	Contravening a direction on a sign	7
78	88	Obstructing a public place with a vehicle	16
79		All other offenses not specified	7

### **Schedule 3 - Heavy and Long Vehicle Exclusion Zone**

Clause 39(1)

- (1) Albany Highway and side streets off Albany Highway to a distance of 250 meters.

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Town of Victoria Park resolved to make the following local law on the **day of month year**.

The Common Seal of the )  
Town of Victoria Park was )  
affixed by the authority of a )  
resolution of the Council in )  
the presence of )

\_\_\_\_\_ Karen Vernon, Mayor

\_\_\_\_\_ Anthony Vuleta, Chief Executive Officer

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Revision History:

<b>Version</b>	<b>Made, Amended, Revoked</b>	<b>Date</b>	<b>Council Resolution Number</b>	<b>Effective</b>	<b>Key Changes/Notes</b>
1	Made	Xx/xx/2021		01/01/2021	