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## TOWN OF MOSMAN PARK

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DOG ACT 1976

### DOGS LOCAL LAW 2012

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HEALTH ACT 1911

### HEALTH AMENDMENT LOCAL LAW 2012

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LOCAL GOVERNMENT ACT 1995

### REPEAL LOCAL LAW 2012

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### PARKING AND PARKING FACILITIES LOCAL LAW 2012



**LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976**

TOWN OF MOSMAN PARK

**DOGS LOCAL LAW 2012**

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**SCHEDULE 1**

**LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976**

TOWN OF MOSMAN PARK

**DOGS LOCAL LAW 2012**

Under the powers conferred by section 49 of the *Dog Act 1976*, Subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Mosman Park resolved on 18 December 2012 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Town of Mosman Park Dogs Local Law 2012*.

**1.2 Commencement**

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

**1.3 Repeal**

*The Municipality of the Town of Mosman Park By-Law Relating to Dogs* published in the *Government Gazette* on 12 November 1993 and as amended and published in the *Government Gazette* on 31 March 1994, 19 July 1996 and 7 August 1998 is repealed.

**1.4 Definitions**

In this local law unless the context otherwise requires—

*Act* means the *Dog Act 1976*;

*authorised person* means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

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

*dangerous dog* means a dog which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog;

*district* means the district of the local government;

*food business* has the same meaning as in the *Food Act 2008*;

*local government* means the Town of Mosman Park;

*owner* has the same meaning as in the Act;

*person liable for the control of the dog* has the same meaning as in the Act;

*pound keeper* means a person authorised by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

*premises* has the same meaning as in the Act;

*Regulations* means the *Dog Regulations 1976*;

*thoroughfare* has the meaning given to it in section 1.4 of the *Local Government Act 1995*;

*town planning scheme* means a town planning scheme made by the local government under the *Planning and Development Act 2005* which applies throughout the whole or a part of the district; and

*townsite* has the same meaning as in the Act.

**1.5 Application**

This local law applies throughout the district.

**PART 2—IMPOUNDING OF DOGS**

**2.1 Charges and costs**

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

## 2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the Chief Executive Officer.

## 2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the Chief Executive Officer.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—

- (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
- (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

## 2.4 No breaking into or destruction of pound

A person who—

- (a) unless he or she is the pound keeper or a person authorised to do so, releases or attempts to release a dog from a pound; or
- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
  - (i) any pound; or
  - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,
 commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

## PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

### 3.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
- (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

### 3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

## PART 4—DOGS IN PUBLIC PLACES

### 4.1 Places where dogs are prohibited absolutely

(1) Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*, dogs are prohibited absolutely from entering or being in any of the following places—

- (a) a public building, unless permitted by a sign;
- (b) a theatre or picture gardens;
- (c) a food business registered under the *Food Act 2008*;
- (d) a public swimming pool; and
- (e) the following beaches, reserves and freehold land—
  - (i) Bay View Park—Lower (east of footpath);
  - (ii) Minim Cove Bush Block (fenced area);
  - (iii) Nash Field being Lot 89 of Reserve No. 1840;
  - (iv) Jabe Dodd Park being all that area of Reserve No. A1634 east and south of the continuation of Johnston Parade where it passes through Reserve No. A1634.

- (v) Section of Minim Cove Reserve located south of the cliff face which forms part of the area known as recreational reserves 1630, 1631, 31156, 31157, 17102 and portion of closed road bounded by Reserve 36788.

(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

#### 4.2 Places which are dog exercise areas

(1) For the purposes of sections 31 and 32 of the Act, the following are dog exercise areas—

- (a) Bay View Park—Upper including all of the grassed area located at the southern end, being all that area identified as Reserve No. A1666 and Reserve No. 8369 west of footpath extending to along the cliff face in a south easterly direction to the eastern end of the constructed Chine Place;
- (b) E G Smith Field being all that portion of Reserve No. A25466 contained within a line commencing at northwest corner of the Reserve and proceeding eastward for a distance of 100 metres along the northern boundary of the reserve then southward parallel to the western boundary of the Reserve to a point where it intersects with the elongation eastward of the southern boundary of Samson Street, Mosman Park, then westward along that elongation to the western boundary of the Reserve then northwards along the western boundary to the northwest corner of the Reserve;
- (c) Genders Park being recreational Reserve No. 32588 and bounded by McCabe Street in the south west and Beagle Street to the north;
- (d) Memorial Park being all that portion of Reserve No. A1634 west of the western boundary of Bay View Terrace, Mosman Park;
- (e) Minim Cove Park being recreational Reserves A1631, 31157, 31156, A1630, Reserve No. 17102 and portion of closed road bounded by Reserve No. 36788;
- (f) Mosman Beach Reserve being that section of recreational Reserve No. 18016 within the boundaries of the Town of Mosman Park west of the western boundary of Curtin Avenue;
- (g) Rope Works Park being recreational Reserve No. A38300 on the corner of Rope Walk and Village Place shown as Mosman Park Lots 632 and 633;
- (h) Stringfellow Park being the whole of recreational Reserve No. 33847 described as North Fremantle Lot 396;
- (i) Point Roe Park being the whole of recreational Reserve No. 45666

(2) Subclause (1) does not apply to—

- (a) land which has been set apart as a children's playground; and
- (b) a car park.

#### 4.3 Places which are dog exercise areas—restricted

(1) For the purposes of sections 31 and 32 of the Act, the following are dog exercise areas unless the area is being used for sporting and other activities, as permitted by the local government, during the times of such use—

- (a) Davis Oval being all that area of Reserve No. A1840 north of the elongation east of the northern boundary of Reserve No. 22633;
- (b) Tom Perrot Reserve being all that area of Reserve No. 36788;
- (c) Mann Oval being all that area of Reserve No. 17986 (except between 8:00 am and 5:00 pm).

(2) Subclause (1) does not apply to—

- (a) land which has been set apart as a children's playground;
- (b) a car park.

(3) Whether or not in a dog exercise area, a dog must at all times, in the opinion of an authorised person, be under effective control of the person liable for the control of the dog.

(4) Whether or not in a dog exercise area, a dog shall not be a nuisance either of itself or together with other dogs whether or not in the same ownership.

(5) A dog shall be taken to be a nuisance for the purposes of subsection (4) if it behaves in a manner, which has a disturbing effect on the state of reasonable physical, mental or social wellbeing of a person.

(6) Where it is shown that a dog is not under effective control in contravention of subsection (3) or the dog is a nuisance in contravention of subsection (4) the person liable for control of the dog commits an offence.

**Maximum Penalty:** Dangerous Dog, \$2,000, otherwise, \$1,000

### PART 5—MISCELLANEOUS

#### 5.1 Offence to excrete

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

**Penalty:** \$1,000.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

## PART 6—ENFORCEMENT

### 6.1 Interpretation

In this Part—

*infringement notice* means the notice referred to in clause 6.3; and

*notice of withdrawal* means the notice referred to in clause 6.6(1).

### 6.2 Modified penalties

(1) The offences contained in Schedule 1 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence if—

(a) the dog is not a dangerous dog; or

(b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

### 6.3 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

### 6.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

### 6.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

### 6.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorised to issue an infringement notice under clause 6.3 cannot sign or send a notice of withdrawal.

### 6.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

## Schedule 1

### OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

(clause 6.2)

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.4	Breaking into or destruction of pound	200	400
3.1	Failing to provide means for effectively confining a dog	100	200
4.1(2)	Dog in place from which prohibited absolutely	200	400

<b>Offence</b>	<b>Nature of offence</b>	<b>Modified penalty \$</b>	<b>Dangerous Dog Modified Penalty \$</b>
4.3(3)	Failure to effectively control a dog in a designated dog exercise area	200	400
4.3(4)	Dog creating a nuisance in a designated dog exercise area	200	400
5.1(2)	Dog excreting in public place	250	

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Dated 20 December 2012.

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

RONALD A. NORRIS, Mayor.  
KEVIN POYNTON, Chief Executive Officer.

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**HEALTH ACT 1911  
LOCAL GOVERNMENT ACT 1995**

TOWN OF MOSMAN PARK

**HEALTH AMENDMENT LOCAL LAW 2012**

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Mosman Park resolved on the *18 December 2012* to make the following local law.

**1. Citation**

This local law may be cited as the *Town of Mosman Park Health Amendment Local Law 2012*.

**2. Commencement**

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

**3. Application**

This local law applies throughout the district.

**4. Principal local law**

In this local law the *Town of Mosman Park Health Local Laws 1995* as published in the *Government Gazette* on 9 September 1996, is referred to as the principal local law. The principal local law is amended.

**5. Table of Contents amended**

The Table of Contents is amended as follows—

- (a) the heading *Division 4—Keeping of Poultry and Pigeons* in PART 5—NUISANCES AND GENERAL is amended by deleting all of the words after the word “*Poultry*” and inserting “, *Pigeons and Parrots*”;
- (b) after Clause 70 insert new headings as follows—
  - (i) “70A Parrots”; and
  - (ii) “70B Nuisance caused by birds”.

**6. Heading amended**

The heading immediately before clause 67 is amended by deleting all of the words after the word “*Poultry*” and inserting “, *Pigeons and Parrots*”;

**7. Clause 67 amended**

- (a) Delete all the words in the interpretation “*Affiliated Person*” and insert the words “means a person who is a member of a properly constituted poultry and pigeon club.”
- (b) In alphabetical order of the terms being interpreted insert the following interpretations—

“**“nuisance”** means—

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

“**“parrots”** includes parrots, cockatoos, galahs, corellas and the like.”; and

“**“unreasonable noise”** has the meaning given to it by the *Environmental Protection Act 1986*.”.

**8. Clause 69 amended**

- (a) The heading is amended by adding after the word “*Poultry*” the words “and *Pigeons*”;
- (b) In subclause 1(a) delete the figure “15” and insert “6”;
- (c) Delete subclause 1(c);

- (d) Amend subclauses “1(d)” and “1(e)” to read “1(c)” and “1(d)” respectively; and
- (e) In new subclause 1(c) delete the figure “15” and insert “6”.

#### **9. New clauses inserted**

The principal local law is amended by inserting after Clause 70 the following—

##### **“Parrots**

70A A person who keeps, or permits to be kept parrots shall ensure that—

- (a) Parrots are not permitted to approach within 6 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) Subject to subclause (c), cages are to be located at least 6 metres from any dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold and 1.2 metres from the boundary of adjoining properties;
- (c) The approval of the Principal Environmental Health Officer is to be obtained before a cage is kept closer than 6 metres. Such approval will be granted subject to conditions specific to the property in which the parrots are located and surrounding properties;
- (d) All cages shall be kept in a clean condition to the satisfaction of the Principal Environmental Health Officer.

##### **Nuisance caused by birds**

70B (1) An owner or occupier of land shall not keep any bird or birds which—

- (a) are or create a nuisance; or
- (b) emit an unreasonable noise.

(2) The Principal Environmental Health Officer may direct the owner or occupier to remove any bird or birds that are or create a nuisance and/or emits an unreasonable noise.”

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Dated 20 December 2012,

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

RONALD A. NORRIS, Mayor.  
KEVIN F. POYNTON, Chief Executive Officer.

Consented to—

Dr TARUM WEERAMANTHRI, Executive Director Public Health.

Dated this 9th day of January 2012.

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**LOCAL GOVERNMENT ACT 1995**

## TOWN OF MOSMAN PARK

**REPEAL LOCAL LAW 2012**

Under the powers conferred by subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Mosman Park resolved on the 18 December 2012 to make the following local law.

**1 Citation**

This local law may be cited as the *Town of Mosman Park Repeal Local Law 2012*.

**2 Commencement**

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

**3 Repeal**

The following local laws are repealed—

**3.1 Local laws made by the Cottesloe Beach Road Board—**

- (a) *Cottesloe Beach Road Board By-law relating to goats* published in the *Government Gazette* of 25 June 1915;
- (b) *Cottesloe Beach Road Board By-laws relating to a scale of fees* published in the *Government Gazette* of 1 December 1916;
- (c) *Cottesloe Beach Road Board By-law relating buildings* published in the *Government Gazette* of 19 December 1919;
- (d) *Cottesloe Beach Road Board By-laws relating to goats* published in the *Government Gazette* of 26 November 1920;
- (e) *Cottesloe Beach Road Board By-laws relating to fees and charges* published in the *Government Gazette* of 20 January 1922;
- (f) *Cottesloe Beach Road Board By-laws relating to Hawking Charges* published in the *Government Gazette* of 4 April 1924;
- (g) *Cottesloe Beach Road Board By-laws relating to Scale of Building Fees* published in the *Government Gazette* of 25 June 1926.

**3.2 Local laws made by the Buckland Hill Road Board—**

- (a) *Buckland Hill Road Board River Foreshore By-laws* published in the *Government Gazette* of 6 April 1934;
- (b) *Buckland Hill Road Board By-laws* published in the *Government Gazette* of 10 August 1934 on pages 1124 to 1136 and as amended and published in the *Government Gazettes* of 24 September 1937, 16 September 1938 and 27 September 1940.

**3.3 Local laws made by the Mosman Park Road Board—**

- (a) *Mosman Park Road Board By-laws* published in the *Government Gazette* of 25 February 1938 on pages 274 to 275 and as amended and published in the *Government Gazettes* of 27 September 1940, 16 May 1941, 6 October 1944, 29 August 1947 and 24 October 1947;
- (b) *Mosman Park Road Board By-law Requiring Removal of Refuse, etc* published in the *Government Gazette* of 25 March 1960;
- (c) *Mosman Park Road Board Uniform By-law for the Construction of Television Masts and Antennae* published in the *Government Gazette* of 29 July 1960.

**3.4 Local laws made by the Town of Mosman Park—**

- (a) *Town of Mosman Park Local Government Model By-laws (Motels) No. 3* published in the *Government Gazette* of 18 April 1962 and as amended and published in the *Government Gazette* of 31 October 1968;
- (b) *Town of Mosman Park Local Government Model By-laws (Caravan Parks) No. 2* published in the *Government Gazette* of 18 April 1962.

Dated 20 December 2012.

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

RONALD A. NORRIS, Mayor.  
KEVIN F. POYNTON, Chief Executive Officer.

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**LOCAL GOVERNMENT ACT 1995**

## TOWN OF MOSMAN PARK

**PARKING AND PARKING FACILITIES LOCAL LAW 2012**

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## LOCAL GOVERNMENT ACT 1995

## TOWN OF MOSMAN PARK

## PARKING AND PARKING FACILITIES LOCAL LAW 2012

Under the powers conferred by subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Mosman Park resolved on 18 December 2012 to make the following local law.

## PART 1—DEFINITIONS AND OPERATION

## 1.1 Citation

This local law may be cited as the *Town of Mosman Park Parking and Parking Facilities Local Law 2012*.

## 1.2 Commencement

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

## 1.3 Repeal

The *Town of Mosman Park Parking and Parking Facilities Local Law* published in the *Government Gazette* on 23 November 2000 and as amended and, published in the *Government Gazette* on 27 December 2002 is repealed.

## 1.4 Interpretation

In this local law unless the context otherwise requires—

**ACROD sticker** has the meaning given to it by the Code;

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

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

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

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

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

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

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

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

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

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

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

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

(a) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

(b) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

**children's crossing** has the meaning given to it by the Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**no parking area** has the meaning given to it by the Code;

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

**no stopping area** has the meaning given to it by the Code;

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

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

**owner—**

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

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

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

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

**parking facilities** includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles and signs, notices and facilities used in connection with the parking of vehicles;

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

**parking stall** means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

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

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

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

**reserve** means any land—

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

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

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

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

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

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

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

**symbol** includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

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

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

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

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

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

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

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

### 1.5 Application of Particular Definitions

(1) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

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

### 1.6 Application and pre-existing signs

(1) Subject to subclause (2), this local law applies to the parking region.

(2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.

(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

(4) Where a parking facility or a parking station is identified in Schedule 4, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

(5) A sign that—

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
- (b) relates to the parking of vehicles within the parking region,

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

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

(7) The provisions of Parts 2, 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

### 1.7 Classes of vehicles

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

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

### 1.8 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

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

### 1.9 Powers of the local government

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

**PART 2—PARKING STALLS AND PARKING STATIONS****2.1 Determination of parking stalls and parking stations**

- (1) The local government may by resolution constitute, determine and vary—
  - (a) parking stalls;
  - (b) parking stations;
  - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
  - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
  - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
  - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.

**2.2 Vehicles to be within parking stall on thoroughfare**

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—
  - (a) parallel to and as close to the kerb as is practicable;
  - (b) wholly within the stall; and
  - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.

**2.3 Parking prohibitions and restrictions**

- (1) A person shall not—
  - (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
  - (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
  - (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
  - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle—
  - (a) in a parking stall other than in a stall marked 'M/C'; and
  - (b) in such stall other than against the kerb.
- (3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—
  - (a) the driver's vehicle displays an ACROD sticker; and
  - (b) a person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

**PART 3—PARKING GENERALLY****3.1 Restrictions on parking in particular areas**

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—
  - (a) if by a sign it is set apart for the parking of vehicles of a different class;
  - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
  - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) (a) This subclause applies to a driver if—
  - (i) the driver's vehicle displays an ACROD sticker; and
  - (ii) a person with a disability to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
- (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.
- (3) A person shall not park a vehicle—
  - (a) in a no parking area;

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

### 3.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking stall shall park it—
- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway; and
  - (d) so that it does not obstruct any vehicle on the carriageway.

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

- (2) In this clause, 'continuous dividing line' means—
- (a) a single continuous dividing line only;
  - (b) a single continuous dividing line to the left or right of a broken dividing line; or
  - (c) 2 parallel continuous dividing lines.

### 3.3 When parallel and right-angled parking apply

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

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

### 3.4 When angle parking applies

- (1) This clause does not apply to—
- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
  - (b) a person parking either a motor cycle without a trailer or a bicycle.
- (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

### 3.5 General prohibitions on parking

- (1) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is—
- (a) between any other stationary vehicles and the centre of the carriageway;
  - (b) on or adjacent to a median strip;
  - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
  - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
  - (f) on any footpath or pedestrian crossing;
  - (g) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
  - (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
  - (i) 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;

- (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.

(4) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
- (b) a children's crossing or pedestrian crossing.

(5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of—

- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a children's crossing or pedestrian crossing.

(6) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

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

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

### **3.7 Authorised person may mark tyres**

(1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

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

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

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.

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

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

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

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

### **3.10 Parking on private land**

(1) In this clause a reference to 'land' does not include land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*;
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;
- (d) which is the subject of an agreement referred to in clause 1.6(2); or
- (e) which is identified in Schedule 4.

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

(3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

### **3.11 Parking on reserves**

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

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

(1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

(2) Where permission is granted under subclause (1), the local government, the CEO or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

**3.13 Parking on verges**

(1) A person shall not—

- (a) park a commercial vehicle having a tare in excess of 2,000 kilograms, or a heavy vehicle or a bus, or a trailer or caravan unattached to a motor vehicle; or
- (b) park a vehicle during any period when the parking of vehicle 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 a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.

**PART 4—PARKING AND STOPPING GENERALLY****4.1 No stopping and no parking signs, and yellow edge lines**

(1) A driver shall not stop on a length of carriageway, or in an area, to which a ‘no stopping’ sign applies.

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

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

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

(3) A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

**PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES****5.1 Stopping in a loading zone**

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

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

but, in any event, shall not remain in that loading zone—

- (c) for longer than a time indicated on the ‘loading zone’ sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

**5.2 Stopping in a taxi zone or a bus zone**

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

(2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the ‘bus zone’ sign applying to the bus zone.

**5.3 Stopping in a mail zone**

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

**5.4 Other limitations in zones**

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

**PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED****6.1 Stopping in a shared zone**

A driver shall not stop in a shared zone unless—

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;

- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

### **6.2 Double parking**

(1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.

(2) This clause does not apply to—

- (a) a driver stopped in traffic; or
- (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

### **6.3 Stopping near an obstruction**

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

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

(1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless—

- (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
- (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

(2) A driver shall not stop a vehicle in a tunnel or underpass unless—

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

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

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

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

(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

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

(2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

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

(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—

- (a) the vehicle is a public bus stopped to take up or set down passengers; or
- (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

(2) In this clause—

- (a) distances are measured in the direction in which the driver is driving; and
- (b) a trailer attached to a public bus is deemed to be a part of the public bus.

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

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

### **6.9 Stopping on verge**

(1) A person shall not—

- (a) stop a vehicle (other than a bicycle);
- (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
- (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

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

(1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless—

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

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

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

#### **6.11 Stopping near a letter box**

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

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

#### **6.12 Stopping on a carriageway—heavy and long vehicles**

(1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

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

(2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

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

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

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

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

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

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

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

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

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

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

### **PART 7—RESIDENTIAL PARKING PERMITS**

#### **7.1 Residential parking permit**

(1) Subject to subclause (2), one residential parking permit may be issued for each lot fronting the thoroughfare.

(2) A person may apply for a second residential parking permit for each lot fronting the thoroughfare.

(3) An application for a permit shall be made in the form determined by the local government.

(4) The local government may in respect of an application for a permit for the purpose of subclause (1) or (2)—

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

(5) Where the local government makes a decision under paragraph (a) or (b) of subclause (4), it shall issue a permit in the form determined by it to the person who applied for the permit.

(6) A permit issued for the purpose of subclause (1) or subclause (2) will be an annual permit, issued for a period not exceeding 1 year and expiring on 31 December in the year of issue.

(7) Every permit issued for the purpose of subclause (1) or subclause (2) is to specify—

- (a) a permit number
- (b) the name of the thoroughfare to which the exemption granted by clause 7.2 applies; and
- (c) the date on which it expires.

### **7.2 Conditions of exemption for residential parking permits**

Where parking of a vehicle on any part of a thoroughfare within the district is prohibited for more than a specified time, the holder of a permit issued under clause 7.1 is exempted from such prohibitions if—

- (a) the vehicle is parked on a thoroughfare or portion of a thoroughfare specified in the permit, but not adjacent to retail premises where the parking of all vehicles is subject to a time restriction;
- (b) the permit is displayed in the vehicle in a prominent position;
- (c) the period in respect of which the permit was issued has not expired; and
- (d) if the holder of the permit at the time of parking the vehicle still resides at the lot in respect of which the permit was issued.

### **7.3 Removal and cancellation of residential parking permit**

The holder of a permit issued under clause 7.1 who changes residence shall no longer display the permit in a vehicle, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.

## **PART 8—MISCELLANEOUS**

### **8.1 Removal of notices on vehicle**

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

### **8.2 Unauthorised signs and defacing of signs**

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

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

### **8.3 Signs must be complied with**

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

### **8.4 General provisions about signs**

(1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.

(2) The first three letters of any day of the week when used on a sign indicate that day of the week.

### **8.5 Special purpose and emergency vehicles**

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

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

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

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

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

**PART 9—PENALTIES****9.1 Offences and penalties**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

**9.2 Form of notices**

For the purposes of this local law—

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

*Schedule 1***PARKING REGION**

The parking region is the whole of the district, but excludes the following portions of the district—

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

*Schedule 2***PRESCRIBED OFFENCES**

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1	2.2	Failure to park wholly within parking stall	75
2	2.2(4)	Failure to park wholly within parking area	75
3	2.3(1)(a)	Causing obstruction in parking station	125
4	2.3(1)(b)	Parking contrary to sign in parking station	75
5	2.3(1)(c)	Parking contrary to directions of authorised person	75
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	75
7	3.1(1)(a)	Parking wrong class of vehicle	75
8	3.1(1)(b)	Parking by persons of a different class	75
9	3.1(1)(c)	Parking during prohibited period	100
10	3.1(3)(a)	Parking in no parking area	100
11	3.1(3)(b)	Parking contrary to signs or limitations	75
12	3.1(3)(c)	Parking vehicle in motor cycle only area	75
13	3.1(4)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100
14	3.2(1)(a)	Failure to park on the left of two-way carriageway	100
15	3.2(1)(b)	Failure to park on boundary of one-way carriageway	100

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
16	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	100
17	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
18	3.2(1)(d)	Causing obstruction	125
19	3.3(b)	Failure to park at approximate right angle	75
20	3.4(2)	Failure to park at an appropriate angle	75
21	3.5(2)(a) and 6.2	Double parking	125
22	3.5(2)(b)	Parking on or adjacent to a median strip	100
23	3.5(2)(c)	Denying access to private drive or right of way	125
24	3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	125
25	3.5(2)(e)	Parking within 10 metres of traffic island	125
26	3.5(2)(f)	Parking on footpath/pedestrian crossing	125
27	3.5(2)(g)	Parking contrary to continuous line markings	125
28	3.5(2)(h)	Parking on intersection	125
29	3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	125
30	3.5(2)(j)	Parking within 3 metres of public letter box	75
31	3.5(2)(k)	Parking within 10 metres of intersection	125
32	3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	125
33	3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	125
34	3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	125
35	3.6	Parking contrary to direction of authorised person	75
36	3.7(2)	Removing mark of authorised person	125
37	3.8	Moving vehicle to avoid time limitation	125
38	3.9(a)	Parking in thoroughfare for purpose of sale	75
39	3.9(b)	Parking unlicensed vehicle in thoroughfare	75
40	3.9(c)	Parking a trailer/caravan on a thoroughfare	75
41	3.9(d)	Parking in thoroughfare for purpose of repairs	75
42	3.10(1) or (2)	Parking on land that is not a parking facility without consent	75
43	3.10(3)	Parking on land not in accordance with consent	75
44	3.11	Driving or parking on reserve	125
45	3.13 (1)	Parking unattached trailer or caravan on verge	75
46	4.1(1)	Stopping contrary to a 'no stopping' sign	125
47	4.1(2)	Parking contrary to a 'no parking' sign	125
48	4.1(3)	Stopping within continuous yellow lines	125
49	5.1	Stopping unlawfully in a loading zone	100
50	5.2	Stopping unlawfully in a taxi zone or bus zone	100
51	5.3	Stopping unlawfully in a mail zone	75
52	5.4	Stopping in a zone contrary to a sign	75
53	6.1	Stopping in a shared zone	75
54	6.3	Stopping near an obstruction	125
55	6.4	Stopping on a bridge or tunnel	125
56	6.5	Stopping on crests/curves etc	125
57	6.6	Stopping near fire hydrant	125
58	6.7	Stopping near bus stop	125
59	6.8	Stopping on path, median strip or traffic island	125
60	6.9	Stopping on verge	75
61	6.10	Obstructing path, a driveway etc	125

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
62	6.11	Stopping near letter box	75
63	6.12	Stopping heavy or long vehicles on carriageway	125
64	6.13	Stopping in bicycle parking area	75
65	6.14	Stopping in motorcycle parking area	75
66	6.15	Stopping in disabled parking area	500
67	7.3	Failure to remove permit when residence changed	75
68	7.6	Leaving vehicle so as to obstruct a public place	125
69		All other offences not specified	75

**Schedule 3**

**Forms**

Form 1

**NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Date ..... / ..... / .....

To: (1).....

of: (2).....

It is alleged that on ...../...../..... at (3) .....

at (4) ..... your vehicle—

make: .....

model: .....

registration: .....

was involved in the commission of the following offence—

.....  
 .....  
 .....

contrary to clause ..... of the **Parking and Parking Facilities Local Law 2012**.

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

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

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

(i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and

(ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

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

(5) .....

(6).....

Insert—

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorised person
- (6) Name and title of authorised person giving notice

Form 2
INFRINGEMENT NOTICE

Serial No .....
Date ..... / ..... / .....

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

.....
.....
.....

contrary to clause ..... of the Parking and Parking Facilities Local Law 2012.
The modified penalty for the offence is \$ .....

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

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

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

(6) .....
(7) .....

- Insert—
(1) Name of alleged offender or 'the owner'
(2) Address of alleged offender
(3) Time of alleged offence
(4) Location of alleged offence
(5) Place where modified penalty may be paid
(6) Signature of authorised person
(7) Name and title of authorised person giving notice

Form 3
INFRINGEMENT NOTICE

Serial No .....
Date ..... / ..... / .....

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

.....
.....
.....

contrary to clause ..... of the Parking and Parking Facilities Local Law 2012.
The modified penalty for the offence is \$ .....

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

Unless within 28 days after being served with this notice—

- (a) you pay the modified penalty; or
- (b) you—
  - (i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
  - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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

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

- (6) .....
- (7) .....

Insert—

- (1) Name of owner or ‘the owner’
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

Form 4

**WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No .....

Date ..... / ..... / .....

To: (1).....  
of: (2).....

Infringement Notice No. .... dated ..... / ..... / .....

in respect of vehicle—

make: .....

model: .....

registration: .....

for the alleged offence of .....

has been withdrawn.

The modified penalty of \$ .....

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.
- delete as appropriate.

- (3) .....
- (4) .....

Insert—

- (1) Name of alleged offender to whom infringement notice was given or ‘the owner’.
- (2) Address of alleged offender.
- (3) Signature of authorised person
- (4) Name and title of authorised person giving notice

*Schedule 4*  
**DEEMED PARKING STATIONS**

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Dated: 20 December 2012.

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

RONALD A. NORRIS, Mayor.  
KEVIN POYNTON, Chief Executive Officer.

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