

Subordinate Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons that may be issued with a parking permit; and
 - (c) the vehicles that may be issued with a commercial vehicle identification label; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas—Authorising local law, s 5

- (1) For section 5(1) of the authorising local law, each part of the local government area indicated by hatching in the map in schedule 1 is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law, the boundaries of each traffic area are indicated by bold lines circumscribing the hatched areas on the map in schedule 1.

6 Declaration of off-street regulated parking areas—Authorising local law, s 6

- (1) For section 6(1) of the authorising local law, each area of land identified in a map

in schedule 2 is declared to be an off-street regulated parking area.

- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by a bold red line circumscribing an area on a map in schedule 2.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government—Authorising local law, s 7(2)

- (1) This section prescribes—
 - (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
 - (b) the circumstances in which the parking permits may be issued.
- (2) A parking permit (a ***resident parking permit***) may be issued to a person whose circumstances are as follows—
 - (a) the person resides in a residence¹ situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (c) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
 - (d) if the parking permit is granted — there would not be in force more than 3 resident parking permits for the same residence.
- (3) A parking permit (a ***community service organisation parking permit***) may be issued to a person whose circumstances are as follows—
 - (a) the person is a community service organisation²; and
 - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
 - (c) the activity is undertaken on a section of road where ☐
 - (i) parking is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (4) A parking permit (a ***temporary parking permit***) may be issued to allow the holder of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.

¹ See definition of ***residence*** in the dictionary.

² See definition of ***community service organisation*** in the dictionary.

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- (5) A temporary parking permit may only be granted if the local government is satisfied that□
- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
 - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (6) A parking permit (a **works zone parking permit**) may be issued to a person if the local government is satisfied that□
- (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a **local government works parking permit**) may be issued to allow a person to park 1 or more vehicles in a designated parking space or spaces, and for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces if the person is□
- (a) an employee, contractor or agent of the local government; and
 - (b) parking the vehicle or vehicles in the space or spaces□
 - (i) for the purpose of carrying out work for or on behalf of the local government; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the local government.
- (8) A parking permit (a **visitor parking permit**) may be issued to a person whose circumstances are as follows—
- (a) the person (the **resident**) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (b) the parking permit is to be made available by the resident for use by another person who —
 - (i) is visiting or attending at the residence identified in the parking permit; and
 - (ii) intends parking on the section of road immediately adjacent to the residence; and
 - (c) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and

- (d) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
- (e) if the parking permit is granted — there would not be in force more than 2 visitor parking permits for the same residence.

8 Commercial vehicle identification labels—Authorising local law, s 8(2)

- (1) For section 8(2) of the authorising local law, this section prescribes the vehicles that may be issued with a commercial vehicle identification label.
- (2) A vehicle may be issued with a commercial vehicle identification label if the vehicle—
 - (a) is used for carrying on a business that requires the regular use of loading zones; and
 - (b) is—
 - (i) a horse drawn vehicle constructed, fitted or equipped for the carriage of goods; or
 - (ii) a motor vehicle (excluding any car or motorbike) constructed, fitted or equipped for the carriage of goods; or
 - (iii) a motor vehicle constructed, fitted or equipped for the carriage of persons.
- (3) Also, a vehicle may be issued with a commercial vehicle identification label if a commercial vehicle identification label is displayed on the vehicle and—
 - (a) the vehicle on which the label is displayed is the vehicle specified on the label; and
 - (b) the date specified on the label has not passed.

Part 4 Minor traffic offence infringement notice penalties

9 Infringement notice penalty amounts—Authorising local law, s 9

- (1) For section 9 of the authorising local law, the infringement notice penalty amount³ for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

³ The value of a penalty unit for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law, is as prescribed under a regulation. See section 2B of the *Penalties and Sentences Regulation 2005* for the value of a penalty unit. The value of the penalty unit for a local law made by a local government mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2 of the Regulation is as prescribed under section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit for a local law made by a local government not mentioned in schedule 2 of the Regulation, or an infringement

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- (2) However, the infringement notice penalty amount for an offence mentioned in column 1 of schedule 3 does not apply in the V8 Supercars Event Parking Area if—
- (a) parking in the V8 Supercars Event Parking Area is regulated under section 6 of the *V8 Supercars Event Parking Area Local Law 2011*; or
 - (b) a motor vehicle parked in the V8 Supercars Event Parking Area displays a current—
 - (i) V8 Supercars Event Parking Area Authorised Parking Permit; or (ii) V8 Supercars Event Parking Area Resident Parking Permit.
- (3) For the avoidance of doubt—
- (a) parking in the V8 Supercars Event Parking Area is allowed only for the maximum time specified on the official traffic signs at the dates and times specified on those official traffic signs under section 6 of the *V8 Supercars Event Parking Area Local Law 2011*; and
 - (b) when parking in the V8 Supercars Event Parking Area is not regulated under section 6 of the *V8 Supercars Event Parking Area Local Law 2011*—
 - (i) parking in the V8 Supercars Event Parking Area is regulated under the authorising local law; and
 - (ii) the infringement notice penalty amount for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3; and
 - (c) parking in the V8 Supercars Event Parking Area is only regulated under section 6 of the *V8 Supercars Event Parking Area Local Law 2011* during the conduct of the annual event commonly known as “V8 Supercars Townsville”.
- (4) In this section —
- (a) each of the expressions *V8 Supercars Event Parking Area Authorised Parking Permit* and *V8 Supercars Event Parking Area Resident Parking Permit* have the meaning given in the *V8 Supercars Event Parking Area Local Law 2011*; and
 - (b) *V8 Supercars Event Parking Area* has the meaning given in section 5 of the *V8 Supercars Event Parking Area Local Law 2011*.

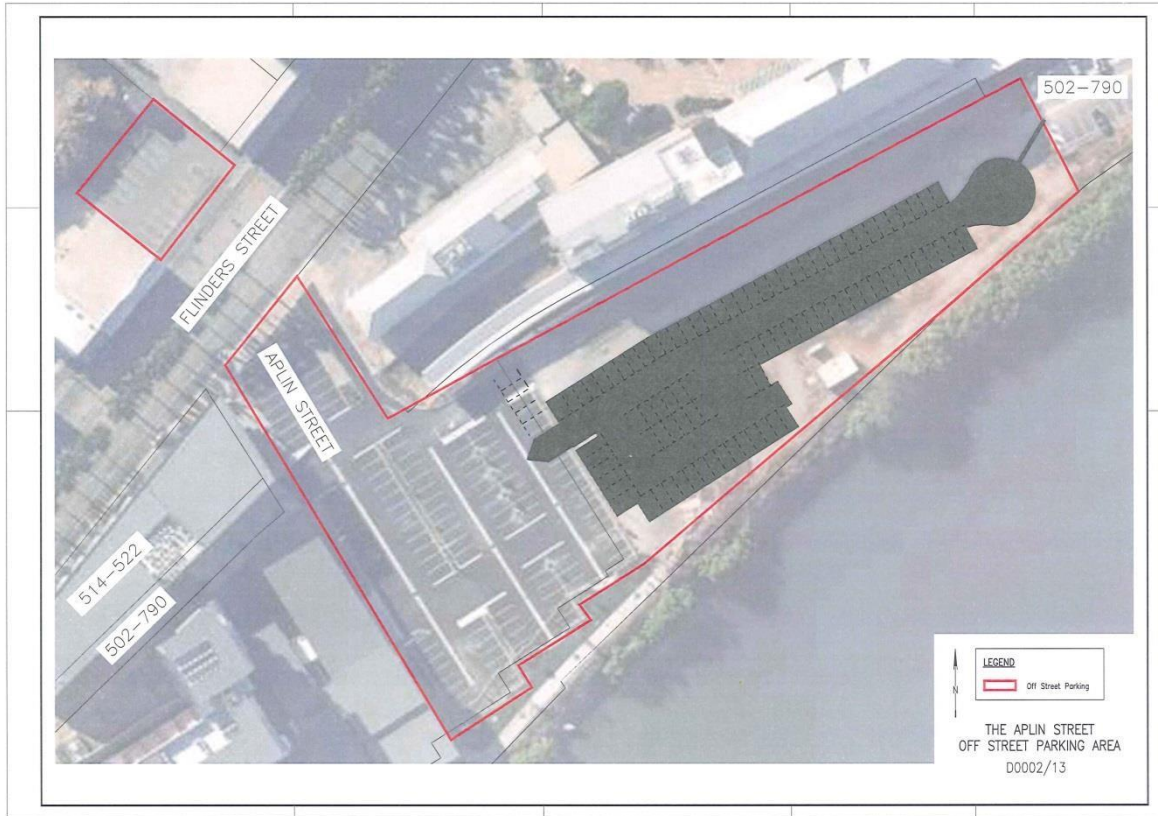
Schedule 1 Declaration of traffic area

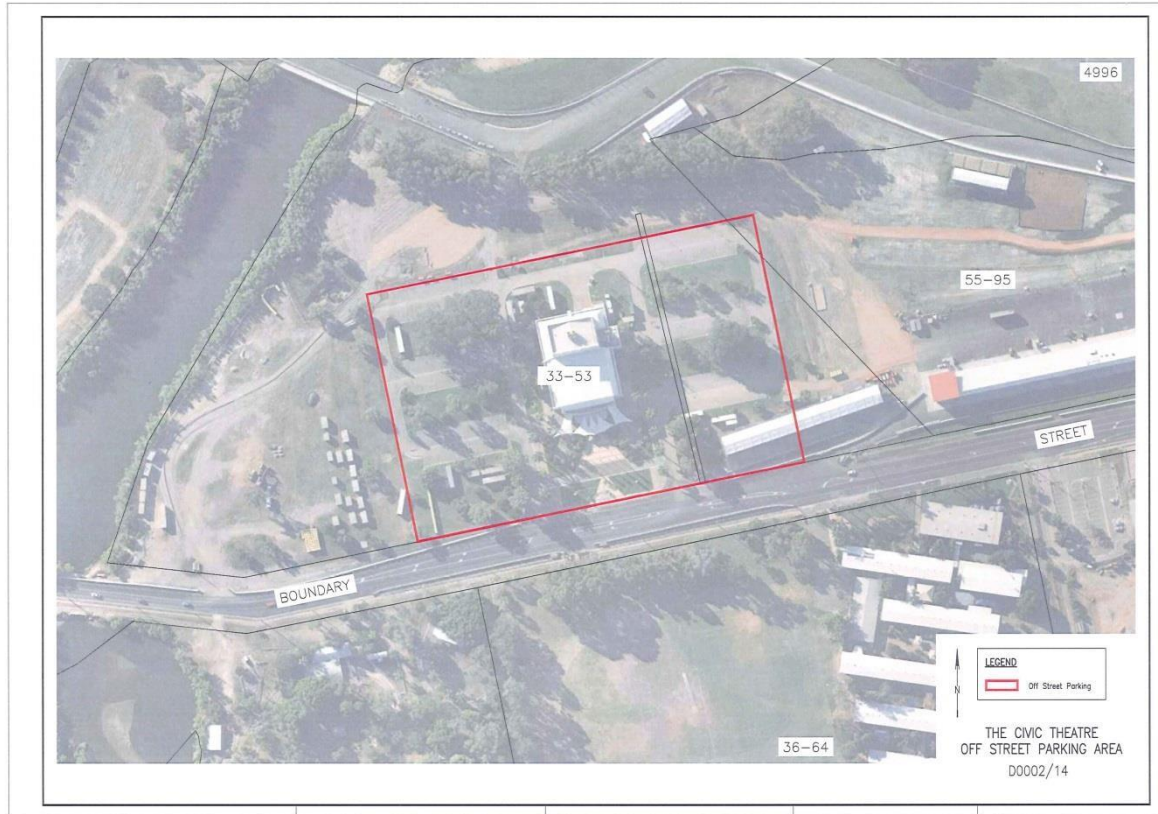
Section 5

No traffic area declared.

**Schedule 2 Declaration of off-street regulated parking
areas**

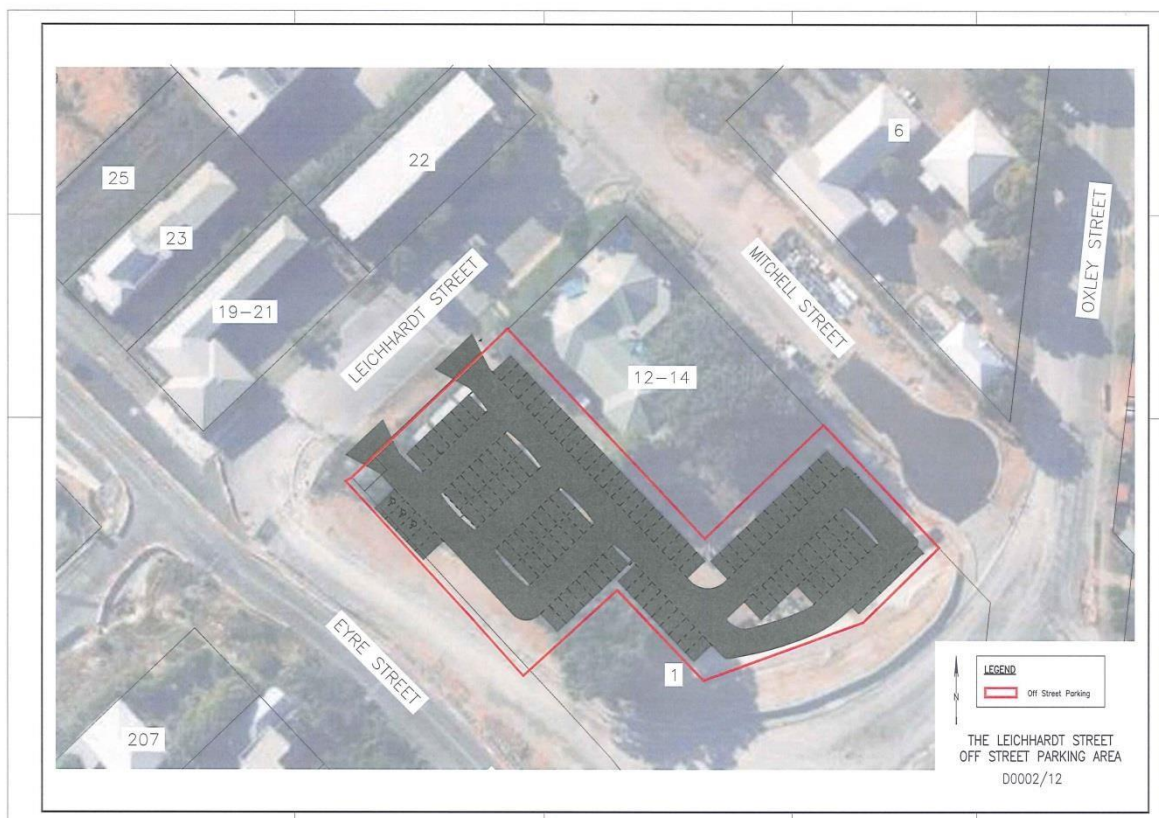
Section 6







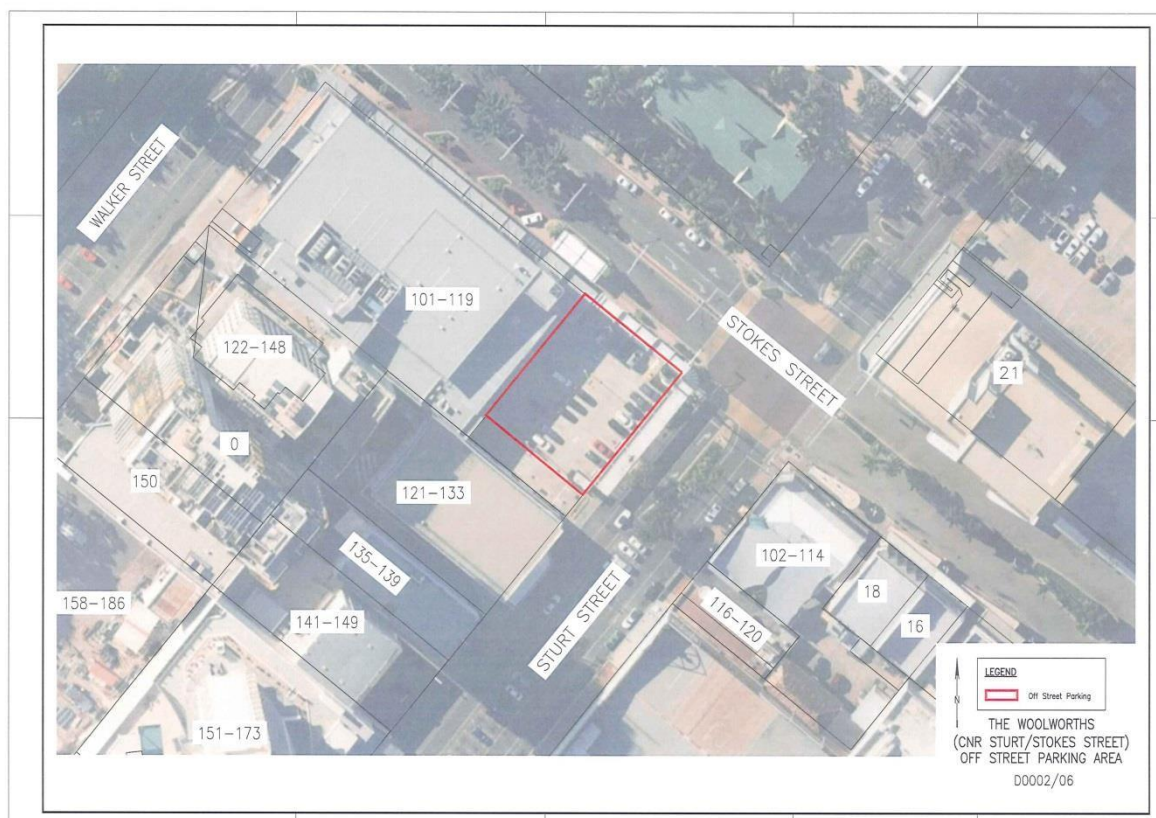












Schedule 3 Infringement notice penalty amounts for certain minor traffic offences

Section 9

| Column 1 | | Column 2 |
|--|---|--|
| <i>Transport Operations (Road Use Management) Act 1995 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 106(1)(a)(i) | Parking a vehicle in a designated parking space unless a parking meter or park at area installed for the space indicates that the parking fee has been paid | 0.6 penalty units |
| 106(1)(a)(ii) | Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space | 0.6 penalty units |
| 106(1)(b) | Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space | 0.6 penalty units |
| 106(1)(c) | Parking a vehicle in a designated parking space if another vehicle is parked in the space | 0.6 penalty units |
| 106(1)(d) | Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space | 0.6 penalty units |

| Column 1 | | Column 2 |
|--|--|--|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 167 | Stopping on a length of road or in an area to which a no stopping sign applies | 1 penalty unit |

| | | |
|--|---------------------------------------|--|
| | | |
| | Stopping at the side of a road marked | |

| Column 1 | | Column 2 |
|--|---|--|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 169 | with a continuous yellow edge line | 0.8 penalty units |
| 170(1) | Stopping in an intersection | 0.6 penalty units |
| 170(2) | Stopping within 20m of an intersection with traffic lights unless permitted by a sign | 0.6 penalty units |
| 170(4)(a) | Stopping within 10m of an intersection without traffic lights unless permitted by a sign | 0.6 penalty units |
| 172(1) | Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign | 0.6 penalty units |
| 172(1) | Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign | 0.6 penalty units |
| 176(1) | Stopping on a road contrary to a clearway sign | 0.6 penalty units |
| 179(1) | Stopping an unauthorised vehicle in a loading zone | 1 penalty unit |
| 179(2)(a) | Authorised driver stopping in a loading zone for longer than 30 mins | 1 penalty unit |
| 179(2)(b) | Authorised driver stopping in a loading zone for longer than permitted by a sign | 1 penalty unit |

| | | |
|--------|---|-------------------|
| 181 | Unauthorised driver stopping in a works zone | 0.6 penalty units |
| 182(1) | Stopping an unauthorised vehicle in a taxi zone | 1 penalty unit |
| 183(1) | Stopping an unauthorised vehicle in a bus zone | 1 penalty unit |

| Column 1 | | Column 2 |
|--|---|--|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| | | |
| 183(1) | Stopping a bus in a bus zone contrary to a bus zone sign | 1 penalty unit |
| 185(1) | Stopping an unauthorised vehicle in a permit zone | 1 penalty unit |
| 186(1) | Stopping in a mail zone | 1 penalty unit |
| 189(1)(a) | Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road | 0.6 penalty units |
| 191 | Stopping on a road so as to obstruct traffic | 0.6 penalty units |
| 195(1) | Stopping within 20m before a bus stop unless permitted by a sign | 0.6 penalty units |
| 195(1) | Stopping within 10m after a bus stop unless permitted by a sign | 0.6 penalty units |
| 197(1) | Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built- up area unless permitted by a sign | 0.6 penalty units |

| | | |
|---|---|---|
| 198(2) | Stopping on or across a driveway unless dropping off or picking up, passengers | 0.6 penalty units |
| 199 | Stopping near a postbox | 0.6 penalty units |
| 202 | Stopping contrary to a motorbike parking sign | 06 penalty units |
| 203(1) | Stopping contrary to a people with disabilities parking sign | 4 penalty units |
| 205(1)(a) | Parking for longer than the period indicated on a permissive parking sign | 0.6 penalty units |
| Column 1 | | Column 2 |
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| | | |
| 208(1) | Parking on a two way road other than parallel and as near as practicable to the far left side of the road | 0.6 penalty units |
| 208(1) | Parking on a one way road other than to the far left or far right of the road unless permitted by a sign | 0.6 penalty units |
| 208(1) | Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign | 0.6 penalty units |
| 210(1) | Angle parking - failing to properly position the vehicle | 0.6 penalty units |
| 211(2) | Parking otherwise than completely within the confines of a parking bay | 0.6 penalty units |
| Part 12 | Other parking offences provided for in Part 12 (Restrictions on stopping and parking) | 0.6 penalty units |

Schedule 4 Dictionary

Section 4

community service organisation means an association incorporated under the *Associations Incorporation Act 1981* which has as the main purpose of its objects, making financial gain for community service, charitable or similar purposes.

community service organisation parking permit see section 7(3). **local**

government works parking permit see section 7(7).

residence means a building, or part of a building, that is □

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes. **resident** see section 7(8)(a). **resident parking permit** see section 7(2). **temporary parking permit** see section 7(4).

visitor parking permit see section 7(8). **works**

zone parking permit see section 7(6).

This and the preceding 21 pages bearing my initials is a certified copy of *Subordinate Local Law No. 5 (Parking) 2011* as amended, made in accordance with the provisions of the *Local Government Act 2009* by Townsville City Council by resolutions dated the Sixth day of July 2016.

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Acting Chief Executive Officer

Neil Allen