

Gold Coast City Council



Local Law No. 2 **(Regulated Parking) 2006**

This and the following 15 pages is a certified copy of the **consolidated version** of *Gold Coast City Council Local Law No. 2 (Regulated Parking) 2006* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Gold Coast City Council by resolution dated the eleventh day of April 2011.

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Dale Dickson
Chief Executive Officer

GOLD COAST CITY COUNCIL

Local Law No. 2 (Regulated Parking) 2006

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Part 1 Preliminary

1 Short title

This local law may be cited as *Gold Coast City Council Local Law No. 2 (Regulated Parking) 2006*.

2 Objects

The objects of this local law are to—

- (a) regulate parking on roads in the local government's area; and
- (b) define the boundaries of traffic areas in the local government's area; and
- (c) give the local government power to—
 - (i) issue commercial vehicle identification labels and parking permits; and
 - (ii) impose temporary parking prohibitions and restrictions; and
- (d) protect the safety, environment and amenity of land in built-up areas from the adverse effects of the parking of vehicles on roads; and

Examples of adverse effects —

- 1. Noise, including the use of air start mechanisms and air compression braking which have a detrimental effect on the amenity of an area;
 - 2. Parking and the use of roads for access and egress purposes could create a safety risk to road users, pedestrians or residents;
 - 3. The parking of vehicles on a road on an ongoing or long term basis may have a detrimental impact on the amenity of an area.
- (e) specify off-street regulated parking areas in the local government's area; and
 - (f) prescribe infringement notice penalties for minor traffic offences committed in the local government's area.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Local law repeal

This local law repeals *Gold Coast City Council Local Law No. 2 (Regulated Parking)*.

5 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a provision of this local law, it is a defence to prove that the person had a reasonable and lawful excuse for the contravention.

Part 2 Regulation of parking

Division 1 Regulation by installation of official traffic signs

6 Parking regulation involves installing official traffic signs

- (1) The local government may regulate parking by installing official traffic signs indicating how parking is regulated on—
 - (a) a road, other than a State-controlled road; or
 - (b) a State-controlled road, with the chief executive's written approval; or
 - (c) an off-street regulated parking area.
- (2) An official traffic sign may apply to parking—
 - (a) at or near the place where the sign is installed, for example, a particular parking space, road or off-street regulated parking area; or
 - (b) throughout an area consisting of the whole or part of the local government's area.
- (3) A prohibition or restriction imposed on parking takes effect on installation of the relevant official traffic sign indicating the prohibition or restriction.¹
- (4) For the avoidance of doubt, the local government may regulate parking in any way permitted by the *Transport Operations (Road Use Management) Act 1995*².

Division 2 Traffic areas

7 Declaration of traffic area

- (1) The local government may, by subordinate local law—
 - (a) declare the whole or a part of its area to be a traffic area; or
 - (b) change the boundaries of a traffic area; or
 - (c) revoke the declaration of a traffic area.
- (2) The boundaries of the traffic area must be defined in the subordinate local law.
- (3) However, the local government cannot regulate parking on a State-controlled road without the written approval of the chief executive.

8 Regulation of parking in declared traffic areas

An official traffic sign applying to parking throughout a traffic area—

- (a) may only indicate the following matters about how parking is regulated throughout the traffic area—
 - (i) the times when a person may only park for a maximum specified

¹ The regulation of parking is ultimately enforceable under section 74 of the *Transport Operations (Road Use Management) Act 1995* as a contravention of an indication on an official traffic sign.

² For example see sections 101 (Who may regulate parking) and 103 (Examples of how parking may be regulated).

- time; and
- (ii) the times when a person may only park by paid parking at a place where the local government has provided for paid parking; and
 - (iii) the types of vehicle a person may park; and
- (b) for parking for which another official traffic sign is installed within the traffic area—applies subject to the other official traffic sign.

Example—

An official traffic sign installed within a traffic area may allow a longer or shorter parking time than that allowed by the official traffic sign for the entire traffic area.

9 Official traffic signs applying to parking throughout a traffic area

At every road entry to a traffic area, the local government must install on the road an official traffic sign indicating the nature of the restriction applying to parking in the traffic area and the times when the restriction applies³.

10 Official traffic sign applying to parking in a particular part of a traffic area

- (1) Although an official traffic sign applying to parking throughout a traffic area (a **general parking sign**) is installed, another official traffic sign (a **special parking sign**) may be installed inside the traffic area applying to parking in a particular part of the traffic area.
- (2) A general parking sign applies subject to a special parking sign to parking in a part of a traffic area to which the special parking sign applies.
- (3) Section 8 does not limit the matters that may be indicated on a special parking sign.

Division 3 Off-street regulated parking areas

11 Off-street regulated parking areas

- (1) The local government may, by subordinate local law, define specified land controlled by the local government (including structures on the land) as an off-street regulated parking area.

Example—

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

- (2) However, the local government cannot provide access to an off-street regulated parking area from a State-controlled road under this section without the written approval of the chief executive.

³ Under section 102(6) of the *Transport Operations (Road Use Management) Act 1995* a person parking anywhere within a traffic area is taken to have notice of the contents of the official traffic sign installed at the road entries to the traffic area.

Part 3 Temporary parking prohibitions or restrictions

12 Temporary parking prohibitions or restrictions

- (1) If the local government is satisfied that a temporary prohibition or restriction of parking is necessary because of a particular event, or conditions temporarily applying in a particular part of the local government area, the local government may temporarily prohibit or restrict parking on a road in its area or on land under the local government's control.

Examples—

The local government might 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.

The local government might also 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) To avoid doubt, a power under subsection (1) may be exercised by resolution of the local government, or by a person to whom the power has been delegated by the local government⁴.
- (3) However, the local government cannot regulate parking on a State-controlled road under this section without the written approval of the chief executive.

13 Duration of temporary prohibition or restriction

- (1) A temporary prohibition of, or restriction on, parking under this part takes effect when the local government installs the appropriate official traffic sign indicating the prohibition or restriction.
- (2) A temporary prohibition of, or restriction on, parking under this part cannot remain in force for more than 4 weeks.

Part 4 Loading zones

14 Installation of official traffic signs indicating loading zones

- (1) The local government may install official traffic signs indicating loading zones.⁵
- (2) However, the local government cannot install an official traffic sign indicating a loading zone on a State-controlled road without the written approval of the chief executive.

15 Parking in loading zones

- (1) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.

⁴ Delegation is dealt with by sections 472 and 1132 of the *Local Government Act 1993*.

⁵ Under the *Transport Operations (Road Use Management) Act 1995* **loading zone** means a length of road to which a loading zone sign applies.

- (2) However, a vehicle will not be regarded as lawfully parked in a loading zone under subsection (1) if the vehicle is parked in contravention of an indication given by an official traffic sign or, in the case of a vehicle displaying a commercial vehicle identification label, if the vehicle is parked or standing in contravention of conditions specified in the local government's approval of the application for a commercial vehicle identification label.

Example—

If the sign indicating a particular loading zone stated "15 minute maximum" then, despite subsection (1), it would be unlawful to park or stand a commercial vehicle in the loading zone for more than 15 minutes.

- (3) This section does not apply to the driver of an emergency vehicle if it is reasonable that this section should not apply.

Part 5 Commercial vehicle identification labels

16 Issue of commercial vehicle identification labels

- (1) The local government may, on application, approve the issue of a commercial vehicle identification label for a vehicle classified as a commercial vehicle under a subordinate local law.
- (2) For the avoidance of doubt, a commercial vehicle identification label issued under this part is a commercial vehicle identification label for the purposes of section 179(1)(c) of the *Transport Operations (Road Use Management – Road Rules) Regulation 1999*.

17 Application for approval

An application to the local government for approval to obtain a commercial vehicle identification label must be on the prescribed form and must include or be accompanied by—

- (a) the name of the applicant; and
- (b) a description of the type and make of the vehicle; and
- (c) the registration number of the vehicle and the date the current registration expires; and
- (d) details of the registered owner of the vehicle; and
- (e) the number of persons which the vehicle is built to carry; and
- (f) a brief description of the purpose for which the vehicle is used; and
- (g) the prescribed fee⁶; and
- (h) any other details or information specified in a subordinate local law.

18 Criteria for approval

The local government must consider every application for approval under section 17 having regard to the following criteria—

⁶ See section 37 (Fees specified by resolution).

- (a) whether the vehicle is properly registered; and
- (b) the purpose for which the vehicle will be used; and
- (c) any other criteria set by subordinate local law.

19 Conditions of approval

- (1) An approval for a commercial vehicle identification label may be granted subject to conditions the local government considers appropriate.
- (2) The conditions of approval may require the commercial vehicle identification label to be prominently displayed on the left hand side front of the vehicle, for example—
 - (a) in the case of vehicles equipped with hinged ventilation windows—affixed to those windows; or
 - (b) in the case where there is no hinged ventilation window—affixed on the lowest most left hand section of the windscreen.
- (3) The local government may, by subordinate local law, prescribe conditions that must be imposed in an approval or that will ordinarily be imposed in an approval.

20 Term of approval

- (1) The local government may, on application by the holder of an approval for a commercial vehicle identification label, renew the approval.
- (2) The term for which an approval for a commercial vehicle identification label is granted or renewed must be fixed—
 - (a) as required by a subordinate local law; or
 - (b) as decided by the local government when it grants the approval for the commercial vehicle identification label.

21 Revocation of approval

- (1) The local government may, by written notice to the holder of an approval, revoke the approval for contravention of a condition of the approval.
- (2) However, before revoking an approval, the local government must—
 - (a) give written notice to the holder of the approval of the proposed revocation; and
 - (b) allow the holder of the approval a reasonable period stated in the notice to make written representations to the local government about the proposed revocation; and
 - (c) if the holder of the approval makes written representations within the time allowed in the notice—take the representations into account.

22 Replacement of commercial vehicle identification label

Where a commercial vehicle identification label is lost, destroyed, damaged or in any way defaced during the currency of the approval, the local government may issue a duplicate of the commercial vehicle identification label after receipt of—

- (a) an application on the prescribed form from the holder of the approval; and
- (b) the prescribed fee.

23 Transfer of vehicle

Upon the transfer of ownership of a commercial vehicle the approval shall expire and the owner upon whose application the vehicle was approved as a commercial vehicle must, before making delivery of the commercial vehicle to the transferee, destroy the identification label issued in respect of the vehicle.

24 Offences under this part

- (1) The following persons must comply with any conditions imposed on an approval issued under this part—
 - (a) the holder of the approval; or
 - (b) if the holder of the approval is not the registered owner of the vehicle to which the approval relates—the registered owner of the vehicle.

Maximum penalty—10 penalty units.

- (2) A person other than a local government must not print or sell a document which resembles or is intended to resemble a commercial vehicle identification label.

Maximum penalty—10 penalty units.

- (3) A person must not affix a commercial vehicle identification label on any vehicle other than the vehicle for which it was issued.

Maximum penalty—10 penalty units.

- (4) A person must not affix to a vehicle any commercial vehicle identification label which—

- (a) contains any incorrect particulars; or
- (b) has expired.

Maximum penalty for each of paragraphs (a) and (b)—10 penalty units.

- (5) A person must destroy a commercial vehicle identification label within 3 days after the expiration or revocation of an approval.

Maximum penalty—10 penalty units.

- (6) A person must not alter or deface a commercial vehicle identification label issued by the local government.

Maximum penalty—10 penalty units.

Part 6 Parking for people with disabilities

25 Local government's responsibility to people with disabilities

In exercising its powers under this local law, local government must have due regard to the special needs of people with disabilities.

26 Parking for people with disabilities under parking permit

A vehicle displaying a parking permit for people with disabilities may, subject to the conditions of the permit, be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.⁷

Part 7 Parking permits**27 Grant of parking permits**

The local government may grant a parking permit authorising a person to park—

- (a) in a designated parking space where parking is restricted to permit parking; or
- (b) contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.

28 Persons to whom parking permits may be granted

The local government may, by subordinate local law limit—

- (a) the classes of persons to whom parking permits may be granted; and
- (b) the circumstances in which parking permits may be granted.

29 Application for parking permit

An application to the local government for a parking permit must be on the prescribed form and must include or be accompanied by—

- (a) the name of the applicant; and
- (b) a description of the type and make of the vehicle; and
- (c) the registration number of the vehicle and the date the current registration expires; and
- (d) details of the registered owner of the vehicle; and
- (e) the prescribed fee⁸; and
- (f) any other details or information specified in a subordinate local law.

30 Term of parking permit

- (1) A parking permit may be granted for a specified occasion or for a specified term.
- (2) If a parking permit is granted for a specified term, the local government may, on application by the holder of the parking permit, renew the parking permit.
- (3) The local government may charge a fee, fixed by resolution, for a parking permit renewal granted under subsection (2).

⁷ See section 103(4)(a)(i) (Examples of how parking may be regulated) of the *Transport Operations (Road Use Management) Act 1995*

⁸See section 37 (Fees specified by resolution).

- (4) The term for which a parking permit is granted or renewed must be fixed as required by subordinate local law, or as decided by the local government, when it grants the parking permit or renewal.

31 Conditions of parking permit

- (1) A parking permit may be granted on conditions the local government considers appropriate.
- (2) The conditions of a permit may, for example—
 - (a) restrict the use of the permit; and
 - (b) require the permit to be affixed to, or exhibited on, a specified part of the vehicle to which it applies.
- (3) The local government may, by subordinate local law, prescribe conditions that must be imposed in a permit or will ordinarily be imposed in a permit.

32 Compliance with conditions of parking permit

The holder of a parking permit must ensure that the conditions of the permit are complied with.

Maximum penalty—10 penalty units.

33 Cancellation of a parking permit

- (1) The local government may, by written notice given to the holder of a parking permit, cancel the permit—
 - (a) for breach of a condition of the permit; or
 - (b) if it appears that the permit was granted on the basis of false or misleading information; or
 - (c) if the permit was granted on the basis that the holder of the permit lives or works in the area and the holder no longer lives or works in the area.
- (2) However, before cancelling a parking permit, the local government must—
 - (a) give the holder of the permit written notice of the proposed cancellation, and the grounds of the proposed cancellation, and invite the holder to make written representations about the proposed cancellation within a reasonable time fixed in the notice; and
 - (b) if the holder of the permit makes written representations within the time allowed in the notice — take the representations into account.

Part 9 Miscellaneous

36 Parking infringement notice penalties⁹

⁹ See section 108 of the *Transport Operations (Road Use Management) Act 1995*, sections 13 and 14 of the *State*

- (1) The local government may prescribe, by subordinate local law, an amount as the infringement notice penalty for a minor traffic offence.
- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

37 Fees specified by resolution¹⁰

The local government may, by resolution, specify —

- (a) parking fees for a place or a traffic area;
- (b) the fee for —
 - (i) a commercial vehicle identification label mentioned in part 5; or
 - (ii) a permit mentioned in part 6; or
 - (iii) a permit mentioned in part 7.

Part 10 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws in relation to those matters about which this local law specifically allows for the making of subordinate local laws.

Penalties Enforcement Act 1999 and sections 12 to 14 inclusive of the *State Penalties Enforcement Regulation 2000*.

¹⁰ See section 103(6) (examples of how parking may be regulated) of the *Transport Operations (Road Use Management) Act 1995*.

Schedule 1 Dictionary

section 3

authorised person means a person who is authorised by the local government to exercise the powers of an authorised person under the provision in which the expression appears.

built-up area, in relation to a length of road, means an area in which there are buildings on land next to the road, or there is street lighting, at intervals not over 100m for a distance of at least 500m or, if the road is shorter than 500m, for the whole road.

chief executive means the chief executive of the department which administers Chapter 6 of the *Transport Infrastructure Act 1994*.

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.

designated parking space means a space on a road or off-street regulated parking area that is defined by an official traffic sign to be a designated parking space and includes a metered space or a parkatarea space.

drive —

- (a) has the meaning given in the *Transport Operations (Road Use Management — Road Rules) Regulation 1999*; and
- (b) **driven** has a corresponding meaning.

driver has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

emergency vehicle means a vehicle driven by a person who is —

- (a) an emergency worker; and
- (b) driving the vehicle in the course of his or her duties as an emergency worker.

emergency worker means—

- (a) an officer of the Queensland Ambulance Service or an ambulance service of another State; or
- (b) an officer of the Queensland Fire and Rescue Service or a fire and rescue service of another State; or
- (c) an officer or employee of another entity with the written permission of the commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a State emergency service of another State; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

fixed hours, in relation to a designated parking space, means the hours during, and

days, on which paid parking only is permitted in the designated parking space.

GVM (gross vehicle mass) means the maximum loaded mass of a vehicle stated on the vehicle's compliance plate.

local government area has the meaning given in the *Local Government Act 1993*.

metered space means a space on a road or off-street regulated parking area defined by an official traffic sign to be a metered space.

motor vehicle means a vehicle propelled by a motor that forms part of the vehicle, and includes a trailer attached to the vehicle.

official traffic sign means a sign, marking, light or device placed or erected to regulate, warn or guide traffic that is an official traffic sign under the *Transport Operations (Road Use Management) Act 1995*.¹¹

off-street regulated parking area means the land (including any structure on the land) controlled by the local government which is specified as an off-street regulated parking area by subordinate local law.

paid parking means parking in a designated parking space during the fixed hours on payment of a prescribed parking fee¹².

park has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

parkatarea includes the stand on which the parkatarea is installed.

parkatarea space means a space on a road or off-street regulated parking area defined by an official traffic sign to be a parkatarea space.

parking infringement notice means an infringement notice under Part 3 of the *State Penalties Enforcement Act 1999*.

parking permit includes —

- (a) a resident parking permit; and
- (b) a community service organisation parking permit; and
- (c) a temporary parking permit, and
- (d) a works zone parking permit; and
- (e) a local government works parking permit.

parking permit for people with disabilities means—

- (a) a permit issued under section 111(1) of the *Transport Operations (Road Use Management) Act 1995*; or
- (b) a parking permit under a corresponding provision of the law of another State or a Territory.

prescribed fee means the fee prescribed by the local government.

prescribed form means the form prescribed by the local government.

road means a road under the *Transport Operations (Road Use Management) Act 1995* and includes a State-controlled road.

¹¹ See section 166 of the *Transport Operations (Road Use Management) Act 1995*.

¹² See section 37 (Fees specified by resolution).

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

structure—

- (a) has the meaning given in the *Building Act 1975*; and
- (b) includes a structure as defined in the *Local Government Act 1993* and any other thing as defined in a subordinate local law.

traffic area means all or part of the local government's area that is declared to be a traffic area under section 7.

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle being towed.

utility installation means—

- (a) supply of water, hydraulic power, electricity or gas; or
- (b) provision of sewerage or drainage services; or
- (c) provision of telecommunications services.

utility maintenance means the maintenance of —

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

vehicle has the meaning given in the *Transport Operations (Roads Use Management) Act 1995*.