

# LOCAL GOVERNMENT ACT 1995

## TOWN OF COTTESLOE

### PARKING AND PARKING FACILITIES LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Cottesloe resolved on [insert date] to make the following local law.

#### PART 1 - PRELIMINARY

##### 1.1 Title

This is the Town of Cottesloe *Parking and Parking Facilities Local Law 2023*.

##### 1.2 Commencement

This local law comes into operation 14 days after the date on which it is published in the Government Gazette.

##### 1.3 Purpose and Effect

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

##### 1.4 Repeal

The *Town of Cottesloe Parking and Parking Facilities Local Law 2009* published in the *Government Gazette* on 10 July 2009 is repealed.

##### 1.5 Terms Used

In this local law unless the context otherwise requires –

*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 authorized person under this local law;

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

*bicycle* 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 stop** has the meaning given in the Code;

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

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

**carriageway** means –

- (a) a portion of a 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
- (b) where a thoroughfare has 2 or more of those portions divided by a median strip, - each of those portions, separately;

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

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

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

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

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

**commercial vehicle** means –

- (a) 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 –
  - (i) a trailer or vehicle to which a trailer is attached; or
  - (ii) a motor vehicle for the conveyance of passengers, and
- (b) 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;

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

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

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

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

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

***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 in the Code;

***employee*** means an employee of the local government;

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

***GVM*** (Gross Vehicle Mass) means the maximum loaded weight of a rigid vehicle while driving on the road;

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

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

***loading zone*** means a parking stall to which a loading zone sign applies;

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

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

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

***metered stall*** means a parking stall in a metered zone;

***metered zone*** means a road or reserve in respect of which a parking meter regulates the parking of vehicles;

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

***motor vehicle*** –

- (a) means a self-propelled vehicle that is not operated on rails; and
- (b) 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 in the Code;

***no parking sign*** means a sign with –

- (a) the words ‘no parking’ in red letters on a white background; or

- (b) 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 in the Code;

***no stopping sign*** means a sign with –

- (a) the words ‘no stopping’ or ‘no standing’ in red letters on a white background; or
- (b) 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*** means –

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, means the person in whose name the vehicle has been registered under that 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*** has the meaning given in the Code;

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

***parking facilities*** includes –

- (a) land, thoroughfare, reserves, buildings, shelters, parking stations, metered zones, metered stalls, ticket machine zones, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

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

***parking permit*** or ***permit***, means a parking permit issued under this local law;

***parking region*** means the area to which this local law applies, as described in clause 1.3;

***parking stall*** means a section or part of a road, reserve or parking station that is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices in a way that indicates where a vehicle may be parked;

***parking station*** means any land, building or other structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered stall;

***parking ticket*** means a ticket, whether printed or electronic, that is –

- (a) issued from a ticket issuing machine or a ticket issuing device;
- (b) authorises the parking of a vehicle in a parking stall or a parking station or part of the parking station; and
- (c) includes the date and time that the authorisation expires, whether or not the payment of a fee is required;

***pay station*** means a machine or device that, after receipt of the payment of the parking fee in respect of a vehicle, either –

- (a) issues a ticket to activate an exit barrier of the parking station; or
- (b) otherwise enables the exit barrier of the parking station to be activated, so as to enable egress of the vehicle from the parking station;

***path*** has the meaning given in the Code;

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

***people with disabilities parking sign*** has the meaning given in the Code;

***permissive parking sign*** means a sign inscribed with –

- (a) the word ‘parking’, but excludes a sign inscribed with the words ‘no parking’; or
- (b) the letter ‘P’ with any arrow, figure, letter or words in green;

***permitted*** means permitted under this local law or by the local government, the CEO or an authorised person;

***public bus*** has the meaning given to it in 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;

***residential parking permit*** means a permit of that description issued by the local government under Part 8;

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

- (a) shown and marked ‘Right of Way’ or ‘R.O.W’, or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*;

but does not include –

- (d) a private driveway; or
- (e) a right of way created by easement between two parties;

**road** means a thoroughfare that is open to, or used by, the public;

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

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

**sign** includes a traffic sign, inscription, road marking, mark, structure or device on which may be shown words, numbers, expressions or symbols, that is –

- (a) approved by the local government or by the CEO; and
- (b) 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 in the Code;

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

**symbol** includes any symbol specified by Australian Standard 1742.11-2016 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 includes a reference to the corresponding symbol;

**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 issuing device** means a mobile device that, as a result of a payment, issues a parking ticket;

**ticket issuing machine** means a machine that, as a result of a payment, issues a parking ticket;

***ticket issuing machine zone*** means a parking station, or any other road or reserve, in respect of which a ticket issuing machine is installed to regulate parking in parking stalls;

***traffic island*** has the meaning given in the Code;

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

***truck*** means a vehicle that has a load capacity exceeding 1,000 kilograms;

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

***unexpired parking ticket*** means a ticket, whether paper or electronic, on which a date and expiry time is printed or displayed, and that time has not expired;

***vehicle*** has the meaning given in the *Road Traffic (Administration) Act 2008*;

***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.

## **1.6 Application of particular terms**

In applying 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 sign was turned at an angle of less than 90 degrees until parallel with the boundary.

- (1) A reference to a word or expression on a sign includes a reference to a symbol depicting that word or expression.
- (2) Where a term is used but not defined in this local law, and that term is defined in the *Road Traffic (Administration) Act 2008* or in the Code, then unless the context otherwise requires, the term is to have the meaning given to it in that act or the Code.
- (3) A reference to a thoroughfare, road, reserve, parking station, parking facility or parking zone includes a reference to any part of the thoroughfare, road, reserve, parking station, parking facility or parking zone.

## **1.7 Application and Pre-Existing Signs**

- (1) Subject to sub clause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law 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 Part 3, 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.

### **1.8 Classes of vehicles**

For the purpose of this local law classes of vehicles are –

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles;
- (d) bicycles;
- (e) taxis;
- (f) tour coaches;
- (g) electric vehicles; and
- (h) all other vehicles.

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

Where under this local law the use, driving, stopping, parking or leaving of vehicles in a thoroughfare is controlled by a sign, the sign is to be read as applying to that part of the thoroughfare which –

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

### **1.10 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 - METERED ZONES**

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

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

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

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

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

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

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

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

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

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

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

Subject to subclause (2) –

- (1) A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.
- (2) If a vehicle is too long or too wide to fit completely within a single metered space then the person parking the vehicle shall do so within the minimum number of metered spaces needed to park that vehicle.
- (3) A person shall not park a vehicle partly within and partly outside a metered zone.

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

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

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

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

## **2.9 One vehicle per metered space**

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

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

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

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

## **3.1 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 within 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 subsection (1) it shall erect signs to give effect to the determination.

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

- (1) Subject to subclause (2), (3) and (4), a person shall not stop or park a vehicle within a parking stall unless the vehicle is –
  - (a) parallel with the left boundary of the thoroughfare and as close to the kerb as is practicable;
  - (b) wholly within the parking stall; and
  - (c) headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is stopped or parked.
- (2) Subject to subclause (3), where a parking stall on a thoroughfare or carriageway is set out otherwise than parallel to the kerb, then a person must stop or park a vehicle wholly within that stall.
- (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 of a parking stall or area.

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

- (1) A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless:
  - (a) in the case of a parking station having an authorised person on duty, the appropriate fee is paid when required; or
  - (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

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

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

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

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

### **3.6 Display of parking tickets**

A person who stops or parks a vehicle in a parking station with a ticket issuing machine must, after paying the appropriate fee for the purchase of a parking ticket –

- (a) in the case of a printed parking ticket, ensure that –
  - (i) an unexpired parking ticket issued by the ticket issuing machine in that parking station is displayed inside 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 the vehicle is stopped or parked in that parking station; and
- (b) in the case of an electronic parking ticket, ensure that, using the parking app, an electronic parking ticket has been issued for that vehicle in that parking station.

### **3.7 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, however this 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 person may park a vehicle in a permissive parking stall or station (except in a parking area for persons with a disability) for twice the length of time allowed, provided that –
  - (a) the person’s vehicle displays an ACROD permit; and
  - (b) a person with a disabilities to which that ACROD permit relates is either the driver of, or a passenger, in the vehicle.

## **PART 4 - PARKING GENERALLY**

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

- (1) Subject to 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) This sub-clause applies to a person if –
- (a) the person’s vehicle displays an ACROD permit;
  - (b) a disabled person to which the ACROD permit relates is either the driver of the vehicle or a passenger in the vehicle; and
  - (c) the person 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 the sign associated with the parking area and with this local law; and
  - (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 park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked ‘M/C’.
- (5) A person 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’.

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

- (1) A person parking a vehicle on a carriageway 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 opposite boundary of the carriageway, or any dividing line or median strip, or between the vehicle and a vehicle parked on the opposite side of the carriageway;
  - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
  - (e) so that it does not obstruct any vehicle on the carriageway,
- unless otherwise indicated on a parking regulation sign or markings on the roadway.

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

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

Where a traffic sign associated with a parking area is not inscribed with the words ‘angle parking’ (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 approximate right angles to the centre of the carriageway.

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

- (1) This clause does not apply to –
- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 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.

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

- (1) This clause does not apply to –
- (a) vehicle parked in a parking stall nor to a bicycle in a bicycle rack;
  - (b) subclauses (2)(c), (e) and (g) do not apply to a bus which parks in a bus embayment.
- (2) 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 two 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;
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked; or
- (l) within the head of a cul-de-sac,

unless a sign or markings on the carriageway indicate otherwise.

- (3) 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.
- (4) 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.
- (5) 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.

#### **4.6 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.

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

- (1) Where the parking of a vehicle 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 a vehicle 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 two hours.

#### **4.8 No parking of a vehicle exposed for sale and/or 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 1974*;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

#### **4.9 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 *Land Administration Act 1997*;
  - (d) which is the subject of an agreement referred to in clause 1.5(2); or
  - (e) which is identified in Part 3.
- (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.

#### **4.10 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.

#### **4.11 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.

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

#### **5.1 No stopping signs, no parking signs and continuous yellow edge line**

- (1) A person shall not stop on a length of carriageway or in an area to which a ‘no stopping’ sign applies.
- (2) A person shall not stop a vehicle on a length of carriageway or in an area to which a ‘no parking’ sign applies, unless the vehicle is –
  - (a) dropping off, or picking up, passengers or goods;
  - (b) not left unattended; and
  - (c) completes the dropping off or picking up of passengers or goods within two minutes of stopping, then drives on.
- (3) A person shall not stop a vehicle at the side of a carriageway marked with a continuous yellow edge line.

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

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

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

- (a) a commercial vehicle, or an authorised vehicle and a person is continuously engaged in loading or unloading goods to or from that vehicle; or
  - (b) in accordance with the sign associated with the loading zone,
- and in any event shall not remain in that loading zone for –
- (c) longer than a time indicated on the ‘loading zone’ sign; or
  - (d) longer than 30 minutes (if no time is indicated on the sign).

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

- (1) A person shall not stop a vehicle in a taxi zone unless the vehicle is identified as a taxi.

- (2) A person shall not stop in a bus zone unless the vehicle is a public bus, or a bus of a type that is permitted to stop in accordance with the sign applying to the bus zone.

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

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

### **6.4 Other limitations for vehicles 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 wording on a traffic sign that applies to the zone.

## **PART 7 – OTHER AREAS WHERE STOPPING IS RESTRICTED**

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

A person shall not stop a vehicle in a shared zone unless –

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

### **7.2 Double parking of vehicles**

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

### **7.3 Stopping a vehicle near an obstruction**

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

### **7.4 Stopping a vehicle on a bridge, in a tunnel, or similar structure**

- (1) A person shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless –
  - (a) the carriageway is at least as wide as the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking of a vehicle; or

- (b) the person stops a vehicle 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 person 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 vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

#### **7.5 Stopping a vehicle 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 a vehicle on a crest or curve on a carriageway that is not in a built-up area if the vehicle stops at a place on the 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.

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

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

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

- (1) A person 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.

## **7.8 Stopping a vehicle 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, median strip, or traffic island 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.

## **7.9 Stopping a vehicle on a verge**

- (1) A person shall not –
  - (a) stop a vehicle (other than a bicycle);
  - (b) stop a commercial vehicle, or bus, trailer or caravan unattached to a 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 the vehicle 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.

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

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

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

A person shall not stop a vehicle so that any portion of the vehicle is within three 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 vehicle is permitted to stop at that place under this local law.

### **7.12 Stopping heavy and long vehicles on a carriageway**

- (1) A person shall not stop 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 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 or other area set aside for the stopping or parking of goods vehicles.
- (2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

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

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

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

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

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

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

- (1) A person shall not stop a vehicle in a parking area for people with disabilities unless –
  - (a) the vehicle displays a current ACROD permit; and
  - (b) the ACROD permit is valid for either the driver or the passenger in that vehicle.
- (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 'people with disabilities road marking' that consists of, or includes, a people with disabilities symbol; or
  - (d) set aside within a parking region as a 'parking stall for use of a disabled person' under the Local Government (Parking for Disabled Persons) Regulations 1988.

## **PART 8 - PARKING PERMITS**

### **8.1 Parking Permit Policy**

- (1) The Council, by resolution, shall adopt policies in respect of –
  - (a) residential and visitor parking permits for owners and occupiers of land within the district; and
  - (b) other cases of parking permits, if any, determined under clause 8.2.
- (2) The Council, by resolution, may amend the policies adopted under subclause (1).
- (3) The local government must give local public notice of the adoption or amendment of the policies under subclause (1) and make a copy of the policies available on the local government's website.

### **8.2 Parking Permits**

- (1) Subject to the relevant policy adopted under clause 8.1, a person may only apply for a parking permit to park a vehicle on a thoroughfare, in a parking zone, or other form of parking facility.
- (2) An application for a permit shall –
  - (a) provide the information required by the form; and
  - (b) be accompanied by the payment of any fee determined by the local government.
- (3) The CEO or an authorised person may in respect of an application for a permit for the purpose of subclause (1) –
  - (a) approve it;
  - (b) approve it subject to such conditions the CEO or an authorised person considers appropriate; or
  - (c) refuse to approve it and provide reasons to the applicant for the refusal.
- (4) Where the CEO or an authorised person makes a decision under subclause (3)(a) or (3)(b), it shall issue a permit in the form determined by it to the person who applied for the permit.

### **8.3 Validity of a Permit**

A parking permit ceases to be valid on –

- (a) the expiry of any time or period specified on the permit;
- (b) the holder of the permit ceasing to be an eligible person;
- (c) the cancellation of the permit under section 8.4; and

- (d) the replacement of the permit by a new permit under section 8.5.

#### **8.4 Cancellation of a Permit**

- (1) A parking permit may be cancelled by the CEO or an authorised person if the permit holder has not complied with –
  - (a) a condition of the permit; or
  - (b) a provision of any written law which may relate to the activity regulated by the permit.
- (2) The CEO or authorized person shall give written notice by serving a notice on the eligible person to whom the permit was issued.
- (3) After fourteen days of serving the notice referred to in subclause (2), the CEO or authorized person may cancel the permit.
- (4) If a permit is cancelled, the permit holder –
  - (a) must in the case of a written permit, return the permit to the local government as soon as practicable; and
  - (b) is taken to have fortified any fees paid in respect of the permit.

#### **8.5 Replacement of a Permit**

The CEO or an authorised person may issue a replacement permit where an application is made and is accompanied by supporting documentation and the appropriate fee, if any, determined and imposed by the local government under the Act.

#### **8.6 Exemption for Permit Holders**

- (1) The holder of a valid parking permit is exempt from a prohibition against the stopping or parking of vehicles on any part of a road for more than a specified period.
- (2) The exemption under sub clause (1) applies only –
  - (a) to the part of the road specified in the permit;
  - (b) where the permit specifies a particular vehicle to the vehicle specified in the permit;
  - (c) in accordance with the terms and conditions of the permit; and
  - (d) if the permit, if printed, is displayed in the vehicle and is 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 permit relates.

## **8.7 Objection and Appeal Rights**

A person adversely affected by a decision relating to a permit made under this Part, including a decision to refuse to approve an application for a permit or to cancel a permit, may be entitled to object or appeal against the decision under Part 9, Division 1 of the Act.

## **8.8 Terms Used**

For the purposes of this part of the local law –

*eligible person* means a person who is eligible to be issued with and use a parking permit under the policies adopted by Council under clause 8.1(1).

## **8.9 Temporary Parking Permits**

The CEO or an authorised person may, whether upon payment of a fee or not, issue a written temporary parking permit which allows a specific vehicle to park.

# **PART 9 - MISCELLANEOUS**

## **9.1 Powers of an authorised person**

- (1) An authorised person may, for a purpose connected with their functions –
  - (a) mark the tyres of a vehicle parked in a parking facility with chalk or other non-indelible substance;
  - (b) take a valve stem reading of a vehicle;
  - (c) record a vehicle registration number;
  - (d) photograph a vehicle or anything in or on it; or
  - (e) affix to a vehicle any notice.
- (2) A person shall not remove a mark made by an authorized person so that the purpose of affixing the mark is defeated or likely to be defeated.
- (3) No offence under this local law is committed by an authorised person while carrying out their functions.

## **9.2 Impersonating an authorised person**

A person who is not an authorised person shall not impersonate or purport to exercise the functions of an authorised person.

## **9.3 Use of fee paying machines**

- (1) A person shall not insert into a fee paying machine anything other than the designations of coin or bank note or other form of permitted payment indicated by a sign on the fee paying machine.

- (2) A person shall not operate a fee paying machine except in accordance with the operating instructions on the fee paying machine.

#### **9.4 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.

#### **9.5 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.

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

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

#### **9.7 Signs must be complied with**

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

#### **9.8 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.

#### **9.9 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 its duties and when it is expedient and safe to do so, stop, or park in any place, at any time; and

- (b) an emergency vehicle may, in the course of its duties, and when it is expedient and safe to do so, or where it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

#### **9.10 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.

#### **9.11 Name, address and date of birth to be given on demand**

- (1) An authorised person or a member of the police force who finds a person committing, or who on reasonable grounds suspects a person of having committed a breach of the provisions of these local laws, may demand from that person their name, place of abode and date of birth.
- (2) If a person without lawful excuse refuses to state his or her name, place of abode and date of birth or who states a false name, place of abode and date of birth, commits an offence.

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

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

#### **9.13 Hindrance of authorised person**

A person shall not in any way obstruct or hinder an authorised person in the execution of his or her duties.

### **PART 10 - PENALTIES**

#### **10.1 Offences and penalties**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which is prohibited under this local law, 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 less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature shall be liable to an additional penalty not exceeding \$500 for each day, or part of a day, during which the offence has continued.
- (4) The amounts listed in Schedule 1 indicate the modified penalties for each offence and its relevant clause.

## **10.2 Averment on complaint as to clause 1.5(2) agreement**

An averment on a complaint that this local law applies to a parking facility or a parking station under an agreement referred to in clause 1.5(2), shall be sufficient proof that this local law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.

## **10.3 Form of notices**

- (1) For the purposes of section 9.17(1) of the Act, an Infringement Notice issued under this local law shall be in the form of Form 1 in Schedule 2.
- (2) For the purposes of section 9.20(1) of the Act, a Withdrawal of Infringement notice issued under this local law shall be in the form of Form 2 in Schedule 2.

*First Schedule***PRESCRIBED OFFENCES***Town of Cottesloe Parking & Parking Facilities Local Law 2023*

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1	2.2	Failure to pay fee for metered space	100
2	2.3	Parking in excess of period shown on metered space	100
3	2.4	Parking when meter has expired	100
4	2.6(1)	Failure to park wholly within metered space	100
5	2.6(3)	Parking outside metered zone	100
6	2.7	Non-permitted insertion in parking meter	200
7	2.8	Failure to display ticket clearly in metered zone	100
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	100
9	2.10	Parking contrary to a meter hood	100
10	3.2	Failure to park wholly within parking stall	100
11	3.2(1)(c)	Parking contrary to direction of movement of traffic	100
12	3.2(4)	Failure to park wholly within parking area	100
13	3.3	Failure to pay parking station fee	100
14	3.5	Leaving without paying parking station fee	100
15	3.6	Failure to display ticket clearly in parking station	100
16	3.7(1)(a)	Causing obstruction in parking station	200
17	3.7(1)(b)	Parking contrary to sign in parking station	100
18	3.7(1)(c)	Parking in a parking station contrary to the direction of an authorised person	100
19	3.7(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	100
20	4.1(1)(a)	Parking wrong class of vehicle	100
21	4.1(1)(b)	Parking by persons of a different class	100
22	4.1(1)(c)	Parking during prohibited period	150
23	4.1(3)(a)	Parking in no parking area	150
24	4.1(3)(b)	Failure to park in accordance with sign	100
25	4.1(3)(c)	Parking vehicle in motor cycle only area	100
26	4.1(4)	Parking motor cycle in stall not marked 'M/C'	100
27	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	150
28	4.2(1)(a)	Failure to park on the left of two-way carriageway	150
29	4.2(1)(b)	Failure to park on boundary of one-way carriageway	150
30	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	150
31	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	150
32	4.2(1)(d)	Parking closer than 1 metre from another vehicle	100

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
33	4.2(1)(e)	Causing obstruction	200
34	4.3(b)	Failure to park at approximate right angle	100
35	4.4(2)	Failure to park at an appropriate angle	100
36	4.5(2)(a) and 7.2	Double parking	200
37	4.5(2)(b)	Parking on or adjacent to a median strip	150
38	4.5(2)(c)	Denying access to private drive or right of way	200
39	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	200
40	4.5(2)(e)	Parking within 10 metres of traffic island	200
41	4.5(2)(f)	Parking on footpath/pedestrian crossing	200
42	4.5(2)(g)	Parking contrary to continuous line markings	200
43	4.5(2)(h)	Parking on intersection	200
44	4.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	200
45	4.5(2)(j)	Parking within 3 metres of public letter box	200
46	4.5(2)(k)	Parking within 10 metres of intersection	200
47	4.2(2)(l)	Parking within the head of a cul-de-sac	200
48	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	200
49	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	200
50	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	200
51	4.6	Parking contrary to direction of Authorised Person	100
52	4.7	Moving vehicle to avoid time limitation	200
53	4.8(1)	Parking on thoroughfare for purpose of sale	100
54	4.8(2)	Parking unlicensed vehicle in thoroughfare	100
55	4.8(3)	Parking a trailer/caravan on a thoroughfare	100
56	4.8(4)	Parking on thoroughfare for purpose of repairs	100
57	4.9(1) or (2)	Parking on land that is not a parking facility without consent	100
58	4.9(3)	Parking on land not in accordance with consent	100
59	4.10	Driving or parking on reserve	150
60	5.1(1)	Stopping contrary to a 'no stopping' sign	200
61	5.1(2)	Parking contrary to a 'no parking' sign	150
62	5.1(3)	Stopping within continuous yellow lines	200
63	6.1	Stopping unlawfully in a loading zone	150
64	6.2	Stopping unlawfully in a taxi zone or bus zone	150
65	6.3	Stopping unlawfully in a mail zone	100
66	6.4	Stopping in a zone contrary to a sign	100
67	7.1	Stopping in a shared zone	100
68	7.3	Stopping near an obstruction	200
69	7.4	Stopping on a bridge or tunnel	200
70	7.5	Stopping on crests/curves etc	200

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
71	7.6	Stopping near fire hydrant	200
72	7.7	Stopping near bus stop	200
73	7.8	Stopping on path, median strip or traffic island	200
74	7.9	Stopping on verge	100
75	7.10	Obstructing path, a driveway etc	200
76	7.11	Stopping near letter box	100
77	7.12	Stopping heavy or long vehicles on carriageway	200
78	7.13	Stopping in bicycle parking area	100
79	7.14	Stopping in motorcycle parking area	100
80	7.15	Stopping in disabled parking area	500
81	8.6(d)	Failure to display valid permit correctly in permit area	100
82	9.1(2)	Removing mark made by an Authorised Person	100
83	9.2	Impersonating an authorised person	500
84	9.4	Removal of notices on vehicle	500
85	9.5	Unauthorised signs and defacing of signs	500
86	9.6(1)	Interfere with or damage electronic detection device	200
87	9.6(2)	Interfere with or damage any display panels or transmitting equipment	100
88	9.10	Leaving a vehicle to obstruct a public place	200
89	9.11	Name, address and date of birth to be given on demand	100
90	9.12	Causing or attempting to cause damage to Council property	500
91	9.13	Hindrance of an authorised person	200
92		All other offences not specified	100

*Second Schedule*  
**FORM 1 – INFRINGEMENT NOTICE**  
*Town of Cottesloe Parking & Parking Facilities Local Law 2023*

**TOWN OF COTTESLOE**  
**PARKING AND PARKING FACILITIES LOCAL LAW 2023**  
**FORM 1 – INFRINGEMENT NOTICE**

PARKING INFRINGEMENT: [INSERT]

To: [owner of the vehicle]

Address: [INSERT]

It is alleged that at:
On the:
Location:

Your vehicle was involved in the commission of an offence contrary to clause [INSERT] of the *Town of Cottesloe Parking & Parking Facilities Local Law 2023*.

Make:
Model:
Registration:
Nature of Offence:
Clause No.

Officer:
Signature:
Modified Penalty:
Date payment due:

If you do not wish to have a complaint of the alleged offence heard and determined by a Court, you may pay the modified penalty specified in this infringement notice within 28 days after the giving of this notice.

If you do not pay the modified penalty within 28 days after the giving of this notice, you will, in the absence of proof to the contrary, be deemed to have committed the offence unless, within 28 days of the giving of this notice –

- (a) 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; or
- (b) 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.

PAYMENT may be made to the Town of Cottesloe either by online at [www.cottesloe.wa.gov.au](http://www.cottesloe.wa.gov.au) or posting or delivering (business hours 8.30am to 4.30pm Monday to Friday) this infringement notice and the penalty amount to:

Town of Cottesloe, 109 Broome Street, COTTESLOE WA 6011

ENQUIRIES: Telephone 9285 5000 / Email [town@cottesloe.wa.gov.au](mailto:town@cottesloe.wa.gov.au)

*Second Schedule*  
**FORM 2 – WITHDRAWAL OF INFRINGEMENT NOTICE**  
*Town of Cottesloe Parking & Parking Facilities Local Law 2023*

**TOWN OF COTTESLOE**  
**PARKING AND PARKING FACILITIES LOCAL LAW 2023**  
**WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No:  
Date

To: [INSERT]  
ADDRESS: [INSERT]

INFRINGEMENT No: [insert] dated [INSERT]

in respect of vehicle:

make: [INSERT]  
model: [INSERT]  
registration:[INSERT]  
for the alleged offence of: [INSERT]

has been withdrawn.

The modified penalty of \$[INSERT]

\*has been paid and a refund is enclosed.

\*has not been paid and should not be paid.

(\*delete as appropriate).

Signature of authorised person [INSERT]

Name and title of authorised person giving notice [INSERT]

*Second Schedule*  
**DEEMED PARKING STATIONS**

*Town of Cottesloe Parking & Parking Facilities Local Law 2023*

Number 7 Car Park, at Lot 50, No.7 Station Street, Cottesloe

Number 11 Car Park, at Lot 35, No.11 Station Street, Cottesloe

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Dated: [INSERT]

The Common Seal of the Town of Cottesloe was affixed by authority of resolution of the Council in the presence of -

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[INSERT]  
MAYOR

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[INSERT NAME]  
CHIEF EXECUTIVE OFFICER