

6.3 ADOPTION OF THE PARKING LOCAL LAW 2023

- Attachments:**
1. **Parking Local Law 2023 (Clean Version) - Formatted**
 2. **Parking Local Law 2023 - Tracked changes**
 3. **Parking Local Law 2023 - DLGSC comments**
 4. **Parking local law 2023 public comments**

RECOMMENDATION:**That Council:**

1. **GIVES NOTICE** that the purpose of the Parking Local Law 2023 is to provide for the regulation, control and management of parking and vehicles within the local government;
2. **GIVES NOTICE** that the effect of the Parking Local Law 2023 is to ensure that any person parking a vehicle within the City of Vincent is to comply with these provisions; and
3. **MAKES BY ABSOLUTE MAJORITY** the Parking Local Law 2023 at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995* subject to the Chief Executive Officer:
 - 3.1 publishing the *Parking Local Law 2023* in the Government Gazette in accordance with s3.12(5) of the *Local Government Act 1995* and providing a copy to the Minister for Local Government; and
 - 3.2 following Gazettal, providing local public notice in accordance with s3.12(6) of the *Local Government Act 1995*, and providing a copy of the law and Explanatory Memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

PURPOSE OF REPORT:

To consider adopting the *Parking Local Law 2023*.

BACKGROUND:

At its 13 December 2022 Meeting, Council resolved to provide public notice of the proposed *City of Vincent Parking Law 2023* (Item 10.2). In accordance with Section 3.12(3)(b) of the *Local Government Act 1995*, a copy of the proposed *City of Vincent Parking Local Law 2023* was provided to the Department of Local Government, Sports and Culture (DLGSC) for review and comment.

The submission period for the public notice was between 28 January 2023 and 25 March 2023.

Minor changes have been made to the draft *Parking Local Law 2023* following consideration of public submissions and advice from the DLGSC.

DETAILS:

Local public notice of the proposed *Parking Local Law 2023* was given in accordance with section 3.12(3)(a) of the *Local Government Act 1995*. Public notice and consultation on the proposed Parking Local Law included the following:

- a notice published in the West Australian on 28 January 2023;
- a notice published in the Perth Voice newspaper on 28 January 2023;
- a consultation page displayed on the City's website (Imagine Vincent);
- inclusion of a News item on the City's website;
- promotion on the City of Vincent's Facebook page; and
- inclusion on notice boards at the City of Vincent's Administration building and Library.

A copy of the proposed *Parking Local Law 2023* recommended for adoption is at **Attachment 1**. This attachment includes modifications to the Parking Local Law as it was advertised. A copy of the advertised *Parking Local Law 2023* with the proposed minor changes is at **Attachment 2**. This includes modifications that were made following review of consultation submissions, comments obtained from the DLGSC and suggestions from external legal advice. After including these amendments, the Parking Local Law is not significantly different to what was advertised, therefore it does not trigger the requirement to recommence the making of the local law under section 3.13 of the *Local Government Act 1995*.

In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, Administration provided the Minister for Local Government with a copy of the advertised Parking Local Law. The DLGSC provided minor editing suggestions for the Parking Local Law, and these can be found at **Attachment 3**. Administration have incorporated the Department's feedback into the proposed local law.

Taxi Terminology

The City does not intend for ride-share to be covered by the clauses relating to taxis in this local law.

Event Parking

Clause 2.16 is subject to an event and relates to the establishment of additional parking facilities (not amendments to existing parking facilities) for the purpose of an event. Minor change has been made considering the departments comments, which clarifies that the establishment of additional parking facilities is only in the case of an event.

Minor Edits

Minor edits to the table of contents page, Schedule 1 and minor formatting changes have been made. Definition of 'valve stem reading' has been included in the definitions. Clause 2.2(2) minor edit to allow the text to be in one sentence.

During the public consultation period, the City received 23 submissions, with 10 in support of the local law, 7 who did not support the local law and 6 who neither supported or did not support the local law. A copy of the submissions received can be found at **Attachment 4**.

If adopted, the Parking Local Law would be gazetted and provided to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL). While the local law has been prepared with legal consultation and advice from the DLGSC, the JSCDL may still exercise its discretion to disallow part or all of the Parking Local Law 2023.

CONSULTATION/ADVERTISING:

Following Gazettal, the City would provide local public notice that the *Parking Local Law 2023* has been published in the Government Gazette, in accordance with s3.12(6) of the *Local Government Act 1995*. The notice would include the following details:

- the title of the local law;
- the purpose and effect of the local law;
- the day the local law comes into operation; and
- advise that copies of the local law can be inspected and obtained from the City's office and website.

LEGAL/POLICY:

Section 3.12 of the *Local Government Act 1995* sets out the procedural requirements for the making of a local law:

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2a) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give local public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*

- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- And
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the minister and, if another minister administers the act under which the local law is proposed to be made, to that other minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
* absolute majority required.
- (5) After making the local law, the local government is to publish it in the gazette and give a copy of it to the minister and, if another minister administers the act under which the local law is proposed to be made, to that other minister.
- (6) After the local law has been published in the gazette the local government is to give local public notice —
- (a) stating the title of the local law; and
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.
- (7) The minister may give directions to local governments requiring them to provide to the parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to adopt the *Parking Local Law 2023*.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Accessible City

We have embraced emerging transport technologies.

Thriving Places

Efficiently managed and maintained City assets in the public realm.

Innovative and Accountable

We engage with our community so they are involved in what we are doing and how we are meeting our goals.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

There are nominal costs associated with making the local law, including advertising and Gazettal which can be expended from the City's operating budget.

City of Vincent

Local Government Act 1995

Local Government Parking Local Law 2023

Local Government Parking Local Law 2023

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LOCAL GOVERNMENT ACT 1995**CITY OF VINCENT****PARKING LOCAL LAW 2023**

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

Part 1 - Preliminary**1.1 Citation**

This is the *City of Vincent Parking Local Law 2023*.

1.2 Objective

- (1) The purpose of this local law is to provide for the management and regulation of parking within the district.
- (2) The effect of this local law is to manage parking throughout the district to ensure safe, fair and equitable use and access of parking facilities under the care and management of the City.

1.3 Commencement

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

1.4 Repeal

The *City of Vincent Parking and Parking Facilities Local Law 2007* published in the *Government Gazette* on 21 November 2007 and as amended from time to time is repealed.

1.5 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to –
 - (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads Western Australia;
 - (b) the prohibition areas that apply to all existing and future bridges and subways as determined by the Commissioner of Main Roads, Western Australia;
 - (c) a thoroughfare that comes under the control of the Commissioner of Main Roads Western Australia unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads Western Australia to the City; and
 - (d) the Mitchell Freeway and Graham Farmer Freeway, save that Subdivision 4 of Division 3 of Part 3 of the Act continues to apply to these portions and these portions are included in the parking region for that purpose.
- (3) This local law does not apply to a parking station that –
 - (a) is not owned, controlled or occupied by the City; or
 - (b) is owned by the City but is leased to another person,

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unless the City and the owner or occupier of the parking station have agreed in writing (on whatever terms and conditions they think fit) that this local law is to apply to the parking station.

1.6 Definitions

In this local law, unless the context requires otherwise –

Act means the *Local Government Act 1995*;

attended parking station means a parking station attended at times by an officer, agent, contractor or authorised person of the City;

authorised person means a person appointed by the City 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 City, the CEO, an authorised person or by any written law to stop or park on (or on part of) a thoroughfare or parking facility;

bicycle has the meaning given in the Code;

bicycle crossing has the meaning given in the Code;

bicycle crossing lights has the meaning given in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given in the Code;

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus lane has the meaning given in the Code;

bus stop has the meaning given in the Code;

bus way has the meaning given in the Code;

bus zone has the meaning given in the Code;

caravan means a vehicle that is fitted or designed to allow human habitation and which is capable of being drawn by another vehicle, or which is capable of self-propulsion;

carriageway has the meaning given in the Code;

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

CEO means the Chief Executive Officer of the City;

charter vehicle means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966*, but does not include a public bus;

charter vehicle zone means a parking bay or parking area designated for use by a charter vehicle;

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

City means the City of Vincent;

City property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the City;

clearway means a length of carriageway which carries a high traffic volume that has clearway no stopping signs erected appurtenant to it, to facilitate the unhindered flow of traffic;

Code means the *Road Traffic Code 2000*;

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commercial vehicle means a motor vehicle that is –

- (a) constructed, adapted or fitted for the conveyance of goods; and
- (b) used primarily for the conveyance of goods,

but does not include a vehicle constructed for the conveyance of materials used in any trade, business, industry or any other work;

Council means the Council of the City;

cross-over 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 giving access to the property;

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

district means the district of the City;

driver means a 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 giving access to and from the property, and also includes the term crossover;

edge line has the meaning given in the Code;

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

emergency vehicle has the meaning given in the Code;

entrance ticket means a ticket or token issued by an entrance ticket machine;

entrance ticket machine means a machine –

- (a) installed at an entrance to a parking station (including an attended parking station); and
- (b) from which tickets are issued to vehicles entering that parking station;

exit ticket means a ticket issued after payment of the fee by a fee collection machine;

fee collection machine means a machine installed in a parking station which, on the insertion of an entrance ticket and payment of the required fee, issues an exit ticket;

fee paying machine means a ticket issuing machine, fee collection machine or parking meter;

fee paying zone means where a fee payable is indicated by a sign where the vehicle is stopped or parked within the same –

- (a) parking station; or
- (b) section of the road between two intersections or an intersection and head of a cul-de-sac as the case may be;

fire hydrant has the meaning given in the Code;

funeral vehicle means a vehicle designed or modified for use in conducting funeral services;

footpath has the meaning given in the Code;

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

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

intersection has the meaning given in the Code;

keep clear marking has the meaning given in the Code;

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

length of carriageway means the section on the same side of the carriageway, between intersections on that side of the carriageway;

loading zone means –

- (a) a parking facility to which a loading zone sign applies; or
- (b) a parking bay designated by a sign for use by commercial vehicles as a loading zone;

loading zone sign has the meaning given in the Code;

low clearance sign means a sign indicating the height clearance restriction (in metres) when entering a parking station so as not to allow an oversize vehicle to attempt to pass under the object that is part of the sign;

median strip has the meaning given in the Code;

metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in a way that indicates where a vehicle may be parked on payment of a fee or charge;

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

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

motorcycle means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;

motor vehicle means a self-propelled vehicle that is not operated on rails, and includes –

- (a) a trailer, semi-trailer or caravan while attached to a motor vehicle;
- (b) a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel; or
- (c) a 3-wheeled motor vehicle,

but does not include a power assisted pedal cycle;

nature strip has the meaning given in the Code and includes a verge;

no parking area has the meaning given in the Code;

no parking sign has the meaning given in the Code;

no stopping area has the meaning given in the Code;

no stopping sign has the meaning given in the Code, extended by the meaning of **sign** in this clause;

obstruction has the meaning given in the Code;

occupier has the meaning given in the Act;

one-way carriageway has the meaning given in the Code;

owner –

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- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, has the meaning given to “responsible person” in the *Road Traffic (Administration) Act 2008*;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle; and
- (c) where used in relation to land, has the meaning given in the Act;

park has the meaning given in the Code;

parking app means a software program used by a computer, tablet, smartphone or other electronic device for the payment of parking by a vehicle for a specified period of time;

parking app zone means a parking facility within a fee paying zone in which a parking app is available for use;

parking area has the meaning given in the Code;

parking bay means a section of a parking facility which is marked or defined in any way to indicate where a vehicle may stop or park;

parking bay for people with disabilities has the meaning given to **permit parking area** in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

parking control sign has the meaning given in the Code;

parking facility includes –

- (a) land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

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

parking period means an electronic authorisation to park a vehicle issued from a ticket issuing machine, a parking meter or a parking app;

parking permit means a permit issued by the City or an authorised person and includes a written or electronic permit;

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

parking station means any land, building or other structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged, and includes an attended parking station but does not include a road or reserve;

parking ticket means a ticket which is issued from a ticket issuing machine or parking meter and which authorises the parking of a vehicle;

path has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

pedestrian mall has the meaning given in the Code;

permissive parking sign has the meaning given in clause 172 of the Code;

postal vehicle has the meaning given in the Code;

property line means the boundary between the land comprising a road and the land that abuts that road;

public bus has the meaning given in the Code;

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public bus zone means a parking bay designated for use by a public bus;

reserve means any land –

- (a) which belongs to the City;
- (b) of which the City 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;

but does not include a verge;

road means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land including the nature strip and paths appurtenant thereto lying between the property lines abutting the road;

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

Schedule means a schedule to this local law;

school zone has the meaning given in the Code;

school zone period has the meaning given in the Code;

service vehicle has the meaning given in the Code;

service zone means a part of a pedestrian mall designated by a sign for stopping or parking of service vehicles;

shared zone has the meaning given in the Code;

sign includes a traffic sign, permissive parking sign, inscription, mark, structure or device approved by the City on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

special purpose vehicle has the meaning given in the Code and also includes any commercial vehicle owned by the City;

stop has the meaning given in the Code;

symbol includes a symbol specified by Australian Standard 1742.11 - 1999 and a symbol specified from time to time by Standards Australia for use in the regulation of parking;

taxi has the meaning given in the Code;

taxi zone has the meaning given in the Code;

thoroughfare has the meaning given in the Act;

ticket includes a token;

ticket issuing machine means a machine or device which, as a result of a payment by any permitted means, issues a ticket showing the period during which it is lawful to remain parked in the area to which the machine or device relates;

ticket machine zone means a parking facility within a fee paying zone in which a ticket issuing machine is installed;

T-Intersection means an intersection where the end of a road intersects with the continuous side of a continuing road;

traffic includes the passage of both vehicles and pedestrians;

traffic island has the meaning given in the Code;

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trailer has the meaning given in the Code;

transit lane has the meaning given in the Code;

truck means a vehicle which has a minimum load capacity of 1,000 kilograms;

truck bay means a parking bay designated for use by trucks only;

truck lane has the meaning given in the Code;

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

unexpired parking period means a parking period on which a date and expiry time is specified and the time specified has not expired;

unexpired parking ticket means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

valve stem reading means a method of recording the position of the tyre valve in relation to the kerb or road or other surface on which the vehicle is stopped or parked;

vehicle means –

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

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.

1.7 Interpretation

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

1.8 Sign erected by the Commissioner of Main Roads

A sign that –

- (a) was erected by the Commissioner of Main Roads Western Australia prior to the commencement of this local law; and
- (b) relates to the stopping or parking of vehicles,

is taken to have been erected by the City under this local law.

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1.9 Application of signs

- (1) Where under this local law the stopping or parking of a vehicle on a road is controlled by a sign, the sign is to apply to that part of the road which –
 - (a) lies beyond the sign;
 - (b) lies between that sign and the next sign; and
 - (c) is on that half of the road nearest to that sign.
- (2) A sign may prohibit or regulate parking or stopping by the use of a symbol.
- (3) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it is to be taken to operate and have effect as if it also related to the parking of vehicles.
- (4) The first three letters of any day of the week when used on a sign indicate that day of the week.

1.10 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows –

- (a) public buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) taxis;
- (e) emergency vehicles;
- (f) special purpose vehicles;
- (g) charter vehicles;
- (h) funeral vehicles; and
- (i) all other vehicles.

1.11 Establishment of parking facilities

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

1.12 Permitted payment

The City may authorise a person to pay for parking, in advance or in arrears, by any means other than or in addition to the insertion of money in a ticket issuing machine or parking meter or by use of a parking app.

1.13 Alternative method of payment

- (1) Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the City may authorise a person to park in the parking facility, without paying the Relevant Fee in the usual way, by giving the person (electronically or otherwise) a permit, invoice, ticket or pass (alternative method of payment).
- (2) A person who is given an alternative method of payment, and who complies with the terms of the alternative method of payment, is exempt from paying the Relevant Fee.

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- (3) An alternative method of payment may not be used by any person other than the person to whom it was given by the City.

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Part 2 - Stopping and Parking Generally**2.1 Power to prohibit and regulate**

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

2.2 Determinations in relation to stopping and parking

- (1) The Council may by resolution determine –
 - (a) permitted times and conditions of stopping and parking which may vary with the parking region;
 - (b) permitted classes of persons who may stop or park their vehicles;
 - (c) permitted classes of vehicles which may stop or park; or
 - (d) the manner of stopping or parking.
- (2) Where the Council makes a determination under subclause (1), the City must erect one or more signs to give effect to the determination.

2.3 Stopping or parking generally

- (1) A person must not stop or park a vehicle in a parking facility or in a thoroughfare –
 - (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;
 - (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) for more than the maximum time specified by a sign unless –
 - (i) clause 2.4 applies; or
 - (ii) the vehicle displays a 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;
 - (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces – unless the vehicle is too wide or long to fit completely within a single parking bay or metered space, in which case it must be parked within the minimum number of parking bays or metered spaces needed to park it; or
 - (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked.
- (2) A person must not stop or park a vehicle –
 - (a) in a no stopping area;
 - (b) in an area to which a “clearway” sign applies;
 - (c) at the side of a carriageway marked with a continuous yellow edged line;
 - (d) in an area of a carriageway signed or marked with a keep clear marking;
 - (e) in a bay marked “M/C” unless it is a motorcycle;

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- (f) in a bus lane or bus way;
 - (g) in a transit lane;
 - (h) in a truck lane; or
 - (i) in a bicycle lane or on a bicycle path,
- unless the person is driving a public bus or a taxi and is immediately dropping off, or picking up, passengers.
- (3) A person must not park a vehicle in a **no parking area**, unless the driver –
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) within 2 minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.
 - (4) A person must not stop a motorcycle in a parking bay or metered space unless –
 - (a) the bay or space is marked “M/C”; or
 - (b) a sign applying to the bay or space is inscribed “M/C”.
 - (5) If there is no sign referable to a parking bay or metered space marked “M/C”, a person must not stop or park a vehicle in the parking bay or metered space for longer than the maximum period during which a vehicle may stop or be parked in any adjacent parking bay or metered space.
 - (6) Unless authorised by the City, a person must not stop or park a vehicle in an area designated by a sign stating “Authorised Vehicles Excepted”.

2.4 Parking with a parking permit

- (1) The City may issue to a person a parking permit which exempts the holder of the permit from a prohibition under this local law against the stopping or parking of vehicles on any part of a road subject to any conditions that the City considers appropriate.
- (2) If the parking permit issued is a physical parking permit, the parking permit must be displayed inside the vehicle on the dashboard of the vehicle and be clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the parking permit relates.
- (3) The City may, at any time, revoke a permit issued under subclause (1).

2.5 Parking contrary to consent

- (1) In this clause a reference to **land** does not include land –
 - (a) which belongs to the City;
 - (b) of which is an “otherwise unvested facility” within section 3.53 of the Act; or
 - (c) which is the subject of an agreement referred to in clause 1.5(3).
- (2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

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2.6 School zone

- (1) A person must not stop or park a vehicle in a school zone during a school zone period –
- (a) in a no stopping area;
 - (b) at the side of a carriageway marked with a continuous yellow edged line;
 - (c) on a verge;
 - (d) on a footpath or pedestrian refuge;
 - (e) in a parking bay in which another vehicle is stopped or parked;
 - (f) park as outlined in clause 3.6;
 - (g) on or across a driveway as outlined in clause 3.7;
 - (h) so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;
 - (i) a pedestrian crossing; or
 - (j) 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.

2.7 Parking positions

Where a sign referring to a parking area is not inscribed with the words "angle parking", then unless a sign referring to the parking area indicates, or a mark on the carriageway indicates, that a vehicle must park in a different position –

- (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and
- (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in the parking area must stop or park it at approximately right angles to the centre of the carriageway.

2.8 Angle parking

Where a sign referring to a parking area is inscribed with the words "angle parking", a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by a mark on the carriageway.

2.9 Loading zone

- (1) A person must not stop or park a vehicle in a loading zone unless–
- (a) the vehicle is a commercial vehicle; and
 - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle; or
 - (c) alternatively to paragraphs (a) and (b), the vehicle is an authorised vehicle.

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- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign, or if no time is indicated on the sign for longer than 30 minutes, unless authorised by an authorised person.

2.10 Reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person –

- (a) is an employee of the City in the course of the employee's duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the City or an authorised person.

2.11 Occupied parking bays

A person must not stop or park, or attempt to stop or park, a vehicle in a parking bay or metered space in which another vehicle is stopped or parked.

2.12 Urgent, essential or official functions

- (1) Where–
- (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
 - (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility,

the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.

- (2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.
- (3) Permission given under subclause (1) may –
- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and
 - (b) be revoked or suspended at any time by an authorised person.
- (4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

2.13 Direction to move vehicle

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

2.14 Selling or hiring in a parking facility

A person must not sell, hire or give away any goods or erect an advertisement in a parking facility without the written authorisation of an authorised person or the City.

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2.15 Damage to parking facilities

A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

2.16 Event parking

- (1) For the purposes of this clause, an **event** means a function or activity characterised by all or any of the following –
 - (a) formal organisation and preparation;
 - (b) its occurrence is generally advertised or notified in writing to particular persons;
 - (c) organised by or on behalf of a club or a body corporate;
 - (d) payment of a fee to attend; and
 - (e) systematic recurrence in relation to the day, time and place.
- (2) In the case of an event, the City may, by use of a sign, establish additional parking facilities on a reserve or City property, for any period specified on the sign, for the parking of vehicles by persons attending an event.
- (3) A person must not stop or park a vehicle on a reserve or City property established as a parking facility under subclause (2) during the period for which it is established unless:
 - (a) a ticket purchased from the City with respect to the event is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times; or
 - (b) any fee required by the City upon entry by a vehicle to the parking facility is paid to the City.

2.17 Authorised parking

A person must not, without the permission of the City or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by a sign for the parking of an authorised vehicle only.

2.18 Parking on City property

A person must not stop or park a vehicle on or over any portion of the City's property, other than an area specifically set aside for that purpose, unless the person –

- (a) is an authorised person; or
- (b) has obtained the permission of the City or an authorised person.

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Part 3 - Stopping and Parking on Roads and Other Areas

3.1 Stopping or parking on a carriageway

Subject to clauses 2.3, 2.7 and 2.8, a person stopping or parking a vehicle on a carriageway must stop or park it –

- (a) in the case of a two-way carriageway - so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (b) in the case of a one-way carriageway - so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway;
- (d) so that it is more than 1 metre from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway.

3.2 Median strips and traffic islands

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

3.3 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
 - (c) stop or park a vehicle during any period when the stopping or parking 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 that person 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 or park the vehicle so that any portion of it is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a 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.

3.4 Prohibited parking of vehicles

A person must not park a vehicle on any portion of a road or within a parking station –

- (a) for the purpose of exposing the vehicle for sale;

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- (b) if the vehicle is not licensed under the Road Traffic Act or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if the vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the road or parking station.

3.5 Obstructions generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space.
- (2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is –
 - (a) on a road and causes an obstruction on the road - unless it is a public bus stopping in a bus zone;
 - (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
 - (c) on an intersection, subject to paragraphs (d) and (e);
 - (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals - unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
 - (e) on a carriageway within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked - unless the vehicle stops or parks –
 - (i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this local law; or
 - (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;
 - (f) on or over a footpath, pedestrian crossing, children’s crossing or a place for pedestrians;
 - (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway – if the vehicle would obstruct traffic;
 - (h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign;
 - (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines;
 - (j) between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line - unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line; or
 - (k) within the head of a cul-de-sac.

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3.6 Driveways

A person must not stop or park a vehicle on or across a driveway or other way of access for a vehicle travelling to or from land adjacent to a road or thoroughfare - unless the person is immediately dropping off or picking up passengers.

3.7 Stopping on crests, curves, etc

(1) Subject to subclause (2), a person shall 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 person may stop on a crest or curve of a carriageway that is not in a built-up area if the person stops at a place on the carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under this local law.

3.8 Parking near fire hydrant or post box

A person must not stop or park a vehicle, otherwise than in a marked bay, on a road so that any portion of the vehicle is –

- (a) 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; or
- (b) within 3 metres of a public post box unless the vehicle is a postal vehicle.

3.9 Bus stops, pedestrian, children and train crossings

(1) Subject to subclause (2), a person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of –

- (a) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a pedestrian crossing;
- (c) a children's crossing; or
- (d) the nearest rail of a railway level crossing.

(2) Subject to subclause (3), a person must not stop a vehicle so that any portion of the vehicle is within 3 metres of the departure side, or within 10 metres of the approach side of –

- (a) a pedestrian crossing that is not at an intersection; or
- (b) a bicycle crossing, equipped with bicycle crossing lights, that is not at an intersection.

(3) Subclause (1) does not apply if –

- (a) the vehicle is stopped or parked in a marked bay; or
- (b) the driver of the vehicle is prevented from proceeding by circumstances beyond the driver's control.

3.10 Restrictions on avoiding time limitations

(1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along, or return to, that length of carriageway so that the total time of parking the vehicle exceeds the maximum time permitted - unless the vehicle has first been removed from the length of carriageway for at least 2 hours.

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- (2) Where the stopping or parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within that parking facility so that the total time of parking the vehicle exceeds the maximum time allowed for parking in that parking facility – unless the vehicle has first been removed from the parking facility for at least 2 hours.
- (3) Where in a parking facility –
- (a) the parking of a vehicle is prohibited unless:
- (i) a parking ticket from a ticket issuing machine is displayed on the dashboard of the vehicle; or
- (ii) a parking period is obtained from a ticket issuing machine or parking app;
- and
- (b) a period of free parking is permitted before a fee for parking applies,
- a person must not, at any time within the same day, obtain or use more than one period of free parking for the same vehicle in that parking facility.

3.11 Pedestrian malls

A person must not stop or park a vehicle in a pedestrian mall unless the vehicle –

- (a) is, and is being used as, an emergency vehicle;
- (b) is, and is being used as, a special purpose vehicle;
- (c) is stopped or parked in accordance with a written authorisation by the City or an authorised person; or
- (d) is a service vehicle which –
- (e) is in a service zone;
- (f) is in the pedestrian mall during a period when service vehicles are permitted;
- (g) is continuously being loaded or unloaded; and
- (h) is stopped or parked for a continuous period of less than 30 minutes or otherwise in accordance with a sign that applies to the service zone.

3.12 Public bus zones

- (1) A person must not stop or park a vehicle, other than a public bus, in a public bus zone.
- (2) Unless otherwise stated on a sign, a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers.

3.13 Charter vehicle zones

- (1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.
- (2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for no more than –
- (a) 15 minutes - if the charter vehicle has 12 or more seats including the driver; or
- (b) 5 minutes - if the charter vehicle has less than 12 seats including the driver.

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- (3) If subclause (2) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

3.14 Stopping in a taxi zone

- (1) A person must not stop a vehicle in a taxi zone, unless the person is driving a taxi.
 (2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

3.15 Construction site vehicle parking

- (1) In this clause, unless the context otherwise requires –
- (a) **builder** has the meaning given in the *Building Regulations 2012*;
 - (b) **construction site** means any land subject to development;
 - (c) **construction site vehicle** means a vehicle connected to an approved work zone;
 - (d) **daily fee** means the daily fee determined by the City;
 - (e) **development** means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;
 - (f) **eligible person** means an owner or occupier of a construction site or a builder carrying out work on a construction site;
 - (g) **establishment fee** means the fee determined by the City; and
 - (h) **work zone** means a road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the City by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.
- (2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the City, which may approve or refuse the application.
- (3) Where the City approves an application, it is to give the applicant a written notice specifying –
- (a) the number and location of work zones the applicant may use;
 - (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone;
 - (c) the period for which the approval is valid;
 - (d) any conditions to which the approval of the City is subject; and
 - (e) the amount of the establishment fee.
- (4) The City is to set aside a work zone in accordance with the notice referred to in subclause (3) within 14 days from the date of payment of the establishment fee.
- (5) An eligible person must, in addition to the establishment fee, pay to the City a daily fee for each day that a work zone is set aside.
- (6) The daily fee is payable monthly in advance.
- (7) Where the City has approved an application to establish a work zone adjacent to a construction site, the City may cancel its approval by written notice to the applicant if –

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- (a) the applicant, or any person authorised by the applicant to use the work zone, stops or parks a vehicle other than in accordance with –
 - (b) a condition specified in the notice issued to the applicant under subclause (3); or
 - (c) a sign applicable to the work zone;
 - (d) the applicant fails to pay the daily fee as required under subclause (5); or
 - (e) the City or an authorised person requires access to or near the place where the work zone is situated, for the purposes of carrying out works in or near that place.
- (8) A person must not stop or park a vehicle in a work zone unless the vehicle is –
- (a) a construction site vehicle; or
 - (b) permitted to stop in the work zone in accordance with this local law.

3.16 Parking in a shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle –

- (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law;
- (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;
- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

3.17 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 more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes –
- (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway or in a truck bay.
- (2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

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Part 4 - Fee Paying Zones**4.1 Payment of fees**

- (1) A person must not stop or park a vehicle in a metered space or a ticket machine zone or a parking app zone unless the appropriate fee as indicated by a sign referable to the space or the zone is paid by any form of permitted payment at the parking meter, ticket issuing machine or by use of the parking app.
- (2) Subject to the provisions of this Part 4, the payment of the fee referred to in subclause (1) entitles a person to stop or park a vehicle in –
 - (a) a metered space for the period shown on a sign referable to the space;
 - (b) a ticket machine zone for the period shown on:
 - (i) the parking ticket issued by the ticket issuing machine; or
 - (ii) the period set as the parking period by the ticket issuing machine; or
 - (c) a parking app zone for the period set as the parking period by a parking app,but does not authorise the parking of the vehicle during any time when stopping or parking in that space or zone is prohibited under this local law.

4.2 Payment for parking

A person must not insert into a fee paying machine anything other than the designations of coin or banknote or other form of permitted payment indicated by a sign on the fee paying machine and only in accordance with the instructions printed on the fee paying machine.

4.3 Operations of fee paying machines

A person must not operate a fee paying machine except in accordance with the operating instruction appearing on the fee paying machine.

4.4 Metered space, parking limit

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

4.5 Display of parking tickets and parking limits

- (1) A person must not stop or park a vehicle in a ticket machine zone or a parking app zone during the period in which stopping or parking is permitted unless the person has purchased a parking ticket or a parking period and –
 - (a) in the case of a parking ticket purchased from a ticket issuing machine:
 - (i) an unexpired parking ticket issued by a ticket issuing machine in that fee paying zone is displayed inside the vehicle on the dashboard of the vehicle; and
 - (ii) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle is stopped or parked in that fee paying zone; or
 - (b) in the case of a parking period purchased from a ticket issuing machine, an unexpired parking period for that ticket machine zone applies to the vehicle's registration number; or

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- (c) in the case of a parking period purchased by use of a parking app, an unexpired parking period for that parking app zone applies to the vehicle's registration number.
- (2) Unless subclause (3) applies, where in a ticket machine zone more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of –
 - (a) the aggregate of those periods; or
 - (b) the maximum period of time a vehicle is permitted to park in the fee paying zone, whichever occurs first.
- (3) Where a trailer is attached to a vehicle –
 - (a) a parking ticket or parking period must be purchased for each occupied parking bay as permitted under this local law; and
 - (b) in the case of a:
 - (i) parking ticket purchased from a ticket issuing machine, a parking ticket that applies to the vehicle's registration number and the trailer's registration number must be displayed inside the vehicle in accordance with subclause (1)(a); or
 - (ii) parking period purchased from a ticket issuing machine, an unexpired parking period for that ticket machine zone applies to the vehicle's registration number and the trailer's registration number in accordance with subclause (1)(b); or
 - (iii) parking period purchased by use of a parking app, an unexpired parking period for that parking app zone applies to the vehicle's registration number and the trailer's registration number in accordance with subclause (1)(c).

4.6 Reserved fee paying zones

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space, or fee paying zone if the parking meter or ticket machine or sign advising of a parking app zone is hooded with a covering bearing –

- (a) the words "No Parking", "Reserved Parking", "Temporary Bus Stop" or with an equivalent symbol depicting one of these purposes; or
- (b) other words or symbols that indicate parking is not permitted within the space or fee paying zone.

4.7 Parking restrictions in fee paying zones

A person must not stop or park a vehicle in a fee paying zone –

- (a) except during the period stated on a sign referable to the fee paying zone during which stopping or parking is permitted; or
- (b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee paying zone, as stated on a sign referable to the fee paying zone.

4.8 Use of counterfeit or altered parking tickets

A person must not –

City of Vincent Local Government Parking Local Law 2023

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

City of Vincent Local Government Parking Local Law 2023

Part 5 - Parking Stations

5.1 Restrictions on entering a parking station

A person must not enter a parking station without first obtaining the authorisation of an authorised person (if one is on duty) or an entrance ticket or parking ticket unless –

- (a) permitted by a sign applicable to that parking station; or
- (b) the person entering the parking station is –
 - (i) employed at the parking station and is in the course of the person's functions;
 - (ii) a police officer and is in the course of the police officer's functions; or
 - (iii) the driver of, or a passenger in, a vehicle stopped or parked in that station.

5.2 Stopping or parking in a parking station

A person must not stop or park a vehicle in –

- (a) an attended parking station – unless the appropriate fee as indicated by a sign is paid when demanded;
- (b) a parking station with a ticket issuing machine installed or to which a parking app applies - unless the appropriate fee as indicated by a sign in the parking station is paid by any form permitted, and the person complies with the relevant provisions of Part 4 of this local law;
- (c) a parking station with a fee collection machine - unless the appropriate fee as indicated by a sign is inserted into the machine, or by any other form of permitted payment, and the ticket is validated immediately prior to departure; or
- (d) a parking station, other than wholly within a parking bay if the parking station has parking bays – unless the vehicle is too wide or long to fit completely within a single parking bay, in which case it must be parked within a minimum number of parking bays needed to park it.

5.3 No entrance ticket

Where no entrance ticket is produced by the driver of a vehicle which is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station.

5.4 Removal of vehicles

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until –
 - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the City has issued a notice stating the fee.
- (2) Where a notice has been issued under subclause (1)(b), the fee must be paid within 3 working days from the time of issue of the notice.

City of Vincent Local Government Parking Local Law 2023

5.5 Maximum parking period in parking stations

Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a person must not stop or park a vehicle in the parking station for a period exceeding the maximum time permitted – unless the vehicle has first been removed from the parking station for at least 2 hours.

5.6 Entering and exiting parking facilities

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

5.7 Locking of parking stations

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

5.8 Behaviour in a parking station

- (1) A person must not remain in a parking station after having been required to leave by an authorised person.
- (2) A person must not loiter in a parking station.

5.9 Low clearance signs

A person must not drive a vehicle past a low clearance sign if the vehicle, or any part of the vehicle connected to it or any load carried by the vehicle, is higher than the height (in metres) indicated by the sign.

City of Vincent Local Government Parking Local Law 2023

Part 6 - Miscellaneous**6.1 Authorised person certificate of appointment**

The requirement for an authorised person to be given the appropriate certificate of the person's appointment is dealt with in section 9.10(2) of the Act.

6.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out the person's functions.

6.3 Power of an authorised person

- (1) An authorised person has all necessary power to perform that authorised person's functions under this local law.
- (2) An authorised person may –
 - (a) carry into effect the provisions of this local law;
 - (b) report to the City on the working effectiveness of this local law;
 - (c) recommend to the CEO the institution of prosecutions; and
 - (d) institute and conduct prosecutions as directed by the CEO.

6.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the functions of an authorised person.

6.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of the authorised person's duties.

6.6 Removal of notices

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

6.7 Display of signs

A person must not, without the authorisation of the City or an authorised person –

- (a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the City under this local law;
- (b) remove, deface or misuse a sign or property set up by the City under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to, or paint or write on, any part of a sign or fee paying machine.

6.8 Marking tyres and valve stem readings

- (1) An authorised person may –

City of Vincent Local Government Parking Local Law 2023

- (a) mark the tyres of a vehicle with chalk or any other non-indelible substance;
 - (b) take a valve stem reading of a vehicle; or
 - (c) record vehicle registration numbers,
- for a purpose connected with the authorised person's functions.
- (2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.

6.9 Complying with directions

- (1) A person who is given a direction by an authorised person under this local law, or in relation to a contravention of this local law, must comply with that direction.
- (2) A person who complies with a direction given by an authorised person does not commit an offence against this local law while complying with that direction.

6.10 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle or an emergency vehicle may, only in the course of the driver's functions and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.

6.11 Interfere with or damage to City property

A person must not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in a parking station, carriageway or any other place.

City of Vincent Local Government Parking Local Law 2023

Part 7 - Offences and Modified Penalties

7.1 Offences

- (1) A person who fails to do anything required 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) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$250 and not exceeding \$5,000 and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence continues.
- (3) An offence against a provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

7.2 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 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the 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 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*.

7.3 Modified penalty

- (1) Subject to subclauses 7.3(3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If it appears to the City that an alleged offence cannot be adequately punished by the payment of the modified penalty, the City may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.
- (4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign –
 - (a) the amount of the modified penalty is to be the amount referred to in Schedule 1 where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
 - (b) the amount of the modified penalty is to be payable again in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500 on the amount of modified penalties payable for each offence.

City of Vincent Local Government Parking Local Law 2023

Schedule 1**City of Vincent Parking Local Law 2023***Modified Penalties [Clause 7.3]*

| Item | Clause | Description | Modified Penalty \$ |
|-------------|---------------|--|----------------------------|
| 1. | 2.3(1)(a) | Stopping or parking by vehicles of a different class | \$120 |
| 2. | 2.3(1)(b) | Stopping or parking by persons of a different class | \$120 |
| 3. | 2.3(1)(c) | Stopping or parking during prohibited period | \$120 |
| 4. | 2.3(1)(d) | Stopping or parking for longer than maximum period | \$90 |
| 5. | 2.3(1)(e) | Failure to park wholly within parking bay or metered space | \$90 |
| 6. | 2.3(1)(f) | Failure to comply with signs | \$90 |
| 7. | 2.3(2)(a) | Stopping or parking in a no stopping area | \$200 |
| 8. | 2.3(2)(b) | Stopping or parking contrary to a "clearway" sign | \$300 |
| 9. | 2.3(2)(c) | Stopping or parking at a continuous yellow edged line | \$200 |
| 10. | 2.3(2)(d) | Stopping or parking in a keep clear area of carriageway | \$200 |
| 11. | 2.3(2)(e) | Stopping or parking vehicle other than motorcycle in 'M/C' bay | \$90 |
| 12. | 2.3(2)(f) | Stopping or parking in a bus lane or bus way | \$200 |
| 13. | 2.3(2)(g) | Stopping or parking in a transit lane | \$200 |
| 14. | 2.3(2)(h) | Stopping or parking in a truck lane | \$200 |
| 15. | 2.3(2)(i) | Stopping or parking in a bicycle lane or path | \$200 |
| 16. | 2.3(3) | Parking in a no parking area | \$120 |
| 17. | 2.3(4) | Stopping a motorcycle unlawfully | \$90 |
| 18. | 2.3(5) | Parking in an unsigned 'M/C' bay or space for longer than the maximum period | \$90 |
| 19. | 2.3(6) | Parking without authorisation in an area designated for Authorised Vehicles | \$120 |
| 20. | 2.4(2) | Failure to display parking permit | \$120 |
| 21. | 2.5(2) | Stopping or parking on land without consent | \$150 |
| 22. | 2.5(3) | Stopping or parking on land not in accordance with consent | \$150 |

City of Vincent Local Government Parking Local Law 2023

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| 23. | 2.6(1)(a) | Stopping or parking in a no stopping area in a school zone during a school zone period | \$225 |
| 24. | 2.6(1)(b) | Stopping or parking next to a yellow edged line in a school zone during a school zone period | \$225 |
| 25. | 2.6(1)(c) | Stopping or parking on a road verge in a school zone during school zone period | \$100 |
| 26. | 2.6(1)(d) | Stopping or parking on a footpath or pedestrian refuge in a school zone during school zone period | \$225 |
| 27. | 2.6(1)(e) | Stopping or parking in a bay occupied by another vehicle in a school zone during school zone period | \$85 |
| 28. | 2.6(1)(f) | Stopping or parking so as to double park in a school zone during school zone period | \$225 |
| 29. | 2.6(1)(g) | Stopping or parking on or across a driveway in a school zone during school zone period | \$225 |
| 30. | 2.6(1)(h) | Stopping or parking in a bus embayment or bus zone in a school zone during school zone period | \$225 |
| 31. | 2.6(1)(i) | Stopping or parking on a pedestrian crossing in a school zone during school zone period | \$225 |
| 32. | 2.6(1)(j) | Stopping or parking on a children's crossing in a school zone during school zone period | \$225 |
| 33. | 2.6(2) | Obstructing a vehicle on carriageway in a school zone during school zone period | \$225 |
| 34. | 2.7(a) | Failure to park or stop as near as practicable and parallel to boundary of carriageway | \$90 |
| 35. | 2.7(b) | Failure to stop or park at approximately right angles to the centre of the carriageway | \$90 |
| 36. | 2.8 | Failure to park at an appropriate angle | \$90 |
| 37. | 2.9 | Stopping or parking unlawfully in a loading zone | \$120 |
| 38. | 2.10 | Driving, stopping or parking on a reserve | \$150 |
| 39. | 2.11 | Stopping or parking, or attempting to stop or park in a bay occupied by another vehicle | \$90 |
| 40. | 2.12(4) | Stopping or parking contrary to permission | \$90 |
| 41. | 2.13 | Stopping or parking a vehicle contrary to direction | \$200 |
| 42. | 2.14 | Selling or hiring goods in a parking facility without authorisation | \$200 |

City of Vincent Local Government Parking Local Law 2023

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| 43. | 2.15 | Removing, damaging, defacing, misusing or interfering with parking facility | \$200 |
| 44. | 2.16(3) | Stopping or parking unlawfully in a designated event area | \$120 |
| 45. | 2.18 | Stopping or parking unauthorised vehicle in an 'authorised vehicle only' area | \$120 |
| 46. | 2.19 | Stopping or parking on City property | \$120 |
| 47. | 3.1(a) and 3.1(b) | Stopping or parking against the flow of traffic | \$90 |
| 48. | 3.1(c) | Failure to stop or park vehicle with at least 3 metres of the width between the vehicle and the opposite boundary of the carriageway | \$150 |
| 49. | 3.1(d) | Failure to stop or park vehicle more than 1 metre from any other vehicle | \$90 |
| 50. | 3.1(e) | Parking or stopping so as to obstruct any vehicle on the carriageway | \$150 |
| 51. | 3.2 | Parking or stopping on a median strip or traffic island | \$150 |
| 52. | 3.3(1) | Stopping or parking a vehicle unlawfully on a verge | \$90 |
| 53. | 3.4(a) | Parking vehicle on any portion of a road or within a parking station for purpose of sale | \$150 |
| 54. | 3.4(b) | Parking unlicensed vehicle on any portion of a road or within a parking station | \$150 |
| 55. | 3.4(c) | Parking unattached trailer or caravan on a portion of road or within a parking station | \$150 |
| 56. | 3.4(d) | Parking vehicle on a portion of road or within a parking station for purpose of repairs | \$150 |
| 57. | 3.5(3)(a) | Stopping or parking a vehicle on a road so as to cause obstruction | \$200 |
| 58. | 3.5(3)(b) | Stopping or parking a vehicle so as to obstruct an entrance, exit, carriageway, passage or thoroughfare in a parking facility | \$200 |
| 59. | 3.5(3)(c) | Stopping or parking a vehicle on an intersection | \$200 |
| 60. | 3.5(3)(d) | Stopping or parking within 20 metres from an intersecting carriageway with traffic-control signals | \$200 |
| 61. | 3.5(3)(e) | Stopping or parking within 10 metres of the prolongation of nearest edge of intersecting carriageway | \$90 |
| 62. | 3.5(3)(f) | Stopping or parking on or over a footpath, pedestrian crossing, children's crossing or place for pedestrians | \$200 |

City of Vincent Local Government Parking Local Law 2023

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| 63. | 3.5(3)(g) | Stopping or parking alongside or opposite construction works where vehicle obstructs traffic | \$200 |
| 64. | 3.5(3)(h) | Stopping or parking on a bridge or within a tunnel or underpass | \$150 |
| 65. | 3.5(3)(i) | Stopping or parking between the boundaries of a carriageway and any continuous double line | \$90 |
| 66. | 3.5(3)(j) | Stopping or parking closer than 3 metres to double longitudinal lines | \$150 |
| 67. | 3.5(3)(k) | Stopping or parking within head of a cul-de-sac | \$120 |
| 68. | 3.6(1) | Double parking | \$150 |
| 69. | 3.7 | Stopping or parking across a driveway or other way of access | \$200 |
| 70. | 3.8(a) | Stopping or parking within 1 metre of fire hydrant or fire plug | \$90 |
| 71. | 3.8(b) | Stopping or parking within 3 metres of public post box | \$90 |
| 72. | 3.9(1)(a) | Stopping or parking within 10 metres of departure side or within 20 metres of approach side of a bus embayment or bus zone | \$90 |
| 73. | 3.9(1)(b) | Stopping or parking within 10 metres of departure side or within 20 metres of approach side of a pedestrian crossing | \$90 |
| 74. | 3.9(1)(c) | Stopping or parking within 10 metres of departure side or within 20 metres of approach side of a children's crossing | \$90 |
| 75. | 3.9(1)(d) | Stopping or parking within 10 metres of departure side or within 20 metres of approach side of a railway level crossing | \$90 |
| 76. | 3.9(2)(a) | Stopping or parking a vehicle within 3 metres of the departure side or within 10 metres of the approach side of a pedestrian crossing that is not an intersection | \$200 |
| 77. | 3.9(2)(b) | Stopping or parking a vehicle within 3 metres of the departure side or within 10 metres of the approach side of a bicycle crossing that is not an intersection | \$200 |
| 78. | 3.10(1) | Moving a vehicle along carriageway to avoid time limitation | \$120 |
| 79. | 3.10(2) | Moving a vehicle within parking station to avoid time limitation | \$120 |
| 80. | 3.10(3) | Obtaining more than one free parking ticket or parking period | \$120 |
| 81. | 3.11 | Stopping or parking unlawfully in a pedestrian mall | \$90 |

City of Vincent Local Government Parking Local Law 2023

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| 82. | 3.12(1) | Stopping or parking a vehicle in a public bus zone | \$150 |
| 83. | 3.12(2) | Stopping or parking public bus in bus zone when not picking up or setting down passengers | \$150 |
| 84. | 3.13(1) | Stopping or parking in charter vehicle zone when not a charter vehicle | \$150 |
| 85. | 3.13(2)(a) | Stopping or parking charter vehicle (12 or more seats) in charter vehicle zone for longer than maximum period | \$150 |
| 86. | 3.13(2)(b) | Stopping or parking charter vehicle (less than 12 seats) in charter vehicle zone for longer than maximum period | \$150 |
| 87. | 3.13(3) | Leaving charter vehicle unattended in charter vehicle zone | \$150 |
| 88. | 3.14(1) | Stopping unlawfully in a taxi zone | \$150 |
| 89. | 3.14(2) | Leaving taxi unattended while in a taxi zone | \$150 |
| 90. | 3.15(8) | Stopping or parking a vehicle in a work zone | \$150 |
| 91. | 3.16 | Stopping or parking unlawfully in shared zone | \$90 |
| 92. | 3.17 | Unlawfully stopping or parking heavy or long vehicles on a carriageway | \$120 |
| 93. | 4.1(1) | Failure to pay fee | \$90 |
| 94. | 4.2 | Inserting anything other than the permitted forms of payment in a fee paying machine | \$90 |
| 95. | 4.3 | Operating a fee paying machine contrary to instructions | \$90 |
| 96. | 4.4 | Stopping or parking in metered space for longer than the maximum period | \$90 |
| 97. | 4.5(1)(a) | Failure to display valid parking ticket | \$90 |
| 98. | 4.5(1)(b) and 4.5(1)(c) | Stopping or parking beyond permitted parking period | \$90 |
| 99. | 4.6 | Unlawfully leaving vehicle parked in reserved fee paying zone | \$120 |
| 100. | 4.7(a) | Stopping or parking in a fee paying zone outside the period which stopping or parking is allowed | \$90 |
| 101. | 4.7(b) | Stopping or parking in a fee paying zone for longer than the permitted period | \$90 |
| 102. | 4.8(a) | Displaying a counterfeit, altered, obliterated or interfered with parking ticket | \$200 |

City of Vincent Local Government Parking Local Law 2023

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| 103. | 4.8(b) | Producing to an authorised person a counterfeit, altered, obliterated or interfered with parking ticket | \$200 |
| 104. | 5.1 | Unlawfully entering a parking station | \$120 |
| 105. | 5.2 | Stopping or parking in a parking station without paying the appropriate fee | \$90 |
| 106. | 5.2(d) | Failure to park wholly within parking bay in a parking station | \$90 |
| 107. | 5.4(1) | Unlawfully removing stopped or parked vehicle from parking station | \$200 |
| 108. | 5.4(2) | Failure to pay fee within 3 working days from the time of issue of the notice | \$120 |
| 109. | 5.5 | Stopping or parking in parking station for longer than the maximum period | \$90 |
| 110. | 5.6 | Failure to enter and exit parking facility through authorised entry or exit | \$120 |
| 111. | 5.8(1) | Failure to leave parking station at the direction of a police officer or authorised person | \$200 |
| 112. | 5.8(2) | Loitering in a parking station | \$120 |
| 113. | 5.9 | Driving a vehicle past a low clearance sign | \$200 |
| 114. | 6.4 | Impersonating an authorised person | \$200 |
| 115. | 6.5 | Obstructing an authorised person | \$200 |
| 116. | 6.6 | Unlawfully removing notice from vehicle | \$150 |
| 117. | 6.7(a) | Unauthorised display, marking, setting up, exhibiting of a sign | \$150 |
| 118. | 6.7(b) | Removing, defacing or misusing a sign or the property of the City | \$90 |
| 119. | 6.7(c) | Affixing anything to a sign or fee paying machine | \$90 |
| 120. | 6.8(2) | Removing or interfering with a lawful mark on a tyre | \$200 |
| 121. | 6.11 | Interfering with, damaging or obstructing City property | \$500 |

City of Vincent Local Government Parking Local Law 2023

Dated: this day of 2023.

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

EMMA COLE, Mayor

DAVID MACLENNAN, Chief Executive Officer.

City of Vincent

Local Government Act 1995

Local Government Parking Local Law 2023

Local Government Parking Local Law 2023

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LOCAL GOVERNMENT ACT 1995

CITY OF VINCENT
PARKING LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Vincent resolved on _____ ~~2022~~ 2023 to make this local law.

PART 1 – PRELIMINARY

1.1 Citation

This is the *City of Vincent Parking Local Law 2023*.

1.2 Objective

- (1) The purpose of this local law is to provide for the management and regulation of parking within the district.
- (2) The effect of this local law is to manage parking throughout the district to ensure safe, fair and equitable use and access of parking facilities under the care and management of the City.

1.3 Commencement

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

1.4 Repeal

The *City of Vincent Parking and Parking Facilities Local Law 2007* published in the *Government Gazette* on 21 November 2007 and as amended from time to time is repealed.

1.5 Application

- (1) Except as set out in this clause, this local law applies to the whole of the district.
- (2) This local law does not apply to –
 - (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads Western Australia;
 - (b) the prohibition areas that apply to all existing and future bridges and subways as determined by the Commissioner of Main Roads, Western Australia;
 - (c) a thoroughfare that comes under the control of the Commissioner of Main Roads Western Australia unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads Western Australia to the City; and
 - (d) the Mitchell Freeway and Graham Farmer Freeway, save that Subdivision 4 of Division 3 of Part 3 of the Act continues to apply to these portions and these portions are included in the parking region for that purpose.
- (3) This local law does not apply to a parking station that –

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- (a) is not owned, controlled or occupied by the City; or
- (b) is owned by the City but is leased to another person,

unless the City and the owner or occupier of the parking station have agreed in writing (on whatever terms and conditions they think fit) that this local law is to apply to the parking station.

1.6 Definitions

In this local law, unless the context requires otherwise –

Act means the *Local Government Act 1995*;

attended parking station means a parking station attended at times by an officer, agent, contractor or authorised person of the City;

authorised person means a person appointed by the City 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 City, the CEO, an authorised person or by any written law to stop or park on (or on part of) a thoroughfare or parking facility;

bicycle has the meaning given in the Code;

bicycle crossing has the meaning given in the Code;

bicycle crossing lights has the meaning given in the Code;

bicycle lane has the meaning given in the Code;

bicycle path has the meaning given in the Code;

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus lane has the meaning given in the Code;

bus stop has the meaning given in the Code;

bus way has the meaning given in the Code;

bus zone has the meaning given in the Code;

caravan means a vehicle that is fitted or designed to allow human habitation and which is capable of being drawn by another vehicle, or which is capable of self-propulsion;

carriageway has the meaning given in the Code;

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

CEO means the Chief Executive Officer of the City;

charter vehicle means a vehicle holding an omnibus licence issued under the *Transport Co-ordination Act 1966*, but does not include a public bus;

charter vehicle zone means a parking bay or parking area designated for use by a charter vehicle;

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

City means the City of Vincent;

City property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the City;

clearway means a length of carriageway which carries a high traffic volume that has clearway no stopping signs erected appurtenant to it, to facilitate the unhindered flow of traffic;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle that is –

- (a) constructed, adapted or fitted for the conveyance of goods; and
- (b) used primarily for the conveyance of goods,

but does not include a vehicle constructed for the conveyance of materials used in any trade, business, industry or any other work;

Council means the Council of the City;

cross-over 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 giving access to the property;

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

district means the district of the City;

driver means a 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 giving access to and from the property, and also includes the term crossover;

edge line has the meaning given in the Code;

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

emergency vehicle has the meaning given in the Code;

entrance ticket means a ticket or token issued by an entrance ticket machine;

entrance ticket machine means a machine –

- (a) installed at an entrance to a parking station (including an attended parking station); and
- (b) from which tickets are issued to vehicles entering that parking station;

exit ticket means a ticket issued after payment of the fee by a fee collection machine;

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fee collection machine means a machine installed in a parking station which, on the insertion of an entrance ticket and payment of the required fee, issues an exit ticket;

fee paying machine means a ticket issuing machine, fee collection machine or parking meter;

fee paying zone means where a fee payable is indicated by a sign where the vehicle is stopped or parked within the same –

- (a) parking station; or
- (b) section of the road between two intersections or an intersection and head of a cul-de-sac as the case may be;

fire hydrant has the meaning given in the Code;

funeral vehicle means a vehicle designed or modified for use in conducting funeral services;

footpath has the meaning given in the Code;

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

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

intersection has the meaning given in the Code;

keep clear marking has the meaning given in the Code;

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

length of carriageway means the section on the same side of the carriageway, between intersections on that side of the carriageway;

loading zone means –

- (a) a parking facility to which a loading zone sign applies; or
- (b) a parking bay designated by a sign for use by commercial vehicles as a loading zone;

loading zone sign has the meaning given in the Code;

low clearance sign means a sign indicating the height clearance restriction (in metres) when entering a parking station so as not to allow an oversize vehicle to attempt to pass under the object that is part of the sign;

median strip has the meaning given in the Code;

metered space means a section or part of a metered zone that is controlled by a parking meter and that is marked or defined in a way that indicates where a vehicle may be parked on payment of a fee or charge;

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

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

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motorcycle means a motor vehicle that has two wheels but does not include a motor vehicle to which a side car is attached;

motor vehicle means a self-propelled vehicle that is not operated on rails, and includes –

- (a) a trailer, semi-trailer or caravan while attached to a motor vehicle;
- (b) a 2-wheeled motor vehicle with a side car attached to it that is supported by a third wheel; or
- (c) a 3-wheeled motor vehicle,

but does not include a power assisted pedal cycle;

nature strip has the meaning given in the Code and includes a verge;

no parking area has the meaning given in the Code;

no parking sign has the meaning given in the Code;

no stopping area has the meaning given in the Code;

no stopping sign has the meaning given in the Code, extended by the meaning of **sign** in this clause;

obstruction has the meaning given in the Code;

occupier has the meaning given in the Act;

one-way carriageway has the meaning given in the Code;

owner –

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, has the meaning given to “responsible person” in the *Road Traffic (Administration) Act 2008*;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, the vehicle; and
- (c) where used in relation to land, has the meaning given in the Act;

park has the meaning given in the Code;

parking app means a software program used by a computer, tablet, smartphone or other electronic device for the payment of parking by a vehicle for a specified period of time;

parking app zone means a parking facility within a fee paying zone in which a parking app is available for use;

parking area has the meaning given in the Code;

parking bay means a section of a parking facility which is marked or defined in any way to indicate where a vehicle may stop or park;

parking bay for people with disabilities has the meaning given to **permit parking area** in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

parking control sign has the meaning given in the Code;

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parking facility includes –

- (a) land, buildings, shelters, parking bays, parking stations and other facilities open to the public generally for the parking of vehicles; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

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

parking period means an electronic authorisation to park a vehicle issued from a ticket issuing machine, a parking meter or a parking app;

parking permit means a permit issued by the City or an authorised person and includes a written or electronic permit;

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

parking station means any land, building or other structure used predominantly for the stopping and parking of vehicles, whether or not a fee is charged, and includes an attended parking station but does not include a road or reserve;

parking ticket means a ticket which is issued from a ticket issuing machine or parking meter and which authorises the parking of a vehicle;

path has the meaning given in the Code;

pedestrian crossing has the meaning given in the Code;

pedestrian mall has the meaning given in the Code;

permissive parking sign has the meaning given in clause 172 of the Code;

postal vehicle has the meaning given in the Code;

property line means the boundary between the land comprising a road and the land that abuts that road;

public bus has the meaning given in the Code;

public bus zone means a parking bay designated for use by a public bus;

reserve means any land –

- (a) which belongs to the City;
- (b) of which the City 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;

but does not include a verge;

road means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land including the nature strip and paths appurtenant thereto lying between the property lines abutting the road;

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

Schedule means a schedule to this local law;

school zone has the meaning given in the Code;

school zone period has the meaning given in the Code;

service vehicle has the meaning given in the Code;

service zone means a part of a pedestrian mall designated by a sign for stopping or parking of service vehicles;

shared zone has the meaning given in the Code;

sign includes a traffic sign, permissive parking sign, inscription, mark, structure or device approved by the City on which may be shown words, numbers, expressions or symbols for the purpose of prohibiting, regulating, guiding, directing or restricting the stopping or parking of vehicles;

special purpose vehicle has the meaning given in the Code and also includes any commercial vehicle owned by the City;

stop has the meaning given in the Code;

symbol includes a symbol specified by Australian Standard 1742.11- 1999 and a symbol specified from time to time by Standards Australia for use in the regulation of parking;

taxi has the meaning given in the Code;

taxi zone has the meaning given in the Code;

thoroughfare has the meaning given in the Act;

ticket includes a token;

ticket issuing machine means a machine or device which, as a result of a payment by any permitted means, issues a ticket showing the period during which it is lawful to remain parked in the area to which the machine or device relates;

ticket machine zone means a parking facility within a fee paying zone in which a ticket issuing machine is installed;

T-Intersection means an intersection where the end of a road intersects with the continuous side of a continuing road;

traffic includes the passage of both vehicles and pedestrians;

traffic island has the meaning given in the Code;

trailer has the meaning given in the Code;

transit lane has the meaning given in the Code;

truck means a vehicle which has a minimum load capacity of 1,000 kilograms;

truck bay means a parking bay designated for use by trucks only;

truck lane has the meaning given in the Code;

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

unexpired parking period means a parking period on which a date and expiry time is specified and the time specified has not expired;

unexpired parking ticket means a parking ticket on which a date and expiry time is printed and the printed time has not expired;

valve stem reading means a method of recording the position of the tyre valve in relation to the kerb or road or other surface on which the vehicle is stopped or parked;

vehicle means –

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

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.

1.7 Interpretation

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

1.8 Sign erected by the Commissioner of Main Roads

A sign that –

- (a) was erected by the Commissioner of Main Roads Western Australia prior to the commencement of this local law; and
- (b) relates to the stopping or parking of vehicles,

is taken to have been erected by the City under this local law.

1.9 Application of signs

- (1) Where under this local law the stopping or parking of a vehicle on a road is controlled by a sign, the sign is to apply to that part of the road which –
 - (a) lies beyond the sign;
 - (b) lies between that sign and the next sign; and

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- (c) is on that half of the road nearest to that sign.

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- (2) A sign may prohibit or regulate parking or stopping by the use of a symbol.
- (3) An inscription or symbol on a sign operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it is to be taken to operate and have effect as if it also related to the parking of vehicles.
- (4) The first three letters of any day of the week when used on a sign indicate that day of the week.

1.10 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows –

- (a) public buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) taxis;
- (e) emergency vehicles;
- (f) special purpose vehicles;
- (g) charter vehicles;
- (h) funeral vehicles; and
- (i) all other vehicles.

1.11 Establishment of parking facilities

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

1.12 Permitted payment

The City may authorise a person to pay for parking, in advance or in arrears, by any means other than or in addition to the insertion of money in a ticket issuing machine or parking meter or by use of a parking app.

1.13 Alternative method of payment

- (1) Where a fee to park in a parking facility (Relevant Fee) would otherwise be required, the City may authorise a person to park in the parking facility, without paying the Relevant Fee in the usual way, by giving the person (electronically or otherwise) a permit, invoice, ticket or pass (alternative method of payment).
- (2) A person who is given an alternative method of payment, and who complies with the terms of the alternative method of payment, is exempt from paying the Relevant Fee.
- (3) An alternative method of payment may not be used by any person other than the person to whom it was given by the City.

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PART 2 – STOPPING AND PARKING GENERALLY

2.1 Power to prohibit and regulate

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

2.2 Determinations in relation to stopping and parking

- (1) The Council may by resolution determine –
 - (a) permitted times and conditions of stopping and parking which may vary with the parking region;
 - (b) permitted classes of persons who may stop or park their vehicles;
 - (c) permitted classes of vehicles which may stop or park; or
 - (d) the manner of stopping or parking.
- (2) Where the Council makes a determination under subclause (1), the City: must erect one or more signs to give effect to the determination. ~~and~~

2.3 Stopping or parking generally

- (1) A person must not stop or park a vehicle in a parking facility or in a thoroughfare –
 - (a) if, by a sign, it is set apart for the stopping or parking of vehicles of a different class;
 - (b) if, by a sign, it is set apart for the stopping or parking of vehicles by persons of a different class;
 - (c) during any period when the stopping or parking of vehicles is prohibited by a sign;
 - (d) for more than the maximum time specified by a sign unless –
 - (i) clause 2.4 applies; or
 - (ii) the vehicle displays a 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;
 - (e) other than wholly within a parking bay or metered space if the parking facility has parking bays or metered spaces – unless the vehicle is too wide or long to fit completely within a single parking bay or metered space, in which case it must be parked within the minimum number of parking bays or metered spaces needed to park it; or
 - (f) otherwise than in accordance with a sign applying to the place where the vehicle is stopped or parked.
- (2) A person must not stop or park a vehicle –
 - (a) in a no stopping area;
 - (b) in an area to which a “clearway” sign applies;

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- (c) at the side of a carriageway marked with a continuous yellow edged line;
- (d) in an area of a carriageway signed or marked with a keep clear marking;
- (e) in a bay marked "M/C" unless it is a motorcycle;
- (f) in a bus lane or bus way;
- (g) in a transit lane;
- (h) in a truck lane; or
- (i) in a bicycle lane or on a bicycle path,

unless the person is driving a public bus or a taxi and is immediately dropping off, or picking up, passengers.

- (3) A person must not park a vehicle in a ***no parking area***, unless the driver –
 - (a) is dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) within 2 minutes of stopping, completes the dropping off, or picking up, of the passengers or goods and drives on.
- (4) A person must not stop a motorcycle in a parking bay or metered space unless –
 - (a) the bay or space is marked "M/C"; or
 - (b) a sign applying to the bay or space is inscribed "M/C".
- (5) If there is no sign referable to a parking bay or metered space marked "M/C", a person must not stop or park a vehicle in the parking bay or metered space for longer than the maximum period during which a vehicle may stop or be parked in any adjacent parking bay or metered space.
- (6) Unless authorised by the City, a person must not stop or park a vehicle in an area designated by a sign stating "Authorised Vehicles Excepted".

2.4 Parking with a parking permit

- (1) The City may issue to a person a parking permit which exempts the holder of the permit from a prohibition under this local law against the stopping or parking of vehicles on any part of a road subject to any conditions that the City considers appropriate.
- (2) If the parking permit issued is a physical parking permit, the parking permit must be displayed inside the vehicle on the dashboard of the vehicle and be clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle remains stopped or parked in the area to which the parking permit relates.
- (3) The City may, at any time, revoke a permit issued under subclause (1).

2.5 Parking contrary to consent

- (1) In this clause a reference to ***land*** does not include land –

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- (a) which belongs to the City;
 - (b) of which is an “otherwise unvested facility” within section 3.53 of the Act; or
 - (c) which is the subject of an agreement referred to in clause 1.5(3).
- (2) A person must not stop or park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is stopped or parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the stopping or parking of vehicles on the land, a person must not stop or park on the land otherwise than in accordance with that consent.

2.6 School zone

- (1) A person must not stop or park a vehicle in a school zone during a school zone period –
- (a) in a no stopping area;
 - (b) at the side of a carriageway marked with a continuous yellow edged line;
 - (c) on a verge;
 - (d) on a footpath or pedestrian refuge;
 - (e) in a parking bay in which another vehicle is stopped or parked;
 - (f) double park as outlined in clause 3.6;
 - (g) on or across a driveway as outlined in clause 3.7;
 - (h) so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;
 - (i) a pedestrian crossing; or
 - (j) 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.

2.7 Parking positions

Where a sign referring to a parking area is not inscribed with the words “angle parking”, then unless a sign referring to the parking area indicates, or a mark on the carriageway indicates, that a vehicle must park in a different position –

- (a) where the parking area is adjacent to the boundary of a carriageway, a person stopping or parking a vehicle in the parking area must stop or park it as near as practicable to and parallel with that boundary; and
- (b) where the parking area is at or near the centre of the carriageway, a person stopping or parking a vehicle in the parking area must stop or park it at approximately right angles to the centre of the carriageway.

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2.8 Angle parking

Where a sign referring to a parking area is inscribed with the words “angle parking”, a person stopping or parking a vehicle in the area must stop or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the sign or by a mark on the carriageway.

2.9 Loading zone

- (1) A person must not stop or park a vehicle in a loading zone unless—
- (a) the vehicle is a commercial vehicle; and
 - (b) a person is continuously engaged in loading or unloading goods to or from that vehicle; or
 - (c) alternatively to paragraphs (a) and (b), the vehicle is an authorised vehicle.
- (2) A person must not stop or park a commercial or authorised vehicle in a loading zone for longer than the time indicated on the loading zone sign, or if no time is indicated on the sign for longer than 30 minutes, unless authorised by an authorised person.

2.10 Reserves

A person must not drive, stop or park a vehicle on or over any portion of a reserve other than an area specifically set aside for that purpose, unless the person –

- (a) is an employee of the City in the course of the employee’s duties;
- (b) is an authorised person; or
- (c) has obtained the permission of the City or an authorised person.

2.11 Occupied parking bays

A person must not stop or park, or attempt to stop or park, a vehicle in a parking bay or metered space in which another vehicle is stopped or parked.

2.12 Urgent, essential or official functions

- (1) Where –
- (a) in a parking facility, a sign prohibits the stopping or parking of a vehicle, or permits the stopping or parking of a vehicle for a limited time; and
 - (b) a person needs to carry out a function that is considered by an authorised person to be urgent, essential or official in nature and that would be facilitated by stopping or parking a vehicle in the parking facility,
- the person may be permitted, by an authorised person, to stop or park the vehicle in the parking facility for a period that may exceed any applicable limited time.
- (2) Where permission is given under subclause (1), an authorised person may, by a sign, prohibit for the duration of the permission the use by any other vehicle of the portion of the parking facility to which the permission relates.
- (3) Permission given under subclause (1) may –

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- (a) allow the stopping or parking of the vehicle continuously for a specified period or periods, between specified times or from time to time during a specified period; and
 - (b) be revoked or suspended at any time by an authorised person.
- (4) A person must not stop or park a vehicle in respect of which permission has been given under subclause (1) other than in accordance with the terms of the permission.

2.13 Direction to move vehicle

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

2.14 Selling or hiring in a parking facility

A person must not sell, hire or give away any goods or erect an advertisement in a parking facility without the written authorisation of an authorised person or the City.

2.15 Damage to parking facilities

A person must not remove, damage, deface, misuse or interfere with any part of a parking facility.

2.16 Event parking

- (1) For the purposes of this clause, an *event* means a function or activity characterised by all or any of the following –
- (a) formal organisation and preparation;
 - (b) its occurrence is generally advertised or notified in writing to particular persons;
 - (c) organised by or on behalf of a club or a body corporate;
 - (d) payment of a fee to attend; and
 - (e) systematic recurrence in relation to the day, time and place.
- (2) **In the case of an event, the** The City may, by use of a sign, establish additional parking facilities on a reserve or City property, for any period specified on the sign, for the parking of vehicles by persons attending an event.
- (3) A person must not stop or park a vehicle on a reserve or City property established as a parking facility under subclause (2) during the period for which it is established unless:
- (a) a ticket purchased from the City with respect to the event is displayed inside the vehicle and is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times; or
 - (b) any fee required by the City upon entry by a vehicle to the parking facility is paid to the City.

2.17 Authorised parking

A person must not, without the permission of the City or an authorised person, stop or park a vehicle, other than an authorised vehicle, in an area designated by a sign for the parking of an authorised vehicle only.

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2.18 Parking on City property

A person must not stop or park a vehicle on or over any portion of the City's property, other than an area specifically set aside for that purpose, unless the person –

- (a) is an authorised person; or
- (b) has obtained the permission of the City or an authorised person.

PART 3 – STOPPING AND PARKING ON ROADS AND OTHER AREAS**3.1 Stopping or parking on a carriageway**

Subject to clauses 2.3, 2.7 and 2.8, a person stopping or parking a vehicle on a carriageway must stop or park it –

- (a) in the case of a two-way carriageway - so that it is as near as practicable to, and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (b) in the case of a one-way carriageway - so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is stopped or parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the opposite boundary of the carriageway, or between the vehicle and a vehicle stopped or parked on the opposite side of the carriageway;
- (d) so that it is more than 1 metre from any other vehicle, except a motorcycle without a trailer stopped or parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway.

3.2 Median strips and traffic islands

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

3.3 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
 - (c) stop or park a vehicle during any period when the stopping or parking 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 that person 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 or park the vehicle so that any portion

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of it is on the verge, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with a 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.

3.4 Prohibited parking of vehicles

A person must not park a vehicle on any portion of a road or within a parking station –

- (a) for the purpose of exposing the vehicle for sale;
- (b) if the vehicle is not licensed under the Road Traffic Act or a corresponding law of another State or Territory or of the Commonwealth;
- (c) if the vehicle is a trailer or caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than the road or parking station.

3.5 Obstructions generally

- (1) This clause does not apply to a vehicle stopped or parked in a parking bay or metered space.
- (2) Paragraphs (b) and (d) of subclause (3) do not apply to a vehicle stopped or parked in a bus embayment.
- (3) A person must not stop or park a vehicle so that any portion of the vehicle is –
 - (a) on a road and causes an obstruction on the road - unless it is a public bus stopping in a bus zone;
 - (b) obstructing an entrance, exit, carriageway, passage or thoroughfare in a parking facility;
 - (c) on an intersection, subject to paragraphs (d) and (e);
 - (d) on a carriageway within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals - unless the vehicle stops or parks at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is otherwise permitted to stop or park at that place under this local law;
 - (e) on a carriageway within 10 metres of the prolongation of the nearest edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped or parked - unless the vehicle stops or parks –
 - (i) at a place on a carriageway, or in an area, to which a parking control sign applies or the vehicle is otherwise permitted to stop or park at that place under this local law; or
 - (ii) if the intersection is a T-intersection along the continuous side of the continuing road at the intersection;

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- (f) on or over a footpath, pedestrian crossing, children's crossing or a place for pedestrians;
- (g) alongside or opposite an excavation, work, hoarding, scaffolding or obstruction on the carriageway – if the vehicle would obstruct traffic;
- (h) on a bridge or other elevated structure or within a tunnel or underpass - unless permitted to do so by a sign;
- (i) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines;
- (j) between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line - unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line; or
- (k) within the head of a cul-de-sac.

3.6 Driveways

A person must not stop or park a vehicle on or across a driveway or other way of access for a vehicle travelling to or from land adjacent to a road or thoroughfare - unless the person is immediately dropping off or picking up passengers.

3.7 Stopping on crests, curves, etc

- (1) Subject to subclause (2), a person shall 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 person may stop on a crest or curve of a carriageway that is not in a built-up area if the person stops at a place on the carriageway, or in an area, to which a parking control sign applies and the person is permitted to stop at that place under this local law.

3.8 Parking near fire hydrant or post box

A person must not stop or park a vehicle, otherwise than in a marked bay, on a road so that any portion of the vehicle is –

- (a) 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; or
- (b) within 3 metres of a public post box unless the vehicle is a postal vehicle.

3.9 Bus stops, pedestrian, children and train crossings

- (1) Subject to subclause (2), a person must not stop or park a vehicle so that any portion of the vehicle is within 10 metres of the departure side, or within 20 metres of the approach side, of –
 - (a) a bus embayment or a bus zone unless the vehicle is a bus stopped to take up or set down passengers;
 - (b) a pedestrian crossing;
 - (c) a children's crossing; or
 - (d) the nearest rail of a railway level crossing.

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- (2) Subject to subclause (3), a person must not stop a vehicle so that any portion of the vehicle is within 3 metres of the departure side, or within 10 metres of the approach side of –
 - (a) a pedestrian crossing that is not at an intersection; or
 - (b) a bicycle crossing, equipped with bicycle crossing lights, that is not at an intersection.
- (3) Subclause (1) does not apply if –
 - (a) the vehicle is stopped or parked in a marked bay; or
 - (b) the driver of the vehicle is prevented from proceeding by circumstances beyond the driver's control.

3.10 Restrictions on avoiding time limitations

- (1) Where stopping or parking on a length of carriageway is permitted for a limited time, a person must not move a vehicle along, or return to, that length of carriageway so that the total time of parking the vehicle exceeds the maximum time permitted - unless the vehicle has first been removed from the length of carriageway for at least 2 hours.
- (2) Where the stopping or parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within that parking facility so that the total time of parking the vehicle exceeds the maximum time allowed for parking in that parking facility – unless the vehicle has first been removed from the parking facility for at least 2 hours.
- (3) Where in a parking facility –
 - (a) the parking of a vehicle is prohibited unless:
 - (i) a parking ticket from a ticket issuing machine is displayed on the dashboard of the vehicle; or
 - (ii) a parking period is obtained from a ticket issuing machine or parking app;

and
 - (b) a period of free parking is permitted before a fee for parking applies,

a person must not, at any time within the same day, obtain or use more than one ~~parking ticket or parking period~~ of free parking for the same vehicle in that parking facility.

3.11 Pedestrian malls

A person must not stop or park a vehicle in a pedestrian mall unless the vehicle –

- (a) is, and is being used as, an emergency vehicle;
- (b) is, and is being used as, a special purpose vehicle;
- (c) is stopped or parked in accordance with a written authorisation by the City or an authorised person; or
- (d) is a service vehicle which –
- (e) is in a service zone;

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- (f) is in the pedestrian mall during a period when service vehicles are permitted;
- (g) is continuously being loaded or unloaded; and
- (h) is stopped or parked for a continuous period of less than 30 minutes or otherwise in accordance with a sign that applies to the service zone.

3.12 Public bus zones

- (1) A person must not stop or park a vehicle, other than a public bus, in a public bus zone.
- (2) Unless otherwise stated on a sign, a public bus must not stop or park in a bus embayment unless actively engaged in picking up or setting down passengers.

3.13 Charter vehicle zones

- (1) A person must not stop or park a vehicle, other than a charter vehicle, in a charter vehicle zone.
- (2) A charter vehicle must not stop or park in a charter vehicle zone except to pick up or set down passengers, for no more than –
 - (a) 15 minutes - if the charter vehicle has 12 or more seats including the driver; or
 - (b) 5 minutes - if the charter vehicle has less than 12 seats including the driver.
- (3) If subclause (2) applies, a person driving the charter vehicle must not leave the charter vehicle unattended while it is in a charter vehicle zone.

3.14 Stopping in a taxi zone

- (1) A person must not stop a vehicle in a taxi zone, unless the person is driving a taxi.
- (2) A person driving a taxi must not leave the taxi unattended while it is in a taxi zone.

3.15 Construction site vehicle parking

- (1) In this clause, unless the context otherwise requires –
 - (a) **builder** has the meaning given in the *Building Regulations 2012*;
 - (b) **construction site** means any land subject to development;
 - (c) **construction site vehicle** means a vehicle connected to an approved work zone;
 - (d) **daily fee** means the daily fee determined by the City;
 - (e) **development** means the demolition, erection, construction, alteration of or addition to any building or structure on land or the carrying out on land of any excavation or other works;
 - (f) **eligible person** means an owner or occupier of a construction site or a builder carrying out work on a construction site;
 - (g) **establishment fee** means the fee determined by the City; and

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- (h) **work zone** means a road or part of a road, whether or not marked as a metered space, parking bay or ticket machine zone, which is set aside by the City by the use of a sign, for a period specified on the sign, for the stopping or parking of construction site vehicles.
- (2) An eligible person seeking to establish a work zone adjacent to a construction site may apply in writing to the City, which may approve or refuse the application.
- (3) Where the City approves an application, it is to give the applicant a written notice specifying –
- (a) the number and location of work zones the applicant may use;
 - (b) the times during which the stopping or parking of construction site vehicles is permitted in the work zone;
 - (c) the period for which the approval is valid;
 - (d) any conditions to which the approval of the City is subject; and
 - (e) the amount of the establishment fee.
- (4) The City is to set aside a work zone in accordance with the notice referred to in subclause (3) within 14 days from the date of payment of the establishment fee.
- (5) An eligible person must, in addition to the establishment fee, pay to the City a daily fee for each day that a work zone is set aside.
- (6) The daily fee is payable monthly in advance.
- (7) Where the City has approved an application to establish a work zone adjacent to a construction site, the City may cancel its approval by written notice to the applicant if –
- (a) the applicant, or any person authorised by the applicant to use the work zone, stops or parks a vehicle other than in accordance with –
 - (b) a condition specified in the notice issued to the applicant under subclause (3); or
 - (c) a sign applicable to the work zone;
 - (d) the applicant fails to pay the daily fee as required under subclause (5); or
 - (e) the City or an authorised person requires access to or near the place where the work zone is situated, for the purposes of carrying out works in or near that place.
- (8) A person must not stop or park a vehicle in a work zone unless the vehicle is –
- (a) a construction site vehicle; or
 - (b) permitted to stop in the work zone in accordance with this local law.

3.16 Parking in a shared zone

A person must not stop or park a vehicle in a shared zone unless the vehicle –

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- (a) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the vehicle is permitted to stop at that place under this local law;
- (b) stops in a parking bay and the vehicle is permitted to stop in the parking bay under this local law;
- (c) is dropping off, or picking up, passengers or goods; or
- (d) is engaged in the door-to-door delivery or collection of goods, or in the collection of waste.

3.17 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 more than 7.5 metres in length or exceeds a GVM of 4.5 tonnes –
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway or in a truck bay.
- (2) Nothing in this clause detracts from any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

PART 4 – FEE PAYING ZONES**4.1 Payment of fees**

- (1) A person must not stop or park a vehicle in a metered space or a ticket machine zone or a parking app zone unless the appropriate fee as indicated by a sign referable to the space or the zone is paid by any form of permitted payment at the parking meter, ticket issuing machine or by use of the parking app.
- (2) Subject to the provisions of this Part 4, the payment of the fee referred to in subclause (1) entitles a person to stop or park a vehicle in –
 - (a) a metered space for the period shown on a sign referable to the space;
 - (b) a ticket machine zone for the period shown on:
 - (i) the parking ticket issued by the ticket issuing machine; or
 - (ii) the period set as the parking period by the ticket issuing machine; or
 - (c) a parking app zone for the period set as the parking period by a parking app,

but does not authorise the parking of the vehicle during any time when stopping or parking in that space or zone is prohibited under this local law.

4.2 Payment for parking

A person must not insert into a fee paying machine anything other than the designations of coin or banknote or other form of permitted payment indicated by a sign on the fee paying machine and only in accordance with the instructions printed on the fee paying machine.

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4.3 Operations of fee paying machines

A person must not operate a fee paying machine except in accordance with the operating instruction appearing on the fee paying machine.

4.4 Metered space, parking limit

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space for longer than the maximum period stated on the sign referable to that space during which continuous stopping or parking is permitted.

4.5 Display of parking tickets and parking limits

- (1) A person must not stop or park a vehicle in a ticket machine zone or a parking app zone during the period in which stopping or parking is permitted unless the person has purchased a parking ticket or a parking period and –
 - (a) in the case of a parking ticket purchased from a ticket issuing machine:
 - (i) an unexpired parking ticket issued by a ticket issuing machine in that fee paying zone is displayed inside the vehicle on the dashboard of the vehicle; and
 - (ii) the ticket is clearly visible to, and able to be read by, an authorised person from outside the vehicle at all times while that vehicle is stopped or parked in that fee paying zone; or
 - (b) in the case of a parking period purchased from a ticket issuing machine, an unexpired parking period for that ticket machine zone applies to the vehicle's registration number; or
 - (c) in the case of a parking period purchased by use of a parking app, an unexpired parking period for that parking app zone applies to the vehicle's registration number.
- (2) Unless subclause (3) applies, where in a ticket machine zone more than one parking ticket is displayed bearing the same date and time of issue, the period for each ticket is to be aggregated and the tickets are to be taken not to have expired until the expiry of –
 - (a) the aggregate of those periods; or
 - (b) the maximum period of time a vehicle is permitted to park in the fee paying zone,

whichever occurs first.
- (3) Where a trailer is attached to a vehicle –
 - (a) a parking ticket or parking period must be purchased for each occupied parking bay as permitted under this local law; and
 - (b) in the case of a:
 - (i) parking ticket purchased from a ticket issuing machine, a parking ticket that applies to the vehicle's registration number and the trailer's registration number must be displayed inside the vehicle in accordance with subclause (1)(a); or

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- (ii) parking period purchased from a ticket issuing machine, an unexpired parking period for that ticket machine zone applies to the vehicle's registration number and the trailer's registration number in accordance with subclause (1)(b); or
- (iii) parking period purchased by use of a parking app, an unexpired parking period for that parking app zone applies to the vehicle's registration number and the trailer's registration number in accordance with subclause (1)(c).

4.6 Reserved fee paying zones

Unless authorised by the City, a person must not leave a vehicle, or permit a vehicle to remain stopped or parked, in a metered space, or fee paying zone if the parking meter or ticket machine or sign advising of a parking app zone is hooded with a covering bearing –

- (a) the words “No Parking”, “Reserved Parking”, “Temporary Bus Stop” or with an equivalent symbol depicting one of these purposes; or
- (b) other words or symbols that indicate parking is not permitted within the space or fee paying zone.

4.7 Parking restrictions in fee paying zones

A person must not stop or park a vehicle in a fee paying zone –

- (a) except during the period stated on a sign referable to the fee paying zone during which stopping or parking is permitted; or
- (b) for longer than the maximum period permitted for continuous parking of a vehicle in the fee paying zone, as stated on a sign referable to the fee paying zone.

4.8 Use of counterfeit or altered parking tickets

A person must not –

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

PART 5 – PARKING STATIONS**5.1 Restrictions on entering a parking station**

A person must not enter a parking station without first obtaining the authorisation of an authorised person (if one is on duty) or an entrance ticket or parking ticket unless –

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

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

5.2 Stopping or parking in a parking station

A person must not stop or park a vehicle in –

- (a) an attended parking station – unless the appropriate fee as indicated by a sign is paid when demanded;
- (b) a parking station with a ticket issuing machine installed or to which a parking app applies - unless the appropriate fee as indicated by a sign in the parking station is paid by any form permitted, and the person complies with the relevant provisions of Part 4 of this local law;
- (c) a parking station with a fee collection machine - unless the appropriate fee as indicated by a sign is inserted into the machine, or by any other form of permitted payment, and the ticket is validated immediately prior to departure; or
- (d) a parking station, other than wholly within a parking bay if the parking station has parking bays – unless the vehicle is too wide or long to fit completely within a single parking bay, in which case it must be parked within a minimum number of parking bays needed to park it.

5.3 No entrance ticket

Where no entrance ticket is produced by the driver of a vehicle which is being removed from a parking station, the appropriate fee is to be calculated as if the vehicle had entered the parking station when it opened for operation on the day the vehicle was parked in the parking station.

5.4 Removal of vehicles

- (1) A person must not remove a vehicle which has been stopped or parked in a parking station until –
 - (a) the appropriate fee for the period for which the vehicle has been stopped or parked has been paid; or
 - (b) the City has issued a notice stating the fee.
- (2) Where a notice has been issued under subclause (1)(b), the fee must be paid within 3 working days from the time of issue of the notice.

5.5 Maximum parking period in parking stations

Where the stopping or parking of vehicles in a parking station is permitted for a limited time, a person must not stop or park a vehicle in the parking station for a period exceeding the maximum time permitted – unless the vehicle has first been removed from the parking station for at least 2 hours.

5.6 Entering and exiting parking facilities

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

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5.7 Locking of parking stations

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

5.8 Behaviour in a parking station

- (1) A person must not remain in a parking station after having been required to leave by an authorised person.
- (2) A person must not loiter in a parking station.

5.9 Low clearance signs

A person must not drive a vehicle past a low clearance sign if the vehicle, or any part of the vehicle connected to it or any load carried by the vehicle, is higher than the height (in metres) indicated by the sign.

PART 6 – MISCELLANEOUS**6.1 Authorised person certificate of appointment**

The requirement for an authorised person to be given the appropriate certificate of the person's appointment is dealt with in section 9.10(2) of the Act.

6.2 Authorised persons

No offence under this local law is committed by an authorised person while carrying out the person's functions.

6.3 Power of an authorised person

- (1) An authorised person has all necessary power to perform that authorised person's functions under this local law.
- (2) An authorised person may –
 - (a) carry into effect the provisions of this local law;
 - (b) report to the City on the working effectiveness of this local law;
 - (c) recommend to the CEO the institution of prosecutions; and
 - (d) institute and conduct prosecutions as directed by the CEO.

6.4 Impersonating an authorised person

A person who is not an authorised person must not impersonate or assume the functions of an authorised person.

6.5 Obstructing of an authorised person

A person must not obstruct or hinder an authorised person in the execution of the authorised person's duties.

6.6 Removal of notices

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

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6.7 Display of signs

A person must not, without the authorisation of the City or an authorised person –

- (a) mark, set up or exhibit a sign purporting to be, or resembling, a sign marked, set up or exhibited by the City under this local law;
- (b) remove, deface or misuse a sign or property set up by the City under this local law; or
- (c) affix a board, sign, placard, notice, cover or other thing to, or paint or write on, any part of a sign or fee paying machine.

6.8 Marking tyres and valve stem readings

(1) An authorised person may –

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

for a purpose connected with the authorised person's functions.

(2) A person must not remove a mark made by an authorised person so that the purpose of affixing the mark is defeated or likely to be defeated.

6.9 Complying with directions

- (1) A person who is given a direction by an authorised person under this local law, or in relation to a contravention of this local law, must comply with that direction.
- (2) A person who complies with a direction given by an authorised person does not commit an offence against this local law while complying with that direction.

6.10 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of a special purpose vehicle or an emergency vehicle may, only in the course of the driver's functions and when it is expedient and safe to do so, stop or park the vehicle in any place at any time.

6.11 Interfere with or damage to City property

A person must not interfere with, damage or obstruct the operation of any electronic parking detection device or instrument in a parking station, carriageway or any other place.

PART 7 – OFFENCES AND MODIFIED PENALTIES**7.1 Offences**

- (1) A person who fails to do anything required 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) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$250 and not exceeding \$5,000 and, if the offence is

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of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence continues.

- (3) An offence against a provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

7.2 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 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the 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 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*.

7.3 Modified penalty

- (1) Subject to subclauses 7.3(3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in that Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If it appears to the City that an alleged offence cannot be adequately punished by the payment of the modified penalty, the City may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.
- (4) Where the time period within which a person may stop or park a vehicle on a road is controlled by a sign and a person commits an offence under this local law by stopping or parking a vehicle for a time period which exceeds that shown on the sign –
- (a) the amount of the modified penalty is to be the amount referred to in Schedule 1 where the time period during which the vehicle was stopped or parked in excess of the time period shown on the sign was not greater than that shown on the sign; and
- (b) the amount of the modified penalty is to be payable again in respect of each successive time period during which the vehicle continues to be parked or stopped in excess of the time period shown on the sign, to a maximum of \$500 on the amount of modified penalties payable for each offence.

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SCHEDULE 1
CITY OF VINCENT PARKING LOCAL LAW ~~2022~~-2023

MODIFIED PENALTIES
[Clause 7.3]

| Item No. | Offence Clauses | Nature of Offence | Modified Penalty |
|----------|-----------------|--|------------------|
| 1 | 2.3(1)(a) | Stopping or parking by vehicles of a different class | \$120 |
| 2 | 2.3(1)(b) | Stopping or parking by persons of a different class | \$120 |
| 3 | 2.3(1)(c) | Stopping or parking during prohibited period | \$120 |
| 4 | 2.3(1)(d) | Stopping or parking for longer than maximum period | \$90 |
| 5 | 2.3(1)(e) | Failure to park wholly within parking bay or metered space | \$90 |
| 6 | 2.3(1)(f) | Failure to comply with signs | \$90 |
| 7 | 2.3(2)(a) | Stopping or parking in a no stopping area | \$200 |
| 8 | 2.3(2)(b) | Stopping or parking contrary to a "clearway" sign | \$300 |
| 9 | 2.3(2)(c) | Stopping or parking at a continuous yellow edged line | \$200 |
| 10 | 2.3(2)(d) | Stopping or parking in a keep clear area of carriageway | \$200 |
| 11 | 2.3(2)(e) | Stopping or parking vehicle other than motorcycle in 'M/C' bay | \$90 |
| 12 | 2.3(2)(f) | Stopping or parking in a bus lane or bus way | \$200 |
| 13 | 2.3(2)(g) | Stopping or parking in a transit lane | \$200 |
| 14 | 2.3(2)(h) | Stopping or parking in a truck lane | \$200 |
| 15 | 2.3(2)(i) | Stopping or parking in a bicycle lane or path | \$200 |
| 16 | 2.3(3) | Parking in a no parking area | \$120 |
| 17 | 2.3(4) | Stopping a motorcycle unlawfully | \$90 |
| 18 | 2.3(5) | Parking in an unsigned 'M/C' bay or space for longer than the maximum period | \$90 |
| 19 | 2.3(6) | Parking without authorisation in an area designated for Authorised Vehicles | \$120 |
| 20 | 2.4(2) | Failure to display parking permit | \$120 |
| 21 | 2.5(2) | Stopping or parking on land without consent | \$150 |
| 22 | 2.5(3) | Stopping or parking on land not in accordance with consent | \$150 |
| 23 | 2.6(1)(a) | Stopping or parking in a no stopping area in a school zone during a school zone period | \$225 |
| 24 | 2.6(1)(b) | Stopping or parking next to a yellow edged line in a school zone during a school zone period | \$225 |

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| Item No. | Offence Clauses | Nature of Offence | Modified Penalty |
|----------|-------------------|--|------------------|
| 25 | 2.6(1)(c) | Stopping or parking on a road verge in a school zone during school zone period | \$100 |
| 26 | 2.6(1)(d) | Stopping or parking on a footpath or pedestrian refuge in a school zone during school zone period | \$225 |
| 27 | 2.6(1)(e) | Stopping or parking in a bay occupied by another vehicle in a school zone during school zone period | \$85 |
| 28 | 2.6(1)(f) | Stopping or parking so as to double park in a school zone during school zone period | \$225 |
| 29 | 2.6(1)(g) | Stopping or parking on or across a driveway in a school zone during school zone period | \$225 |
| 30 | 2.6(1)(h) | Stopping or parking in a bus embayment or bus zone in a school zone during school zone period | \$225 |
| 31 | 2.6(1)(i) | Stopping or parking on a pedestrian crossing in a school zone during school zone period | \$225 |
| 32 | 2.6(1)(j) | Stopping or parking on a children's crossing in a school zone during school zone period | \$225 |
| 33 | 2.6(2) | Obstructing a vehicle on carriageway in a school zone during school zone period | \$225 |
| 34 | 2.7(a) | Failure to park or stop as near as practicable and parallel to boundary of carriageway | \$90 |
| 35 | 2.7(b) | Failure to stop or park at approximately right angles to the centre of the carriageway | \$90 |
| 36 | 2.8 | Failure to park at an appropriate angle | \$90 |
| 37 | 2.9 | Stopping or parking unlawfully in a loading zone | \$120 |
| 38 | 2.10 | Driving, stopping or parking on a reserve | \$150 |
| 39 | 2.11 | Stopping or parking, or attempting to stop or park in a bay occupied by another vehicle | \$90 |
| 40 | 2.12(4) | Stopping or parking contrary to permission | \$90 |
| 41 | 2.13 | Stopping or parking a vehicle contrary to direction | \$200 |
| 42 | 2.14 | Selling or hiring goods in a parking facility without authorisation | \$200 |
| 43 | 2.15 | Removing, damaging, defacing, misusing or interfering with parking facility | \$200 |
| 44 | 2.16(3) | Stopping or parking unlawfully in a designated event area | \$120 |
| 45 | 2.18 | Stopping or parking unauthorised vehicle in an 'authorised vehicle only' area | \$120 |
| 46 | 2.19 | Stopping or parking on City property | \$120 |
| 47 | 3.1(a) and 3.1(b) | Stopping or parking against the flow of traffic | \$90 |
| 48 | 3.1(c) | Failure to stop or park vehicle with at least 3 metres of the width between the vehicle and the opposite boundary of the carriageway | \$150 |
| 49 | 3.1(d) | Failure to stop or park vehicle more than 1 metre from any other vehicle | \$90 |
| 50 | 3.1(e) | Parking or stopping so as to obstruct any vehicle on the carriageway | \$150 |

City of Vincent Local Government Parking Local Law 2023

| Item No. | Offence Clauses | Nature of Offence | Modified Penalty |
|----------|-----------------|---|------------------|
| 51 | 3.2 | Parking or stopping on a median strip or traffic island | \$150 |
| 52 | 3.3(1) | Stopping or parking a vehicle unlawfully on a verge | \$90 |
| 53 | 3.4(a) | Parking vehicle on any portion of a road or within a parking station for purpose of sale | \$150 |
| 54 | 3.4(b) | Parking unlicensed vehicle on any portion of a road or within a parking station | \$150 |
| 55 | 3.4(c) | Parking unattached trailer or caravan on a portion of road or within a parking station | \$150 |
| 56 | 3.4(d) | Parking vehicle on a portion of road or within a parking station for purpose of repairs | \$150 |
| 57 | 3.5(3)(a) | Stopping or parking a vehicle on a road so as to cause obstruction | \$200 |
| 58 | 3.5(3)(b) | Stopping or parking a vehicle so as to obstruct an entrance, exit, carriageway, passage or thoroughfare in a parking facility | \$200 |
| 59 | 3.5(3)(c) | Stopping or parking a vehicle on an intersection | \$200 |
| 60 | 3.5(3)(d) | Stopping or parking within 20 metres from an intersecting carriageway with traffic-control signals | \$200 |
| 61 | 3.5(3)(e) | Stopping or parking within 10 metres of the prolongation of nearest edge of intersecting carriageway | \$90 |
| 62 | 3.5(3)(f) | Stopping or parking on or over a footpath, pedestrian crossing, children's crossing or place for pedestrians | \$200 |
| 63 | 3.5(3)(g) | Stopping or parking alongside or opposite construction works where vehicle obstructs traffic | \$200 |
| 64 | 3.5(3)(h) | Stopping or parking on a bridge or within a tunnel or underpass | \$150 |
| 65 | 3.5(3)(i) | Stopping or parking between the boundaries of a carriageway and any continuous double line | \$90 |
| 66 | 3.5(3)(j) | Stopping or parking closer than 3 metres to double longitudinal lines | \$150 |
| 67 | 3.5(3)(k) | Stopping or parking within head of a cul-de-sac | \$120 |
| 68 | 3.6(1) | Double parking | \$150 |
| 69 | 3.7 | Stopping or parking across a driveway or other way of access | \$200 |
| 70 | 3.8(a) | Stopping or parking within 1 metre of fire hydrant or fire plug | \$90 |
| 71 | 3.8(b) | Stopping or parking within 3 metres of public post box | \$90 |
| 72 | 3.9(1)(a) | Stopping or parking within 10 metres of departure side or within 20 metres of approach side of a bus embayment or bus zone | \$90 |
| 73 | 3.9(1)(b) | Stopping or parking within 10 metres of departure side or within 20 metres of approach side of a pedestrian crossing | \$90 |

City of Vincent Local Government Parking Local Law 2023

| Item No. | Offence Clauses | Nature of Offence | Modified Penalty |
|----------|-----------------|---|------------------|
| 74 | 3.9(1)(c) | Stopping or parking within 10 metres of departure side or within 20 metres of approach side of a children's crossing | \$90 |
| 75 | 3.9(1)(d) | Stopping or parking within 10 metres of departure side or within 20 metres of approach side of a railway level crossing | \$90 |
| 76 | 3.9(2)(a) | Stopping or parking a vehicle within 3 metres of the departure side or within 10 metres of the approach side of a pedestrian crossing that is not an intersection | \$200 |
| 77 | 3.9(2)(b) | Stopping or parking a vehicle within 3 metres of the departure side or within 10 metres of the approach side of a bicycle crossing that is not an intersection | \$200 |
| 78 | 3.10(1) | Moving a vehicle along carriageway to avoid time limitation | \$120 |
| 79 | 3.10(2) | Moving a vehicle within parking station to avoid time limitation | \$120 |
| 80 | 3.10(3) | Obtaining more than one free parking ticket or parking period | \$120 |
| 81 | 3.11 | Stopping or parking unlawfully in a pedestrian mall | \$90 |
| 82 | 3.12(1) | Stopping or parking a vehicle in a public bus zone | \$150 |
| 83 | 3.12(2) | Stopping or parking public bus in bus zone when not picking up or setting down passengers | \$150 |
| 84 | 3.13(1) | Stopping or parking in charter vehicle zone when not a charter vehicle | \$150 |
| 85 | 3.13(2)(a) | Stopping or parking charter vehicle (12 or more seats) in charter vehicle zone for longer than maximum period | \$150 |
| 86 | 3.13(2)(b) | Stopping or parking charter vehicle (less than 12 seats) in charter vehicle zone for longer than maximum period | \$150 |
| 87 | 3.13(3) | Leaving charter vehicle unattended in charter vehicle zone | \$150 |
| 88 | 3.14(1) | Stopping unlawfully in a taxi zone | \$150 |
| 89 | 3.14(2) | Leaving taxi unattended while in a taxi zone | \$150 |
| 90 | 3.15(8) | Stopping or parking a vehicle in a work zone | \$150 |
| 91 | 3.16 | Stopping or parking unlawfully in shared zone | \$90 |
| 92 | 3.17 | Unlawfully stopping or parking heavy or long vehicles on a carriageway | \$120 |
| 93 | 4.1(1) | Failure to pay fee | \$90 |
| 94 | 4.2 | Inserting anything other than the permitted forms of payment in a fee paying machine | \$90 |
| 95 | 4.3 | Operating a fee paying machine contrary to instructions | \$90 |
| 96 | 4.4 | Stopping or parking in metered space for longer than the maximum period | \$90 |

City of Vincent Local Government Parking Local Law 2023

| Item No. | Offence Clauses | Nature of Offence | Modified Penalty |
|----------|-------------------------|---|------------------|
| 97 | 4.5(1)(a) | Failure to display valid parking ticket | \$90 |
| 98 | 4.5(1)(b) and 4.5(1)(c) | Stopping or parking beyond permitted parking period | \$90 |
| 99 | 4.6 | Unlawfully leaving vehicle parked in reserved fee paying zone | \$120 |
| 100 | 4.7(a) | Stopping or parking in a fee paying zone outside the period which stopping or parking is allowed | \$90 |
| 101 | 4.7(b) | Stopping or parking in a fee paying zone for longer than the permitted period | \$90 |
| 102 | 4.8(a) | Displaying a counterfeit, altered, obliterated or interfered with parking ticket | \$200 |
| 103 | 4.8(b) | Producing to an authorised person a counterfeit, altered, obliterated or interfered with parking ticket | \$200 |
| 104 | 5.1 | Unlawfully entering a parking station | \$120 |
| 105 | 5.2 | Stopping or parking in a parking station without paying the appropriate fee | \$90 |
| 106 | 5.2(d) | Failure to park wholly within parking bay in a parking station | \$90 |
| 107 | 5.4(1) | Unlawfully removing stopped or parked vehicle from parking station | \$200 |
| 108 | 5.4(2) | Failure to pay fee within 3 working days from the time of issue of the notice | \$120 |
| 109 | 5.5 | Stopping or parking in parking station for longer than the maximum period | \$90 |
| 110 | 5.6 | Failure to enter and exit parking facility through authorised entry or exit | \$120 |
| 111 | 5.8(1) | Failure to leave parking station at the direction of a police officer or authorised person | \$200 |
| 112 | 5.8(2) | Loitering in a parking station | \$120 |
| 113 | 5.9 | Driving a vehicle past a low clearance sign | \$200 |
| 114 | 6.4 | Impersonating an authorised person | \$200 |
| 115 | 6.5 | Obstructing an authorised person | \$200 |
| 116 | 6.6 | Unlawfully removing notice from vehicle | \$150 |
| 117 | 6.7(a) | Unauthorised display, marking, setting up, exhibiting of a sign | \$150 |
| 118 | 6.7(b) | Removing, defacing or misusing a sign or the property of the City | \$90 |
| 119 | 6.7(c) | Affixing anything to a sign or fee paying machine | \$90 |
| 120 | 6.8(2) | Removing or interfering with a lawful mark on a tyre | \$200 |
| 121 | 6.11 | Interfering with, damaging or obstructing City property | \$500 |

City of Vincent Local Government Parking Local Law 2023

Dated this day of 2023.

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

MS EMMA COLE
MAYOR

MR DAVID MACLENNAN
Chief Executive Officer

PARKING LOCAL LAW 2023 – DLGSC comments

1. Taxi terminology

The Department is aware that amendments were recently made to several pieces of taxi legislation in relation to Uber and other ride-share services. This may have impacted certain terms or definitions which are relied upon in parking local laws.

The City should check all taxi-related definitions and ensure that the meanings of these definitions still suit the City's objectives.

2. Event-based parking

The draft local law contains clauses that allow for parking rules to be changed when "events" occur.

The Committee has previously disliked these kinds of clauses, since they can potentially provide a way for the local law to be changed at will.

It might be better if the clause were removed and the local law simply relied upon the general determination powers in clause 2.2. Alternatively, the local law rely upon a set list of events in a Schedule (though this option might be too inflexible).

3. Minor edits

The following minor edits are suggested:

- **Contents page**
 - The page numbers in the contents page should be omitted in the gazettal version as it may clash with the Gazette's existing page system. The page numbers can be retained in any administrative versions kept by the City.
 - The page entry for clause 1.3 currently reads as an error.
 - The Contents entries for clauses 1.1 to 1.6 do not currently match the order or titles of the clauses in that Part. The information will need to be updated.
 - In the entry for Schedule 1, it is suggested that "**- MODIFIED PENALTIES**" be added to the title so that people browsing the contents can see what the schedule contains.
- **Clause 1.1:** Change the citation to italics.
- **Clause 1.6:** On at least one occasion, the Delegated Legislation Committee has requested a definition for "**Valve Stem Reading**". It is suggested a similar definition be added to the City's local law.
- **Clause 1.4:** Change the citation title and "Government Gazette" to italics.
- **Clause 2.2(2):** Replace "; and" with a full stop and incorporate the text into the previous line to form one sentence.
- The City should also ensure that all references and cross-references are checked, particularly if any additional changes are made to the draft prior to its submission to council.

PARKING LOCAL LAW 2023 – Public submissions

| No. | Comment | Administration comment |
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| 1. | The proposed Parking Law has been put out to consultation without any explanation of what it does, what it is trying to achieve, or how it differs from the current position. It is difficult to see how this will generate any meaningful consultation. Also, comments are limited to 255 characters! | The Parking local law 2023 is a new parking local law. The purpose of the proposed local law is to provide for the regulation, control and management of parking and vehicles within the local government. The effect of this local law is to ensure that any person parking a vehicle within the City is to comply with these provisions. Comments are open ended, no character limit. |
| 2. | The updated and proposed Parking Local Law appears to me to be comprehensive and sensible. I welcome that cycle lane violations are specified. I'm surprised at the range of fine amounts - this could be simplified surely. | Noted. Penalties listed are required to be specific to each related clause. |
| 3. | Not sure why you are changing them as you don't enforce them in our area anyway | Noted. |
| 4. | No additional comment. | Noted. |
| 5. | There needs to be a clause about abandoned vehicles. Every other council I have lived in have taken action to removed vehicles that have been parked long term in one location. Abandoned vehicles that have been parked for continuous periods degrade the neighbourhood and restrict access for others. | The impounding of vehicles and other goods is dealt with in Part 3 Division 3 Subdivision 4 of the Local Government Act 1995 and regulation 29 of the Local Government (Functions and General) Regulations 1996. The power of an authorised person to remove and impound any goods that are involved in a contravention that can lead to impounding is dealt with in section 3.39(1) of the Local Government Act 1995. |
| 6. | Street parking is a nightmare. People with garages on nearby street parking on the street taking away parking from houses with no garages. We should consider permits for residents like other suburbs. If you have off street parking them you only have a visitor park and you can't park your car on street parking | This is dealt with under the City's Parking Permits Policy. |
| 7. | Only if enforced, we have yellow lines outside of our home and people are constantly parking on the road outside our house as they don't know what a yellow line means. | Noted. |
| 8. | More governance that costs residents | Noted. |
| 9. | Yes, access to parking in Council control parking areas should be the same. There should not be any discrimination | Noted. Not related to local law, however, first hour free re-introduced to all carparks, except Leederville. A system is being developed to |

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| | <p>as is current the case in North Perth and Mount Lawley when compared to Mount Hawthorn.</p> <p>Every city centre should have one hour free parking not three hours as is the norm in the Mount Hawthorn city centre</p> | <p>enable rate payers first hour free in Leederville carparks.</p> |
| 10. | <p>I don't have time to read this 36 page document. However, if it deals with private parking spots that are registered with and enforced by the city, then some changes are needed. Since the removal of clamping, there has been a real hole in our ability to enforce rules in the visitor parking of our apartment complex. We pay the council to handle this, but they will not allow us to fine tenants who abuse the rules and park there without authorisation. Strata has limited powers (they can issue a breach if it is against bylaws, but must pursue the matter in SAT which is costly). The city should simply allow fines to be issued to whomever it is who parks without authorisation and against sign-posted rules. Hey, it means more revenue for you.</p> | <p>This is covered by clause 2.5.</p> <p>The City is able to issue infringements if a contravention of clause 2.5(2) or clause 2.5(3) is reported to the City by an owner or occupier.</p> |
| 11. | <p>I am loyal and love local shopping, eating, Dr's and services and I cannot pop to any of these business in under 1/2 hour. Please give locals 1hour free.</p> | <p>Noted. Not related to local law, however, first hour free re-introduced to all carparks, except Leederville. A system is being developed to enable rate payers first hour free in Leederville carparks.</p> |
| 12. | <p>I would like a residential parking permit made available (as requested) for apartment complexes as visitors are unable to park in the dedicated bays where squatters seem to reside. Understand limits will need to apply for event parking, but the pass should be used for normal days</p> | <p>This is dealt with under the City's Parking Permits Policy.</p> |
| 13. | <p>Is ridiculously bureaucratic and restrictive. Prohibits the scenario where I can, say, drive to leederville for breakfast, park and pay for a ticket to park, then on the same day, go to leederville for dinner and park and get a ticket to park (section 3.10 (3) I think). You're trying to curtail my social outings by saying I'm not allowed to park in the same parking facility twice in the same day.</p> | <p>Clause 3.10(3)(a) and (b) are read together. It was drafted with the intention that a person is not entitled to obtain free parking in a parking facility more than once in the same day. An amendment to clause 3.10(3) to clarify this and make this clearer has been made.</p> |

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| <p>14.</p> | <p>Actually enforce parking infringements EQUALLY.</p> <p>I am constantly seeing cars parked in right of ways with NO PARKING signs clearly displayed, and even after reporting on multiple occasions they do NOT get fined and the same cars park repeatedly. It is inconsistent and unfair. If that is the attitude of the City of Vincent then simply don't fine ANYONE. Don't just favour a few.</p> <p>Additionally as per the parking laws "A person must not stop a motorcycle in a parking bay or metered space unless (a) the bay or space is marked "M/C"; or (b) a sign applying to the bay or space is inscribed "M/C"."</p> <p>Again this is not enforced. There are consistently Motorcycles parked in car bays, especially on and around Angove St.</p> <p>So I repeat, it is pointless have a Parking Local Law if the City of Vincent just decides when and if it will enforce it. Might as well just create a document that says, "Parking will be regulated arbitrarily. If you park in a bay marked as no parking or marked for a different class of vehicle, you may or may not get an infringement. There is no point contacting the Ranger either, as we will leave it to our own discretion to act."</p> <p>There just a 2 line document. Problem solved.</p> <p>Frankly City of Vincent is a joke. And is clearly centred around favouritism.</p> | <p>Noted. Comment relates to enforcement which will be actioned by the City's Rangers.</p> |
| <p>15.</p> | <p>I think parking in driveways shouldn't be a problem. It takes one less car off the road. Same as with on verges. Some verges are modified as a car park.</p> <p>I think there should be a blanket 2 hour time limit on all parking in Vincent, unless signed posted otherwise. On Stirling Street in Highgate there are "rat</p> | <p>Stopping on or across a driveway is not permissible under the Road Traffic Code (Part 12 Division 6 regulation 166(2)). This is largely to do with ensuring that no obstruction of any footpath occurs. The same applies when parking on verges, ensuring that there are no obstructions to the footpath, to ensure safe pedestrian travel and access.</p> |

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| | <p>aces" who park there for the free parking and then head into work in the city.</p> | <p>Parking restrictions are implemented when/if required and largely based on occupancy surveys.</p> |
| 16. | <p>On behalf of Paddington Place regarding Visitor Parking, the wording currently prohibits owners and residents being booked. The wording needs to be amended in the parking law to reflect Strata Complexes so that if owners and tenants are parking incorrectly they can be fined.</p> | <p>This relates to clause 2.5 of the local law.</p> <p>Authorised parking in a strata complex, and the City's involvement in enforcing this, is adequately captured by clauses 2.5(2) and 2.5(3) of the local law as currently drafted.</p> <p>Clause 2.5(3) of the local law makes it an offence for "a person" to park contrary to the consent of an owner or occupier of land as specified in a sign.</p> <p>Visitor parking in a strata complex would form part of the common property, owned by all lot owners jointly and managed by the strata company on behalf of all lot owners. Arguably, an owner of an individual lot of the strata title scheme would be a "person" for the purpose of section 2.5(3) and could commit an offence for failing to comply with signs erected by the strata company on the common property of the strata complex.</p> <p>However, we note that the City can only enforce the local law if the sign adequately identifies who is entitled to park in the particular areas and there is evidence that the person who does park is not a permitted person. The adequacy of the signage is a matter for the strata company.</p> |
| 17. | <p>Currently we are not allowed to have vehicles infringed that belong to owners or tenants that park for days on end in the visitor parking at our complex. We pat the City of Vincent to manage this but they have no power because the current wording classifies them as authorised people when they are not. Please can the wording be amended so it refers to authorised people instead.</p> | <p>This relates to clause 2.5 of the local law.</p> <p>Authorised parking in a strata complex, and the City's involvement in enforcing this, is adequately captured by clauses 2.5(2) and 2.5(3) of the local law as currently drafted.</p> <p>Clause 2.5(3) of the local law makes it an offence for "a person" to park contrary to the consent of an owner or occupier of land as specified in a sign.</p> <p>Visitor parking in a strata complex would form part of the common property, owned by all lot owners jointly and managed by the strata company on behalf of all lot owners. Arguably, an owner of an individual lot of the strata title scheme would be a "person" for the purpose of section 2.5(3) and could commit an offence for</p> |

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| | | <p>failing to comply with signs erected by the strata company on the common property of the strata complex.</p> <p>However, we note that the City can only enforce the local law if the sign adequately identifies who is entitled to park in the particular areas and there is evidence that the person who does park is not a permitted person. The adequacy of the signage is a matter for the strata company.</p> |
| 18. | <p>I have 2 main concerns.</p> <p>1 is fining “stopping and parking” rather than just “parking”. The definition of “stop = has the meaning given in the code” doesn’t make sense, what “code” am I meant to refer to? Is stopping to let passengers out in a disable park for 30secs a finagle offences? Should these passengers be made to disembark in the middle of the road to avoid a fine? Clearer clarification on the definition of “stop/stopping” is required.</p> <p>2 fees going up. A perception of revenue raising in this cost of living crisis is not great for the city of vincent. Especially as during covid the rates went up, while other councils froze the rates.</p> | <p>Code is the Road Traffic Code 2000. This definition is included in the local law. Stopping to allow dropping off or picking up, is permissible.</p> <p>The penalties proposed are consistent with other local governments. The last penalty increase was in 2018.</p> |
| 19. | No additional comment. | Noted. |
| 20. | No additional comment. | Noted. |
| 21. | <p>Parents / carers should be able to park on the southern side of Richardson St out the front of Margaret Kindy for free between 8:30-9:10am and 2:30-3pm Mon - Fri.</p> <p>The vast majority of families at Margaret Kindy are rate payers so they should not have to pay to park in the safest bays that are closest to the kindy entrance.</p> <p>The allocated free bays in the Loftus carpark next to the kindy do not meet the required demand.</p> <p>Parents / carers should not have to park on the northern side of Richardson St or throughout the busy Loftus St carpark</p> | <p>Noted. Ample parking is available at the Loftus Centre carpark, and is free. Parking permits issued to the establishment are done so under the lease agreement.</p> <p>The penalties proposed are consistent with other local governments. The last penalty increase was in 2018.</p> |

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| <p>to obtain free parking when there are plenty of bays available on the southern side of Richardson St outside the kindy.</p> <p>The COV needs to realise the pressure and time constraints put upon families using the kindy, particularly when they have to try and get Pre Primary or Year 1 students into the Mount Hawthorn Primary School grounds beforehand.</p> <p>And also consider those families with much younger children that have to be pramed through the Loftus St carpark, or across busy Richardson St just so they can park freely while dropping of their kindy kid.</p> <p>Kindy parents / carers should not have to pay to park on the southern side of Richardson and they should not be fined for doing so. The bays on the southern side of Richardson St are the safest parking bays for families so why the COV insists on fining people during kindy drop off and pickup times astounds me & many other parents.</p> <p>This change could be adopted for free by keeping the current signage and just having the COV Rangers agree not to hand out fines in front of the kindy in the times stipulated. Yet year after year the COV keep fining our young families.</p> <p>Also, the amount of free permits given to the kindy teachers is not suffice. There are not enough given to cover the teachers, the EA's and to account for relief teachers. One teacher stipulated she had to move her car every 3 hours and another said she was fined even though she had a permit.</p> <p>Although my family is no longer using the kindy, it appalls me that the COV still expects families to pay for the safest car bays directly in front of the kindy.</p> | |
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| | <p>Finally in regards to fines, \$90 and up is exorbitant considering the hardships facing many families. I understand that the COV needs revenue, but please consider what some families would have to sacrifice if they were to be accidently fined. Surely \$40 would be enough of a penalty and warning to most motorists. It's a shame that the city has made parking harder for its residents in the hope that they will slip up, be fined and raise revenue.</p> | |
| 22. | <p>Seems to be focused on gathering more revenue from people rather than encouraging and facilitating people visiting the area and enabling residents to move around the city. This is reinforced by the fact that parking rangers have revenue targets and that a defined level of revenue from parking fines is detailed in the budget. A focus on providing service would be more appreciated rather than grabbing revenue at every possible opportunity!</p> | <p>The penalties proposed are consistent with other local governments. The last penalty increase was in 2018. Rangers do not have infringement quotas to meet. Enforcement is based on ensuring a parking environment is responsive to community needs.</p> |
| 23. | <p>No additional comments.</p> | <p>Noted.</p> |