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LOCAL GOVERNMENT ACT 1995

*City of Vincent*

LOCAL GOVERNMENT PROPERTY LOCAL LAW NO. 1, 2013

Under the powers conferred by the *Local Government Act 1995*, the *Property Local Law No. 1, 2013* and by all other powers enabling it, the Council of the City of Vincent resolved on 14 May 2013 to make the following local law.

**1. Citation**

This local law may be cited as the *City of Vincent Property Local Law No. 1, 2013*.

**2. Commencement**

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

**3. Principal local law**

In this local law the *City of Vincent Property Local Law No. 1, 2013* published in the *Government Gazette* on 7 October 2008 and amended as published in the *Government Gazette* 24 February 2012, is referred to as the principal local law. The principal local law is amended.

**4. Clause 3.13 (2) amended**

Clause 3.13 (2)—Permit required to camp outside a facility be deleted and the following be inserted in its place—

(2) A person shall not without a permit—

- (a) Camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;
- (b) Erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day; or
- (c) Camp on or occupy any vehicle at night for the purpose of sleeping in a public place.

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Dated: 15 May 2013.

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

Hon ALANNAH MacTIERNAN, Mayor.  
JOHN GIORGI JP, Chief Executive Officer.

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LOCAL GOVERNMENT ACT 1995

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TOWN OF CLAREMONT

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PARKING LOCAL LAW 2012



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TOWN OF CLAREMONT

PARKING LOCAL LAW 2012

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## LOCAL GOVERNMENT ACT 1995

### TOWN OF CLAREMONT

## PARKING LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Claremont resolved on 19 March 2013 to make the following local law.

### PART 1—PRELIMINARY

#### 1.1 Citation

This local law may be cited as the *Town of Claremont Parking Local Law 2012*.

#### 1.2 Commencement

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

#### 1.3 Repeal

The *Town of Claremont Parking and Parking Facilities Local Law 2009* as published in the *Government Gazette* on 24 November 2009 is repealed.

#### 1.4 Interpretation

In this local law unless the contrary intention appears—

*ACROD Sticker* has the meaning given to it by the *Local Government (Parking for Disabled Persons) Regulations 1988*;

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

*authorised person* means a “person appointed” by the local government under section 9.10 (1) of the Act, to perform any of the functions of an authorized person under this local law;

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

*bay* includes stall and space;

*bicycle* has the meaning given to it in the Code;

*bicycle path* has the meaning given to it in the Code; *bus* has the meaning given to it in the Code;

*bus embayment* has the meaning given to it in the Code;

*bus stop* has the meaning given to it in the Code;

*bus zone* has the meaning given to it in the Code;

*caravan* has the meaning given by the *Caravans Parks and Camping Grounds Act 1995*;

*carriageway* means a portion of road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayment’s, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

*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;

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

*children’s crossing* has the meaning given to it in the Code;

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

*coin* means any coin which is legal tender under the *Currency Act 1965* (Commonwealth);

*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;

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

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

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

**driveway** means the portion of land which lies between the boundary of a carriageway and the adjacent property line that is constructed for the purpose of ingress and egress to and from the property, not being the footpath and evidenced, for example, by paving or concrete and also includes the term cross-over;

**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;

**emergency vehicle** has the meaning given to it in the Code;

**fire hydrant** has the meaning given to it by the Code;

**footpath** has the meaning given to it in the Code;

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

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

**loading zone** means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked "Loading Zone";

**local government** means the Town of Claremont;

**mail zone** has the meaning given to it in the Code;

**maximum period** means the maximum period for which a vehicle may be parked as stated on a ticket issuing machine or sign in the ticket machine zone;

**median strip** has the meaning given to it in the Code;

**metered bay** means a section or part of a metered zone is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

**metered zone** means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

**money** means any legal tender under the *Currency Act 1965* (Commonwealth);

**motorcycle** has the meaning given to it in the Code;

**motor vehicle** has the meaning given to it by the Code;

**no parking area** means—

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

**no parking sign** 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 area** means—

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

**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;

**obstruct** means to interfere with, impede or hinder the passage of any vehicle or person;

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

**owner**—

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

**park**, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

- (i) avoiding conflict with other traffic; or
- (ii) complying with the provisions of any law; or
- (iii) taking up or setting down persons or goods (for a maximum of 2 minutes);

**parking area** has the meaning given to it in the Code;

**parking facilities** includes any land, buildings, shelters, road, parking area, metered zone; ticket machine, parking bay, parking station, attended parking station, parking stalls or other facility open to the public generally for the parking of vehicles whether or not a fee is charged, and includes any signs, notices and facilities used in connection with the parking of vehicles;

**parking meter** includes the stand on which the meter is erected and a ticket issuing machine;

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

**parking stall** means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

**parking station** means any land, or structure provided for the purpose of accommodating vehicles;

**parking ticket** means a ticket which is issued from a ticket issuing machine and which authorises the parking of a vehicle in a parking stall or a parking station or part of a parking station;

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

**pedestrian crossing** has the meaning given to it in the Code;

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

**permitted period** means the period stated on the ticket issuing machines in the parking station during which the parking of vehicles is permitted upon the purchase of a parking ticket;

**properly displayed** means displayed inside a vehicle on the dashboard and clearly to and able to be read from outside the vehicle through the windscreen or either front window by an authorised person at all times while the vehicle remains stopped or parked;

**public place** means any place to which the public has access whether or not that place is on private property and whether or not a fee is payable for such access;

**reserve** includes any land—

(a) owned by or vested in 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;

**road** means a highway, road or street open to, or used by, the public and includes every carriageway, footpath, reservation, median strip and traffic island thereon;

**Road Traffic Act** means the *Road Traffic Act 1974*;

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

**shared zone** has the meaning given to it in the Code;

**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 reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking or stopping of vehicles;

**special purpose vehicle** has the meaning given to it in the Code;

**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;

**taxi** means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

**taxi zone** has the meaning given to it in the Code;

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

**ticket issuing machine** means a parking meter which issues, as a result of money being inserted in the machine or such other form or payment as may be permitted to be made, a ticket showing the period during which it is lawful to remain parked in a metered space to which the machine is referable;

**ticket machine zone** means a parking facility in which a ticket issuing machine is installed;

**traffic island** has the meaning given to it in by the Code;

**traffic-control signals** has the meaning given to it by the Code;

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

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

**verge** means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

### 1.5 Application of particular definitions

(1) For the purposes of the application of the definitions “no parking area”, no stopping area and “parking area” an arrow inscribed on a 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 signs was turned at an angle of less than 90 degrees until parallel with the boundary.

(2) the contrary intention appears, where a term is used, but not defined, in this local Unless law, and that term is defined in the Road Traffic Act or in the Code, then the term is to have the meaning given to it in that Act or the Code.

### 1.6 Application and pre-existing signs

- (1) Subject to sub-clause (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 is to apply to that facility or station.
- (3) The agreement referred to in sub-clause (2) may be made on such terms and conditions as the parties may agree.
- (4) Where a parking facility or a parking station is identified in Schedule 4, then the facility or station is taken to be a parking station to which this local law applies and it must not be necessary to prove that it is the subject of an agreement referred to in sub-clause (2).
- (5) 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,is to be deemed to have been erected by the local government under this local law.
- (6) An inscription on a sign referred to in sub-clause (5) operates and has effect according to its tenor, and where the inscription 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 to the parking of vehicles.
- (7) The provisions of Parts 2, 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

### **1.7 Classes of vehicles**

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; and
- (e) all other vehicles.

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

Where under this local law the parking 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) lies beyond the sign or
- (b) lies between the sign and the next sign beyond that sign; and is on that side of the thoroughfare nearest to the sign.

### **1.9 Powers of the Local Government**

The local government 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—METERED ZONES**

### **2.1 Determination of metered zones**

- (1) The local government may, by resolution, constitute, determine and vary and also indicate by signs, metered spaces and metered zones.
- (2) In respect of metered spaces and metered zones, the local government may by resolution determine, and may indicate by signs—
  - (a) permitted times and conditions of parking depending on and varying with the locality;
  - (b) classes of vehicles which are permitted to park;
  - (c) the amount payable for parking; and
  - (d) the manner of parking.

### **2.2 Parking fee to be paid**

Subject to clause 2.5, a person must not park a vehicle in a metered bay unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

### **2.3 Limitation on parking in metered bay**

The payment of a fee under clause 2.2 entitles a person to park the vehicle in a metered bay for the period shown on the parking meter, but does not authorize the parking of the vehicle during any time when parking in that bay may be prohibited in accordance with this local law.

### **2.4 No parking when meter is expired**

Subject to clause 2.5, a person must not leave or permit a vehicle to remain parked in a metered bay during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign “Expired” or a negative time.

### **2.5 Suspension of requirement to pay fee**

The local government may from time to time by a resolution declare that the provisions of clauses 2.2 and 2.4 are not to apply during the periods and days specified in the resolution.

## **2.6 Vehicles to be within metered bay**

(1) Subject to sub-clause (2), a person must not park a vehicle in a metered bay in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the bay, provided that where a metered bay is set out otherwise than parallel to the kerb the vehicle need only park wholly within the bay.

(2) If a vehicle is too long or too wide to fit completely within a single metered bay then the person parking the vehicle must do so within the minimum number of metered bays needed to park that vehicle.

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

## **2.7 Permitted insertions in parking meters**

(1) A person must not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.

(2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as may be permitted is to be effected only in accordance with the instructions printed on that particular meter.

## **2.8 Parking ticket to be clearly visible**

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine must on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to, and the expiry time or time for which the ticket remains valid is able to be read by, an authorized person examining the ticket from outside the vehicle.

## **2.9 One vehicle per metered bay**

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

## **2.10 No parking when hood on meter**

Notwithstanding any other provision of this local law and notwithstanding any other sign or notice, a person must not park a vehicle in a metered space if the parking meter referable to the metered bay has a hood marked "No Parking", "Reserved Parking" or "Temporary Bus Stand" or equivalent signage depicting these purposes except with the permission of the local government or an authorized person.

# **PART 3—PARKING STALLS AND PARKING STATIONS**

## **3.1 Determination of parking stalls and parking stations**

(1) The local government may determine and vary—

- (a) parking stalls
- (b) parking facilities;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations;
- (f) the manner of parking in parking stalls and parking stations;
- (g) metered bays and metered zones; and
- (h) ticket issuing zones.

(2) Where the local government makes a determination under subsection (1), the local government is to erect signs to give effect to the determination.

## **3.2 Vehicles to be within parking stall on thoroughfare**

(1) Subject to sub-clause "(2), (3)", a person must not park a vehicle in a parking stall in a thoroughfare otherwise than—

- (a) parallel to and as close to the kerb as is practicable;
- (b) wholly within the stall; and
- (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.

(2) Subject to sub-clause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

(3) A person must not park a vehicle partly within and partly outside a parking area.

## **3.3 Payment of fee to park in a parking station**

A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless—

- (a) in the case of a parking station having an authorised Person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

### **3.4 Suspension of parking station restrictions**

The local government may by resolution declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking stations as specified in such resolution.

### **3.5 Vehicle not to be removed until fee paid**

A person shall not remove a vehicle which has been parked in a parking station until there has been paid the appropriate fee for the period for which the vehicle has been parked.

### **3.6 Entitlement to receipt**

A person paying a fee at a parking station is to be entitled to receive a receipt on demand showing the period of parking covered by such payment.

### **3.7 Parking ticket to be clearly visible**

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine must, on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that—

- (a) The ticket is clearly visible to; and
- (b) The expiry time or time for which the ticket remains valid is able to be read by, an authorised person examining the ticket from outside the vehicle.

### **3.8 Parking prohibitions and restrictions**

(1) A person must not—

- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station or parking stall, or an access way within a parking station or parking stall;
- (b) except with the permission of the local government or an authorized person park a vehicle on any part of a parking station or parking stall contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking station or parking stall, if an authorized person directs the driver of such vehicle to move the vehicle; or
- (d) park or attempt to park a vehicle in a parking stall or parking station in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked “M/C”, if the bicycle is parked in accordance with sub-clause (2).

(2) No person must park any bicycle—

- (a) in a parking stall other than in a stall marked “M/C”; and
- (b) in such stall other than against the kerb.

(3) Notwithstanding the provisions of sub-clause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—

- (a) the driver’s vehicle displays an ACROD sticker; and
- (b) a person to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

## **PART 4—PARKING GENERALLY**

### **4.1 Restrictions on parking in particular areas**

(1) Subject to sub-clause (2), a person must not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

- (a) if by a sign it is set apart for the parking of vehicles of a different class;
- (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
- (c) during any period when the parking of vehicles is prohibited by a sign.

(2) (a) This sub-clause applies to a driver if—

- (i) the driver’s vehicle displays an ACROD sticker; and
- (ii) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle;

(b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.

(3) A person must not park a vehicle—

- (a) in a no parking area;

- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
  - (c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (4) A person must not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C”.
- (5) A person must not, without the prior permission of the local government, the CEO, or an Authorized Person, park a vehicle in an area designated by a sign stating “Authorized Vehicles Only”.

#### **4.2 Parking vehicle on a carriageway**

- (1) A person parking a vehicle on a carriageway other than in a parking stall must 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 thoroughfare on which the vehicle is 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 thoroughfare on which the vehicle is parked;
  - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
  - (d) 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; and
  - (e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated on a parking regulation sign or markings on the roadway.
- (2) In this clause, “continuous dividing line” means—
- (a) a single continuous dividing line only;
  - (b) a single continuous dividing line to the left or right of a broken dividing line; or
  - (c) two parallel continuous dividing lines.

#### **4.3 When parallel and right-angled parking apply**

Where a traffic sign associated with a parking area is not inscribed with the words “angle parking”, 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 must 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 must park it at approximately right angles to the centre of the carriageway.

#### **4.4 When angle parking applies**

- (1) This clause does not apply to—
- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
  - (b) a person parking either a motor cycle without a trailer or a bicycle.
- (2) Where a sign associated with a parking area is inscribed with the words “angle parking”, a person parking a vehicle in the area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

#### **4.5 General prohibitions on parking**

- (1) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
- (2) Sub-clauses (3)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals and unless a mark or other sign on the carriageway indicates otherwise a person must not park a vehicle so that any portion of the vehicle is—
- (a) between any other stationary vehicles and the centre of the carriageway;
  - (b) on or adjacent to a median strip;
  - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
  - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
  - (f) on any footpath or pedestrian crossing;
  - (g) on a bridge or other elevated structure or within a tunnel or underpass;
  - (h) 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;

- (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
  - (j) 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;
  - (k) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box;
  - (l) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked, or
  - (m) in a cul de sac so as to obstruct the turning of vehicles within the cul de sac unless a sign or markings on the carriageway indicate otherwise.
- (3) A person must not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—
- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a children’s crossing or pedestrian crossing.
- (4) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of—
- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a children’s crossing or pedestrian crossing.
- (5) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

#### **4.6 Authorized person may order vehicle on thoroughfare to be moved**

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

#### **4.7 Authorized person may mark tyres**

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

#### **4.8 No movement of vehicles to avoid time limitation**

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person must not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least 2 hours.

#### **4.9 No parking of vehicles exposed for sale and in other circumstances**

A person must not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (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.

#### **4.10 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;
- (d) which is the subject of an agreement referred to in clause 1.5(2); or
- (e) which is identified in Schedule 4.

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

(3) Where the 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 must not park a vehicle on the land otherwise than in accordance with the consent.

#### **4.11 Parking on reserves**

No person other than an employee of the local government in the course of his or her duties or a person authorized by the local government must drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

#### **4.12 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 authorized 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 sub-clause (1), the local government, the CEO or an Authorized 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.

### **PART 5—PARKING AND STOPPING GENERALLY**

#### **5.1 No stopping**

A driver must not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.

#### **5.2 No parking**

A driver must 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.

“unattended”, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

#### **5.3 No stopping on a carriageway with yellow edge lines**

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

#### **5.4 Parking or stopping in a clearway**

A driver shall not stop or park on a length of carriageway to which a clearway sign applies.

#### **5.5 Parking or stopping in rights of way**

A person shall not park or stop a vehicle in a right-of-way so as to obstruct the right-of-way.

### **PART 6—STOPPING IN ZONES FOR PARTICULAR VEHICLES**

#### **6.1 Stopping in a loading zone**

A person must not stop a vehicle in a loading zone unless it is—

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers,

but in any event must not remain in that loading zone for longer than a time indicated on the “loading zone” sign, or longer than 15 minutes (if no time is indicated on the “loading zone” sign).

#### **6.2 Stopping in a taxi zone or a bus zone**

(1) A driver must not stop in a taxi zone, unless the driver is driving a taxi.

(2) A driver must 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.

#### **6.3 Stopping in a mail zone**

A person must not stop a vehicle in a mail zone.

#### **6.4 Other limitations in zones**

A person must 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 7—OTHER PLACES WHERE STOPPING IS RESTRICTED**

#### **7.1 Stopping in a shared zone**

A driver must not stop in a shared zone unless—

- (1) 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;
- (2) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (3) the driver is dropping off, or picking up, passengers or goods; or

- (4) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

#### **7.2 Double parking**

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

#### **7.3 Stopping near an obstruction**

A driver must not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

#### **7.4 Stopping on a bridge or in a tunnel, etc.**

- (1) A driver must not stop a vehicle on a bridge, causeway, ramp or similar structure unless—
  - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) 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.
- (2) A driver must not stop a vehicle in a tunnel or underpass unless—
  - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

#### **7.5 Stopping on crests, curves, etc.**

- (1) Subject to sub-clause (2), a driver must not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the 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.

#### **7.6 Stopping near a fire hydrant etc**

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—
  - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
  - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause, a driver leaves the vehicle “unattended” if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

#### **7.7 Stopping at or near a bus stop**

- (1) A driver must not stop 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 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.
- (2) 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 taken to be a part of the public bus.

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

The driver of a vehicle (other than a bicycle or an animal) must not stop so that any portion of the vehicle is on 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 these local law.

#### **7.9 Stopping on verge**

- (1) A person must not—
  - (a) stop a vehicle (other than a bicycle);
  - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
  - (c) stop 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) Sub-clause (1)(a) does not apply to the person if he or she is 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.

(3) Sub-clause (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.

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

(1) A driver must 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 stall and the driver is permitted to stop in the parking stall under this local law.

(2) A driver must not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless—

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

#### **7.11 Stopping near a letter box**

A driver must not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver—

- (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 this local law.

#### **7.12 Stopping on a carriageway—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 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding 1 hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

(2) 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.

#### **7.13 Stopping on a carriageway with a bicycle parking sign**

The driver of a vehicle (other than a bicycle) must not stop on a length of carriageway to which a “bicycle parking” sign applies, unless the driver is dropping off, or picking up, passengers.

#### **7.14 Stopping on a carriageway with motor cycle parking sign**

The driver of a vehicle must not stop on a length of carriageway, or in an area, to which a “motor cycle parking” sign applies, or an area marked “M/C” unless—

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

#### **7.15 Stopping in a parking stall for people with disabilities**

(1) A driver must not stop in a parking area for people with disabilities unless—

- (a) the driver’s vehicle displays an ACROD sticker; and
- (b) either the driver or the passenger in that vehicle is a person with disabilities.

(2) In this clause, a “parking area for people with disabilities” is a length or area—

- (a) to which a “permissive parking” sign displaying a people with disabilities symbol applies;
- (b) to which a “people with disabilities parking” sign applies;
- (c) indicated by a road marking (a “people with disabilities road marking”) that consists of, or includes, a people with disabilities symbol; or
- (d) set aside within a parking region as a “parking stall for use of a disabled person” under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

## **PART 8—RESIDENTIAL PARKING PERMITS**

### **8.1 Terms used in this Part**

In this Part, unless the contrary intention appears—

*dwelling unit* means lawfully used for self contained living quarters;

*eligible person*—

- (a) where used in relation to an application for a residential parking permit means a single house occupier, a unit occupier, a unit owner;

- (b) where used in relation to an application for a visitor's parking permit means—
  - (i) a single house occupier;
  - (ii) a strata company; or
  - (iii) a unit owner of a residential unit which is not a strata lot;

*permit* means a residential parking permit or a visitor's parking permit;

*residential parking permit* means a permit issued by the local government under clause 8.2(4);

*residential unit* means a dwelling unit which is part of a building adjacent to a part of a road on which road the stopping or parking of vehicles is prohibited for more than a specified period and which building contains—

- (a) two or more dwelling units with or without any non-residential units; or
- (b) one dwelling unit with one or more non-residential units;

*single house* means a dwelling unit constructed on its own lot and used for self contained living quarters and which is adjacent to a part of a road on which the stopping or parking of vehicles is prohibited for more than a specified period;

*single house occupier* means an occupier of a single house;

*strata company* means a body corporate constituted under section 32 of the *Strata Titles Act 1985*;

*unit occupier* means an occupier of a residential unit;

*visitor's parking permit* means a permit issued by the local government under clause 8.2(4).

### 8.2 Issue of a residential permit or visitor's permit

(1) A person who is the occupier of a dwelling fronting a road on which parking is restricted may apply in writing to the local government for the issue of—

- (a) a residential parking permit, in relation to a vehicle for which that person is the owner; or
- (b) a visitor's permit.

(2) The application shall set out—

- (a) the person's name;
- (b) the address of the dwelling in respect of which the permit is sought;
- (c) the road in respect of which the permit is sought; and
- (d) in the case of a residential parking permit, the registration number of the vehicle in respect of which the permit is sought together with a copy of the vehicle licence paper detailing the owner of the vehicle.

(3) A residential parking permit shall only be issued to an occupier of a dwelling if—

- (a) the occupier is the holder of the vehicle licence under the Road Traffic Act for the vehicle to which the permit shall apply and is described on that vehicle licence as residing at the address of the dwelling to which the permit relates; or
- (b) where the vehicle is a work vehicle, the owner or occupier satisfies the local government that they occupy the dwelling and that the vehicle is assigned to them for their use.

(4) The local government may issue a residential or visitor's permit, as the case may be, to an applicant under sub-clause (1) if in the opinion of the local government—

- (a) it is impossible or impracticable to obtain vehicular access to a dwelling from a road or right-of-way; or
- (b) there are other sufficient reasons to issue the permit.

(5) The local government may in respect of an application for permit(s) for the purpose of sub-clause (1)—

- (a) approve the application;
- (b) approve the application subject to conditions as the local government considers appropriate; or
- (c) refuse to approve the application.

(6) Every permit issued for the purpose of sub-clause (1) is to specify—

- (a) a permit number;
- (b) the residential address to which the permit is issued;
- (c) the name of the road to which the exemption applies;
- (d) the date on which the permit expires; and
- (e) in the case of a residential parking permit, the registration number of the vehicle to which the permit applies.

### 8.3 Maximum number of residential parking permits and visitor parking permits

The maximum number of residential parking permits and visitor parking permits that shall be issued by the local government in relation to a dwelling must comply with the following table (Schedule 5).

The Chief Executive Officer may in special circumstance approve a variation to the number of Residential and Visitor parking permits identified in the above table.

#### **8.4 Duration of a residential parking permit or visitor parking permit**

A residential parking permit or visitor parking permit is current from the date of issue and will be issued for a period not exceeding 1 year and expiring on 31 December in the year of issue.

#### **8.5 Effect of a residential permit**

(1) Subject to sub-clause (2), the holder of a current residential parking permit is exempt from compliance with—

- (a) any sign prohibiting the parking of a vehicle on any part of the road to which the permit relates for more than a specified time, so long as the vehicle is not parked adjacent to retail premises; or
- (b) any other sign on the road to which the permit relates inscribed with the words “Residential Parking Permits Exempt”.

(2) The exemption in sub-clause (1) only applies;

- (a) to the road in respect of which the residential parking permit was issued;
- (b) to the vehicle in respect of which the residential parking permit was issued;
- (c) if the residential parking permit is placed on the dashboard of the vehicle to which it applies, in a prominent position, unobstructed from view, so that it can be easily read by an authorized person outside the vehicle;
- (d) if the holder of the residential parking permit still resides in the dwelling in respect of which it was issued; and
- (e) if the permit has not expired.

#### **8.6 Effect of a visitor parking permit**

(1) Subject to sub-clause (2) the person for the time being having possession of a current visitor parking permit is exempt from compliance with—

- (a) any sign prohibiting the parking of a vehicle on the road to which the permit relates for more than the specified time, so long as the vehicle is not parked adjacent to the retail premises; or
- (b) any other parking sign on the road to which the permit relates inscribed with the words “Residential Parking Permits Exempt”.

(2) The exemption in sub-clause (1) only applies—

- (a) to the road in respect of which the visitor parking permit was issued;
- (b) if the visitor parking permit is placed on the dashboard of the vehicle to which it applies, in a prominent position, unobstructed from view, so that it can be easily read by an authorised person outside the vehicle;
- (c) if the person to whom the visitor parking permit was issued still resides in the dwelling in respect of which it was issued.

#### **8.7 Renewal or replacement of a residential parking permit or visitor parking Permit**

(1) A person to whom a residential parking permit or a visitor parking permit has previously been issued may apply to the local government to—

- (a) renew a residential parking permit or visitor parking permit which has expired; or
- (b) issue a replacement residential parking permit or visitor parking permit for a permit which has been lost, damaged or stolen.

(2) An application for replacement of a residential parking permit or visitor parking permit must be accompanied by payment of the fee imposed by the local government under the Act, unless the application fee is waived by the local government.

(3) In the event that the person to whom a residential parking permit or visitor parking permit was issued loses or misplaces that permit, then the original permit shall be cancelled and a new permit may be issued which shall be valid only until the expiry date of the permit it replaces.

#### **8.8 Temporary visitor parking permit**

(1) A person may apply in writing to the local government for one or more temporary visitor parking permits.

(2) The provisions of this Part dealing with visitor parking permits shall apply to temporary visitor parking permits, except that—

- (a) an application for a temporary visitor parking permit shall also set out the number of permits required and the date and time during which the permits are required;
- (b) a temporary visitor parking permit has effect only on the dates and during the times specified on the permit;
- (c) a temporary visitor parking permit may only be issued for a period that is less than 1 year in duration; and
- (d) a temporary visitor parking permit may not be renewed or replaced.

#### **8.9 Register of Residential Parking Permits**

The local government shall maintain a Register of Residential Parking Permits which shall record the—

- (a) number assigned to each permit;
- (b) name and address of the person to whom each permit is issued;

- (c) name of the thoroughfare to which each permit applies;
- (d) registration of the vehicle in respect of which each permit has been issued; and
- (e) date on which each residential parking permit expires.

#### **8.10 Register of Visitor and Temporary Visitor Parking Permits**

The local government shall maintain a Register of Visitor and Temporary Visitor Parking Permits which shall record the—

- (a) number assigned to each permit;
- (b) name and address of the person to whom each permit is issued;
- (c) name of the thoroughfare to which each permit applies; and
- (d) date on which each visitor or temporary visitor parking permit expires.

#### **8.11 Revoking a permit**

(1) The local government may, at any time, revoke a residential, visitor or temporary visitor parking permit which has been issued, if it is satisfied that the permit is not being used in accordance with this local law.

(2) If the local government considers there are grounds justifying revocation of a permit, the local government shall give the person to whom the permit was issued a notice—

- (a) indicating that the permit may be revoked;
- (b) explaining the reason why the permit may be revoked; and
- (c) requiring the person to notify the local government within 14 days, of any reason why the permit should not be revoked.

(3) After the expiry of 14 days from the date of service of the notice referred to in sub-clause (2) on the person to whom the permit has been issued, whether or not a response has been received, the local government may revoke the permit.

#### **8.12 Removal of a permit from vehicle**

The holder of a residential, visitor or temporary visitor parking permit must immediately, upon the permit being revoked or ceasing to be valid, including invalidity arising from a change in residential address, permanently remove the permit from the vehicle in which it is displayed or to which it is affixed and return it to the local government.

#### **8.13 Fees and Charges**

The fees and charges in relation to this clause will be determined in accordance with Part 6 Division 5 Subdivision 2 of the Act.

### **PART 9—MISCELLANEOUS**

#### **9.1 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 authorized person.

#### **9.2 Unauthorized signs and defacing of signs**

A person must 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.

#### **9.3 Interfere with or damage Council property**

(1) A person shall not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in any parking station, carriageway or in any other 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.

#### **9.4 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.

#### **9.5 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 3 letters of any day of the week when used on a sign indicate that day of the week.

### **9.6 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 his or her 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 his or her 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 at any place, at any time.

### **9.7 Vehicles not to obstruct a public place**

(1) A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorized under any written law.

(2) A person will not contravene sub-clause (1) where the vehicle is left for a period not exceeding 24 hours.

### **9.8 Causing or attempting to cause damage to Council Property**

A person shall not cause or attempt to cause damage to the property of the local government in any way.

## **PART 10—PENALTIES**

### **10.1 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) 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) Any person who commits an offence under this local law must be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

(4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

### **10.2 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 3;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (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 3; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

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### *Schedule 1*

#### **PARKING REGION**

(clause 1.4)

The parking region is the whole of the district, but excludes 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 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.

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*Schedule 2*  
PRESCRIBED OFFENCES

(Clause 10.1)

Town of Claremont  
*Parking Local Law 2012*

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to pay fee for metered space	65
2	2.3	Parking in excess of period shown on metered bay	65
3	2.4	Parking when meter has expired	65
4	2.6(1)	Failure to park wholly within metered space	65
5	2.6(3)	Parking outside metered zone	65
6	2.7(1)	Non-permitted insertion in parking meter	200
7	2.8	Failure to display ticket clearly in metered zone	65
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	65
9	2.10	Parking contrary to a meter hood	65
10	3.2(1)	Failure to park wholly within parking stall	100
11	3.2(3)	Failure to park wholly within parking area	100
12	3.3	Failure to pay parking station fee	65
13	3.5	Leaving without paying parking station fee	65
14	3.7	Failure to display ticket clearly in parking station	65
15	3.8(1)(a)	Causing obstruction in parking station or parking stall	65
16	3.8(1)(b)	Parking contrary to sign in parking station or parking stall	65
17	3.8(1)(c)	Parking contrary to directions of Authorized Person	100
18	3.8(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	100
19	4.1(1)(a)	Parking wrong class of vehicle	65
20	4.1(1)(b)	Parking by persons of a different class	65
21	4.1(1)(c)	Parking during prohibited period	65
22	4.1(3)(a)	Parking in no parking area	150
23	4.1(3)(b)	Parking contrary to signs or limitations	150
24	4.1(3)(c)	Parking vehicle in motor cycle only area	100
25	4.1(4)	Parking motor cycle in a stall not marked "M/C"	100
26	4.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	100
27	4.2(1)(a)	Failure to park on the left of two-way carriageway	65
28	4.2(1)(b)	Failure to park on boundary of one-way carriageway	65
29	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	100
30	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	65
31	4.2(1)(d)	Parking closer than one metre from another vehicle	65
32	4.2(1)(e)	Causing obstruction	150
33	4.3(b)	Failure to park at approximate right angle	65
34	4.4(2)	Failure to park at an appropriate angle	65
35	4.5(3)(a) and 7.2	Double parking	150
36	4.5(3)(b)	Parking on or adjacent to a median strip	100
37	4.5(3)(c)	Denying access to private drive or right of way	150
38	4.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
39	4.5(3)(e)	Parking within 10 metres of traffic island	100
40	4.5(3)(f)	Parking on footpath/pedestrian crossing	150

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
41	4.5(3)(g)	Parking on bridge or in a tunnel	100
42	4.5(3)(h)	Parking contrary to continuous line markings	100
43	4.5(3)(i)	Parking on intersection	100
44	4.5(3)(j)	Parking within one metre of fire hydrant or fire plug	100
45	4.5(3)(k)	Parking within 3 metres of public letter box	100
46	4.5(3)(l)	Parking within 10 metres of intersection	100
47	4.5(3)(m)	Parking in cul de sac so as to cause obstruction	100
48	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
49	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
50	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
51	4.6	Parking contrary to direction of authorized person	100
52	4.7(2)	Removing mark of authorized person	100
53	4.8	Moving vehicle to avoid time limitation	100
54	4.9(a)	Parking in thoroughfare for purpose of sale	100
55	4.9(b)	Parking unlicensed vehicle in thoroughfare	100
56	4.9(c)	Parking a trailer/caravan on a thoroughfare	100
57	4.9(d)	Parking in thoroughfare for purpose of repairs	100
58	4.10(2)	Parking on land that is not a parking facility without consent	100
59	4.10(3)	Parking on land not in accordance with consent	100
60	4.11	Driving or parking on reserve	100
61	5.1	Stopping contrary to a "no stopping" sign	150
62	5.2	Parking contrary to a "no parking" sign	150
63	5.1	Stopping within continuous yellow lines	100
64	5.4	Parking or stopping in a clearway	150
65	5.5	Parking or stopping in a right of way	150
66	6.1	Stopping unlawfully in a loading zone	100
67	6.2	Stopping unlawfully in a taxi zone or bus zone	100
68	6.3	Stopping unlawfully in a mail zone	65
69	6.4	Stopping in a zone contrary to a sign	100
70	7.1	Stopping in a shared zone	65
71	7.3	Stopping near an obstruction	100
72	7.4	Stopping on a bridge or tunnel	100
73	7.5	Stopping on crests/curves etc	100
74	7.6	Stopping near fire hydrant	150
75	7.7	Stopping near bus stop	100
76	7.8	Stopping on path, median strip or traffic island	150
77	7.9	Stopping on verge	100
78	7.10	Obstructing path, a driveway etc	150
79	7.11	Stopping near letter box	100
80	7.12	Stopping heavy or long vehicles on carriageway	100
81	7.13	Stopping in bicycle parking area	65
82	7.14	Stopping in motorcycle parking area	100
83	7.15	Stopping in disabled parking area	300
84	8.6	Leaving vehicle so as to obstruct a public place	150
85		All other offences not specified	60

*Schedule 3*  
FORMS  
Local Government Act 1995  
FORM 1  
Town of Claremont  
*Parking Local Law 2012*

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 **Town of Claremont Parking Local Law 2012**.

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 taken to have committed the offence unless—

(a) within 28 days after being served with this notice—

(i) you inform the CEO or another authorized 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 CEO 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 or “the owner”
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorized person
- (6) Name and title of authorized person giving notice

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*Schedule 3*  
Local Government Act 1995  
FORM 2  
Town of Claremont  
*Parking Local Law 2012*  
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 **Town of Claremont Parking Local Law 2012**.

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 authorized person at (5) ..... within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

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 "the owner"
- (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 authorized person
- (7) Name and title of authorized person giving notice

---

***Schedule 3***  
**Local Government Act 1995**  
**FORM 3**  
**Town of Claremont**  
***Parking Local Law 2012***  
**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 **Town of Claremont Parking Local Law 2012**.

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 authorized 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 CEO or another authorized 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 CEO 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 taken to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

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 or "the owner"
- (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 authorized person
- (7) Name and title of authorized person giving notice

\_\_\_\_\_  
*Schedule 3*  
**Local Government Act 1995**  
 FORM 4  
 Town of Claremont  
*Parking Local Law 2012*  
**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".
- (2) Address of alleged offender.
- (3) Signature of authorized person
- (4) Name and title of authorized person giving notice

*Schedule 4*  
**DEEMED PARKING STATIONS**  
 Town of Claremont  
*Parking Local Law 2012*

<b>Parking Station Number</b>	<b>Description</b>
Parking Station Number 2	Lot 51 Stirling Highway, Claremont Lot 50 St Quentin Avenue, Claremont Lot 21 St Quentin Avenue, Claremont
Parking Station Number 3	Lot 21 St Quentin Avenue, Claremont Lot 103 Stirling Highway, Claremont
Parking Station Number 4	Lot 507 Stirling Highway, Claremont
Parking Station Number 5	Claremont Train Station, Claremont
Parking Station Number 7	Lot 501 Stirling Highway, Claremont
Parking Station Number 9	Lot 307 Gugerri Street, Claremont Lot 48 Bay View Terrace Claremont
Parking Station Number 10	Lot 90 Avion Way, Claremont
Leura Avenue Carpark	Lot 502 Leura Avenue, Claremont
Leura Avenue—South Carpark	Lot 501 Leura Avenue, Claremont
Leura Avenue—East Carpark	Lot 501 Leura Ave, Claremont

*Schedule 5*  
**ALLOWABLE PERMITS**

<b>Number of off street parking bays for the dwelling</b>	<b>Maximum number of Residential Parking Permits</b>	<b>Maximum number of Visitor Parking Permits</b>
0	2	2
1	1	2
2	0	2
3	0	1
4 or more	0	0

Dated: 12 April 2013.

The Common Seal of the Town of Claremont was affixed by authority of a resolution of the Council in the presence of—

JOCK BARKER, Mayor/President.  
 STEPHEN GOODE, Chief Executive Officer.