

Ipswich

City Council

Local Law No. 5 (Parking) 2013

Contents

| | | |
|---------------|--|----------|
| PART 1 | PRELIMINARY | 2 |
| 1 | SHORT TITLE | 2 |
| 1A | COMMENCEMENT | 2 |
| 2 | OBJECT | 2 |
| 3 | DEFINITIONS - THE DICTIONARY | 2 |
| 4 | APPLICATION OF THIS LOCAL LAW | 2 |
| 5 | RELATIONSHIP WITH OTHER LAWS | 3 |
| PART 2 | PARKING AREAS | 3 |
| 6 | DECLARATION OF TRAFFIC AREAS | 3 |
| 7 | OFF-STREET REGULATED PARKING AREAS | 3 |
| 8 | TEMPORARY PARKING RESTRICTIONS | 3 |
| PART 3 | PARKING CONTRARY TO PARKING RESTRICTION | 4 |
| 9 | ISSUE OF A PERMIT | 4 |
| 10 | PARKING IN ACCORDANCE WITH A PERMIT | 4 |
| 11 | COMMERCIAL VEHICLE IDENTIFICATION LABELS | 5 |
| PART 4 | HEAVY VEHICLE PARKING | 5 |
| 12 | PARKING OR STORAGE OF A HEAVY VEHICLE | 5 |
| PART 5 | OFFENCES | 7 |
| 13 | PARKING INFRINGEMENT NOTICE PENALTIES | 7 |
| 14 | DEFENCE | 7 |
| PART 6 | MISCELLANEOUS | 7 |
| 15 | SUBORDINATE LOCAL LAWS | 7 |
| PART 7 | TRANSITION, SAVINGS AND REPEALS | 8 |
| 16 | REPEALS | 8 |
| 17 | EXISTING PERMITS | 8 |
| SCHEDULE | DICTIONARY | 9 |
| ENDNOTES | | 14 |
| 1 | INDEX TO ENDNOTES | 14 |
| 2 | DATE TO WHICH AMENDMENTS INCORPORATED | 14 |
| 3 | KEY | 14 |
| 4 | TABLE OF REPRINTS | 15 |
| 5 | LIST OF LEGISLATION | 15 |
| 6 | LIST OF ANNOTATIONS | 15 |

Part 1 Preliminary

1 Short Title

This local law may be cited as *Local Law No. 5 (Parking) 2013*.

1A Commencement

This local law commences on 1 August 2013.

2 Object

The object of this local law is—

- (a) to provide for safe, efficient and equitable parking regulation in traffic areas, in or on local government controlled areas or roads and in off-street regulated parking areas in the local government area in accordance with Chapter 5, Part 6 of the TORUM Act including -
 - (i) establishing and regulating parking in traffic areas, in or on local government controlled areas or roads and in off-street regulated parking areas; and
 - (ii) fixing parking fees and regulating paid parking; and
 - (iii) regulating the issuing and use of parking permits¹; and
 - (iv) imposing temporary parking prohibitions and restrictions.
- (b) to provide for the regulation of parking and storage of heavy vehicles in residential areas.

3 Definitions - the dictionary

- (1) The dictionary in the Schedule (Dictionary) defines particular words used in this local law.
- (2) The dictionaries in *Local Law No.1 (Administration) 2013* and *Local Law No.4 (Permits) 2013* also define words used in this local law.

4 Application of this local law

This local law does not apply to a State-controlled road unless the chief executive of the department which administers the TORUM Act has given written approval.²

¹ See section 101(1)(b) *TORUM Act*.

² The TORUM Act is the primary legislation dealing with road use and the regulation of parking in Queensland. It gives local governments the power to regulate parking in their local government areas.

5 Relationship with other laws

This local law is -

- (a) made pursuant to the TORUM Act in the case of regulation of parking³;
- (b) in addition to, and intended to complement Chapter 5, Part 6 of the TORUM Act; and
- (c) to be read with *Local Law No. 1 (Administration) 2013* and *Local Law No. 4 (Permits) 2013*.

Part 2 Parking areas

6 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its local government area to be a traffic area.⁴
- (2) The boundaries of a traffic area must be defined in a subordinate local law.

7 Off-street regulated parking areas

The local government may, by subordinate local law, specify an area of land owned or controlled⁵ by the local government, including structures on the land, as an off-street regulated parking area.⁶

Example:

The local government may under an arrangement with the owner of a shopping centre, specify a public parking area at the shopping centre as an off-street regulated parking area and regulate parking in the area under this local law.

Note:

The use of any trust land under the *Land Act 1994* for an off-street regulated parking area may be subject to other regulation under the *Planning Scheme* or the *Land Act 1994*.

8 Temporary parking restrictions

- (1) The local government may temporarily prohibit or restrict parking on a road where the local government is satisfied that –
 - (a) a temporary prohibition or restriction on parking is necessary because of a particular event; or

³ The TORUM Act is the primary legislation dealing with road use and the regulation of parking in Queensland. It gives local governments the power to regulate parking in their local government areas.

⁴ See the TORUM Act, sections 102(2)(b) and (3)(a).

⁵ See the TORUM Act, section 104(2).

⁶ See the TORUM Act, sections 101(1)(c) and 104(1)(b).

- (b) conditions temporarily applying in a particular part of the local government area warrant the prohibition or restriction.

Example of subsection (1) –

- (a) The local government may temporarily prohibit parking on a particular part of a road if building work that is being carried out on, or adjacent to, the road, makes it impracticable to use the relevant part of the road for parking.
 - (b) The local government may temporarily prohibit parking on a particular part of a road if the road is to be closed to traffic for the purpose of a festival or public assembly.
- (2) A temporary prohibition or restriction on parking imposed under section 8(1) (Temporary parking restrictions) of this local law takes effect when the local government installs the appropriate official sign indicating the prohibition or restriction and ceases to have effect on removal of the sign by the local government.

Part 3 Parking contrary to parking restriction

9 Issue of a permit

- (1) The local government may grant a permit for a permit regulated activity authorising a person to park –
 - (a) in a designated parking space where parking is restricted to permit parking; or
 - (b) in a declared traffic area, in or on a local government controlled area or road or in an off-street regulated parking area contrary to an indication given by an official traffic sign regulating parking by time or payment of a fee.
- (2) The local government may prescribe, by subordinate local law, persons who may be issued with a permit.

10 Parking in accordance with a permit

- (1) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or by payment of a fee, if the vehicle displays –
 - (a) a parking permit for people with disabilities;⁷ or
 - (b) a permit issued under section 9 (Issue of a permit) of this local law, valid for the time and place at which the vehicle is parked.

⁷ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.
54801114v1

11 Commercial vehicle identification labels

- (1) The local government may issue a commercial vehicle identification label.⁸
- (2) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.⁹
- (3) The local government may prescribe, by subordinate local law, vehicles which may be issued with a commercial vehicle identification label.¹⁰

Part 4 Heavy vehicle Parking

12 Parking or storage of a heavy vehicle

- (1) The parking or storage of heavy vehicles in a residential or rural area is a permit regulated activity.
- (2) Subject to subsection (3), a person must not, unless authorised by a permit—
 - (a) park a heavy vehicle in—
 - (i) a residential area; or
 - (ii) a rural area, where the premises are not used for primary production and the heavy vehicle is—
 - (A) parked within 50 metres of a residential dwelling situated on a neighbouring premises; or
 - (B) when parked, unable to be screened from view from all neighbouring residential dwellings or roads, or able to be screened from view from all neighbouring residential dwellings or roads but not screened from view; or
 - (C) unable to enter and exit the premises in a forward direction, or able to enter and exit the premises in a forward direction but does not; or
 - (D) moved on or off the premises more than four times per day; or

⁸ See the TORUM Act, section 103(5).

⁹ See also *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, section 179, relating to drivers who are permitted to stop in a loading zone.

¹⁰ The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, commercial vehicle.

- (E) moved on or off the premises outside building work hours;¹¹ or
- (iii) rural areas where more than one heavy vehicle is to be parked on the premises, unless authorised by a permit granted under this local law; or
- (b) change the manner of heavy vehicle parking in a residential or rural area within the local government area without first obtaining an approval for an amendment to the terms of a permit.

Maximum penalty for subsection (1)—

- (a) for first offence – 20 penalty units.
- (b) for second offence within a 2 year period – 30 penalty units.
- (c) for third or further offences within a 2 year period – 50 penalty units.
- (3) A person does not require a permit under this local law for—
 - (a) an emergency vehicle being used for an emergency or other official purpose; or
 - (b) a heavy vehicle being lawfully used in the immediate vicinity of and in connection with the construction, investigation or maintenance of a community facility or undertaking; or
 - (c) a heavy vehicle involved in the conduct of a lawful activity reasonably required to be carried out in a residential or rural area; or
 - (d) a heavy vehicle permitted to be parked on residential premises or rural premises pursuant to a development approval given under the Planning Act; or
 - (e) a heavy vehicle owned or used by the local government being parked or stored on land owned or occupied by the local government; or
 - (f) a heavy vehicle specified in a subordinate local law.

Example of subsection (3)(c)—

The short term parking of a removal van.

- (4) For the avoidance of doubt, a heavy vehicle parked in a residential area or a rural area whilst awaiting a job assignment is not subject to an exemption for a permit in subsection (3).

¹¹ See section 440R of the *Environmental Protection Act 1994* (Qld).
54801114v1

Part 5 Offences

13 Parking infringement notice penalties¹²

The local government may, by subordinate local law, prescribe an amount as the infringement notice penalty for a minor traffic offence committed in the local government's area.¹³

14 Defence

It is a defence to any breach or non-compliance of any provision contained in this local law or the related subordinate local law if a person has a lawful excuse or defence.

Example—

- It is a defence to any breach or non-compliance of any provision contained in this local law if a person was not criminally responsible in accordance with Chapter 5 (Criminal Responsibility) of the *Criminal Code*.
- Section 165 (Stopping in an emergency etc. or to comply with another provision) of the *Transport Operations (Road Use Management-Road Rules) Regulation 2009* details a number of circumstances that are a defence to prosecution for an offence against a provision of Part 12 (Restriction on stopping and parking) of the *Transport Operations (Road Use Management-Road Rules) Regulation 2009*.
- Part 19 (Exemptions) of the *Transport Operations (Road Use Management-Road Rules) Regulation 2009* details a number exemptions whereby certain provisions of the *Transport Operations (Road Use Management-Road Rules) Regulation 2009* do not apply.

Part 6 Miscellaneous

15 Subordinate local laws

The local government may make a subordinate local law with respect to-

- (a) traffic areas pursuant to section 6 (Declaration of traffic areas) of this local law; and
- (b) off-street regulated parking area pursuant to section 7 (Off-street regulated parking areas) of this local law; and
- (c) persons who may be issued with a permit pursuant to section 9(2) (Issue of a permit) of this local law; and

¹² Section 13 (Parking infringement notice penalties) of this local law does not create an offence. The offences, and the relevant legislation which create them, are specified in *Subordinate Local Law No. 5.1 (Parking) 2013*.

¹³ See section 108(1) (Local laws about minor traffic offences) of the TORUM Act.

- (d) persons who may be issued with a parking permit to park contrary to an indication on a traffic sign pursuant to section 10 (Parking in accordance with a permit) of this local law; and
- (e) vehicles which may be issued with a commercial vehicle identification label pursuant to section 11 (Commercial vehicle identification labels) of this local law; and
- (f) infringement notice penalty amounts which apply for minor traffic offences pursuant to section 13 (Parking infringement notice penalties) of this local law.

Part 7 Transition, Savings and Repeals

16 Repeals

The following Local Laws are repealed —

- *Local Law No. 6 (Heavy and Other Vehicle Parking) 2004*, gazetted 27 February 2004; and
- *Local Law No. 27 (Regulated Parking) 1997*, gazetted 9 January 1998.

17 Existing Permits

Any person who immediately before the commencement of this local law held a permit under any local law to operate an activity which is now a permit regulated activity under this local law is taken to be a holder of a permit under this local law and *Local Law No. 4 (Permits) 2013* to operate that activity.

Schedule Dictionary

Section 3

adjunct vehicle means any of the following—

- (a) any trailer designed or adapted for the carriage of goods with a carrying capacity in excess of two (2) tonnes tare including the trailer of an articulated vehicle;
- (b) any trailer designed or adapted for earthmoving or road making purposes, including a vehicle or equipment designed or adapted for excavating materials or equipment such as rollers, compressors or the like designed or adapted to be drawn behind a heavy vehicle;
- (c) any trailer containing a refrigeration unit;
- (d) any earthmoving equipment or vehicle which is capable of being transported on the tray of a heavy vehicle; or
- (e) any other trailer or equipment which is consistent with those trailers or equipment listed above.

commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

declared road has the same meaning as in the TORUM Act.

emergency vehicle means—

- (a) an ambulance; or
- (b) a fire appliance or other vehicle necessary to attend a fire or chemical incident or a vehicle used for building inspections and community education; or
- (c) a police vehicle; or
- (d) a State Emergency Service vehicle; or
- (e) such other vehicle as is specified in a subordinate local law.

heavy vehicle means any of the following—

- (a) a vehicle or combination of vehicles (including an adjunct vehicle) that has a gross vehicle mass (GVM) of more than 4.5 tonnes, or has a total length in excess of 7.5 metres;
- (b) a trailer or semi-trailer standing alone which has a GVM of 3 or more tonnes or has a length exceeding 5 metres;
- (c) any vehicle of whatever size equipped to carry, by whatever means, a motor vehicle;

- (d) a tractor;
- (e) any vessel whose length exceeds nine (9) metres; or
- (f) any other vehicle or equipment which is consistent with those vehicle listed above.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

local government controlled area –

- (a) means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road; and

Examples of local government controlled areas—

- parks, reserves and recreational areas
- conservation parks
- cemeteries
- local government operated library, including mobile libraries
- local government Chambers and local government offices
- jetties
- a mall

- (b) includes part of a local government controlled area.

local law has the meaning in the Act, section 26, and includes a subordinate local law.

the local government means Ipswich City Council.

local government area has the meaning in the Act.

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

minor traffic offence see TORUM Act, section 108(4).

parking or storing a heavy vehicle means the parking or storage of a heavy vehicle in a residential area or a rural area, whether or not the driver leaves the vehicle, for a period longer than is necessary for the loading and unloading of the heavy vehicle.

parking permit for people with disabilities means—

- (a) a parking permit for people with disabilities issued under the TORUM Act; or
- (b) an Australian Disability Parking Permit issued under a corresponding provision of the law of another State or Territory.

permit regulated activity means—

- (a) an activity which is specified as a permit regulated activity in this local law;
- (b) an activity which would ordinarily be prohibited by this local law or subordinate local law unless authorised by a permit;
- (c) parking contrary to an official traffic sign regulating parking by time or payment of fee or contrary to the provisions of this local law or its subordinate local law; or
- (d) parking in a designated parking space where parking is restricted to holders of a permit for such parking.

Planning Act means the *Planning Act 2016* (Qld) and includes the predecessor legislation to that Act.

Planning Scheme means the planning scheme made or amended from time-to-time under a Planning Act.

public utility undertaking means the provision of services to the public such as—

- (a) water, hydraulic power, electricity, gas; or
- (b) sewerage or drainage; or
- (c) telecommunications to the public.

residential area includes areas comprising predominantly residential development and land (other than roads), that is situated in one or more of the following zones or other similar designation under a Structure Plan under the Planning Scheme—

- (a) within the Urban Areas—
 - (i) Large Lot Residential Zone;
 - (ii) Residential Low Density Zone;
 - (iii) Residential Medium Density Zone;
 - (iv) Character Areas - Housing Zone;
 - (v) Future Urban Zone;
 - (vi) Character Areas - Mixed Use Zone;
 - (vii) Business Incubator Zone;
 - (viii) Bundamba Racecourse Stables Area Zone;
 - (ix) Special Uses Zone;
 - (x) Special Opportunity Zone;

- (b) within the Rosewood Area—
 - (i) Character Areas - Housing Zone;
 - (ii) Residential Low Density Zone;
 - (iii) Residential Medium Density Zone;
 - (iv) Urban Investigation Zone;
 - (v) Special Uses Zone;
- (c) within the City Centre—
 - (i) Residential High Density Zone;
- (d) within the Township Areas—
 - (i) Township Residential Zone;
 - (ii) Township Character Housing Zone;
 - (iii) Township Character Mixed Use Zone;
 - (iv) Special Uses Zone.
- (e) within the Springfield Structure Plan—
 - (i) Community Residential Designation.
- (f) within the Rural Areas—
 - (i) Rural C (Rural Living) Zone.

and includes land approved for residential development pursuant to a development approval, including a development which is recorded on the Planning Scheme pursuant to section 3.5.27 *Integrated Planning Act 1997*, section 391 of the *Sustainable Planning Act 2009* or section 89 of the *Planning Act 2016*.

road means —

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b) where that Act requires such agreement.

rural area includes areas comprising predominantly rural development and land (other than roads), that is situated in one or more of the following zones or other similar designation under a Structure Plan under the Planning Scheme —

- (a) Rural A (Agricultural) Zone;

- (b) Rural B (Pastoral) Zone;
- (c) Rural C (Rural Living) Zone;
- (d) Rural D (Conservation) Zone;
- (e) Rural E (Special Land Management) Zone; and
- (f) Special Uses Zone.

State-controlled road means a State-controlled road under the *Transport Infrastructure Act 1994*.

the Act means the *Local Government Act 2009*.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

traffic area see TORUM Act, schedule 4.

Endnotes

1 Index to Endnotes

- 2 Date to which amendments incorporated
- 3 Key
- 4 Table of reprints
- 5 List of Legislation
- 6 List of Annotations

2 Date to which amendments incorporated

This reprint includes all amendments that commenced operation on or before the

3 Key

Key to abbreviations in list of legislation and annotations

| Key | Explanation |
|------------|--------------------|
|------------|--------------------|

| | |
|-----|-----------|
| amd | = amended |
|-----|-----------|

| | |
|----|-----------|
| ch | = chapter |
|----|-----------|

| | |
|-----|--------------|
| def | = definition |
|-----|--------------|

| | |
|-----|------------|
| div | = division |
|-----|------------|

| | |
|-----|-----------|
| hdg | = heading |
|-----|-----------|

| | |
|-----|------------|
| ins | = inserted |
|-----|------------|

| | |
|----|-----------|
| om | = omitted |
|----|-----------|

| | |
|---|--------|
| p | = page |
|---|--------|

| | |
|----|--------|
| pt | = part |
|----|--------|

| | |
|-------|--------------|
| renum | = renumbered |
|-------|--------------|

| | |
|-----|------------|
| rep | = repealed |
|-----|------------|

| | |
|---|-----------|
| s | = section |
|---|-----------|

sch = schedule

sdiv = subdivision

4 Table of reprints

A reprint is issued upon the commencement of an amending instrument. A reprint is given the date of commencement of the amending instrument.

Table of reprints of this local law – no amendments

5 List of legislation

Original Local Law

Local Law No.5 (Parking) 2013

date of gazettal 5 July 2013

6 List of annotations