

# **Ipswich**

City Council

Local Law (Amending) Local Law No. 5 (Parking)  
2019

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## **Part 1                    Preliminary**

### **1            Short title**

This local law may be cited as *Local Law (Amending) Local Law No. 5 (Parking) 2019*.

### **2            Commencement**

This local law commences on the date notice of the making of the local law is published in the gazette.

### **3            Local laws amended**

This local law amends *Local Law No. 5 (Parking) 2013*.

## **Part 2                    Amendment of Local Law No. 5 (Parking) 2013**

### **4            Amendment of s 2 (Objects)**

(1)    Section 2, subsection (a), 'on roads' –

*omit, insert –*

in or on local government controlled areas or roads

(2)    Section 2(a), subsection (i), 'on roads' –

*omit, insert –*

in or on local government controlled areas or roads

### **4A          Amendment of s 4 (Application of this local law)**

Section 4, subsection (1), footnote 2, after 'areas' –

*insert –*

**4B Amendment of s 5 (Relationship with other laws)**

- (1) Section 5, subsection (a), footnote 3, after 'areas' –

*insert –*

- (2) Section 5, subsection (c), after '2013' –

*insert –*

**5 Replacement of pt 2 (Parking contrary to parking restriction)**

Part 2 –

*omit, insert –*

**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.<sup>1</sup>
- (2) The boundaries of a traffic area must be defined in a subordinate local law.

**7 Off-street regulated parking areas**

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<sup>1</sup> See the TORUM Act, sections 102(2)(b) and (3)(a).

The local government may, by subordinate local law, specify an area of land owned or controlled<sup>2</sup> by the local government, including structures on the land, as an off-street regulated parking area.<sup>3</sup>

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

Example of subsection (1) –

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<sup>2</sup> See the TORUM Act, section 104(2).

<sup>3</sup> See the TORUM Act, sections 101(1)(c) and 104(1)(b).

- (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.

## **6 Replacement of pt 3 (Parking areas)**

Part 3 –

*omit, insert –*

### **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;<sup>4</sup> 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.

### **11 Commercial vehicle identification labels**

- (1) The local government may issue a commercial vehicle identification label.<sup>5</sup>
- (2) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.<sup>6</sup>

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<sup>4</sup> 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.

<sup>5</sup> See the TORUM Act, section 103(5).

<sup>6</sup> 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.

- (3) The local government may prescribe, by subordinate local law, vehicles which may be issued with a commercial vehicle identification label.<sup>7</sup>

**7 Amendment of s 12 (Parking or storage of heavy vehicles in residential areas)**

Section 12 –

*omit, insert –*

**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

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<sup>7</sup> The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, commercial vehicle.

- be screened from view from all neighbouring residential dwellings or roads but is 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
- (E) moved on or off the premises outside building work hours<sup>8</sup>; 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.

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<sup>8</sup> See section 440R of the *Environmental Protection Act 1994* (Qld).

- (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).

**8 Amendment of s 14 (Defences)**

Section 14, after 'local law' –

*insert –*

or the related subordinate local law

**9 Amendment of s 15 (Subordinate local laws)**

- (1) Section 15, subsection (a), 'section 9' –

*omit, insert –*

section 6

- (2) Section 15, subsection (b), 'section 10 (Declaration of off-street regulated parking areas)' –

*omit, insert –*

section 7 (Off-street regulated parking areas)

- (3) Section 15, after subsection (b) –

*insert –*

(c) persons who may be issued with a permit pursuant to section 9(2) (Issue of a permit) of this local law; and

- (4) Section 15, subsection (c), 'section 7 (Types of permits)' –

*omit, insert –*

section 10 (Parking in accordance with a permit)

- (5) Section 15, subsection (d), 'section 8' –

*omit, insert –*

section 11

- (6) Section 15 subsection (e), 'section 12' –

*omit, insert –*

section 13

- (7) Section 15, subsection (c) to (e) –

*renumber* as subsections (d) to (f), respectively

**9A Amendment of s 16 (Repeals)**

Section 16 –

*omit, insert –*

The following Local Laws are repealed –

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

**10 Amendment of s 17 (Existing permits)**

Section 17, 'operated' –

*omit, insert –*

operate

## **11 Amendment of sch (Dictionary)**

(1) Schedule –

*insert –*

### ***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.

***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.

**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.

**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.

(2) Schedule, definition *adjunct vehicle*, subsection (d), after 'vehicle;' –

*insert –*

or

(2A) Schedule, definition *declared road*, after 'Act' –

*insert –*

.

(3) Schedule, definition *heavy vehicle*, subsection (a), 'length of in excess' –

*omit, insert –*

length in excess

- (4) Schedule, definition *heavy vehicle*, subsection (e), after ‘metres;’ –

*insert –*

or

- (5) Schedule, definition *infringement notice penalty*, ‘State Penalties Enforcement Act 1999’ –

*omit, insert –*

*State Penalties Enforcement Act 1999*

- (6) Schedule, definition *parking permit for people with disabilities*, subsection (b) –

*omit, insert –*

(b) an Australian Disability Parking Permit issued under a corresponding provision of the law of another State or Territory.

- (7) Schedule, definition *permit for a permit regulated activity* –

*omit.*

- (8) Schedule, definition *permit regulated activity*, subsection (d), ‘to a an’ –

*omit, insert –*

to an

- (8A) Schedule, definition *permit regulated activity*, subsections (d) and (e) –

*renumber* as subsections (c) and (d), respectively

- (9) Schedule 1, definition *residential area*, subparagraph (a), 'Locality' –  
*omit.*
- (10) Schedule 1, definition *residential area*, subparagraph (b), 'Locality' –  
*omit, insert –*  
  
Area
- (11) Schedule 1, definition *residential area*, subparagraph (b), '(iv) Special Uses Zone;' –  
*omit, insert –*  
  
(v) Special Uses Zone;
- (12) Schedule 1, definition *residential area*, subparagraph (c), 'Locality' –  
*omit.*
- (13) Schedule 1, definition *residential area*, subparagraph (d), 'Locality' –  
*omit, insert –*  
  
Areas
- (14) Schedule 1, definition *residential area*, subparagraph (d)(iv) –  
*omit.*
- (15) Schedule 1, definition *residential area*, subparagraph (d)(v) –  
*renumber as (iv).*
- (16) Schedule 1, definition *residential area*, subparagraph (f), 'Locality' –  
*omit, insert –*

Areas

- (17) Schedule 1, definition *residential area*, subparagraph (f)(i) –

*omit, insert –*

- (i) Rural C (Rural Living) Zone.

- (18) Schedule 1, definition *residential area*, after '1997' –

*omit, insert –*

, section 391 of the *Sustainable Planning Act 2009* or section 89 of the *Planning Act 2016*.

- (19) Schedule 1, definition *road*, subsection (b) –

*omit, insert –*

- (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.

**12 Amendment of Endnotes**

Endnotes, section 3, 'Key Explanation' –

*omit, insert –*

**Key Explanation**