

Obstructing footway, driveway etc Traffic Infringement Information Sheet

Road Rule 198

- (1) A driver must not stop on a road in a position that obstructs access by vehicles or pedestrians to or from a footpath ramp or a similar way of access to a footpath, or a bicycle path or passageway unless—
 - (a) the driver is driving a public bus that is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under the Road Rules.
- (2) A driver must not stop on or across a driveway or other way of access for vehicles traveling to or from adjacent land unless—
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under the Road Rules.

What this means to you

You can not park your vehicle on a footpath under any circumstances. Parking on a footway can obstruct the view of drives entering and exiting their driveways as well as causing damage to amenity connections such as water and electricity connections which run under the nature strip as well as obscuring pedestrian vision.

You must not park on or across your own or another persons' driveway, or so close to the driveway that you stop a vehicle from driving in or out. When you park in a driveway, you must not block the footpath.

Internal Review of your Infringement

If you believe you have extenuating circumstances regarding the issuing of an infringement notice, you must write to us within 28 days of the issue date on the ticket to avoid incurring additional costs. Please ensure that when explaining your situation you include any supporting evidence that you may have.

It is Council's standard practice to investigate all appeals, including verification of evidence and witness statements. All decisions are Final and will be notified in writing.

Defences listed in the Road Rules

Rule 165 of the Road Rules allows for defences, when a driver stops to avoid a collision; when a driver's vehicle is broken down; where there is a medical or other type of emergency; when a driver stops in the interests of safety; or when a driver stops to comply with another law.

When using any of these defences the types of supporting evidence you should provide would include a full description of the situation including a sworn statement from any witnesses, a sketch or photograph of the scene, receipts from a towing company, mechanic or the RACV showing dates and times; or a doctor certificate, etc.

Defences that will not be considered

Defences that council do not consider as extenuating circumstances include, drivers running late or held up in appointments; drivers not seeing signs displayed; driver running out of fuel; drivers forgetting to display their parking permit; being broken down without supporting information; and the inability to pay, however circumstances may be considered.

The decision making process

1. Appeal - All Internal Reviews of parking infringements are considered by the Appeals committee, Darebin Traffic Services.

2. Magistrates Court - If an appellant is not happy with the decision, they may elect to have their case heard in the Magistrates Court where it will be considered by an independent arbitrator. All appellants have the option to elect for their case to be heard in the Magistrates Court at any time.