



**Cassowary Coast Regional Council
Local Law No. 9 (Parking) 2022**

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 9 (Parking) 2022*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate parking to enable appropriate and fair access to parking throughout the local government area and provide greater controls in areas where parking is in greater demand and through **off-street regulated parking areas**.
- (2) The purpose is achieved by:
 - (a) complementing the regulated parking provisions in chapter 5, part 6 of the **TORUM Act** by the exercise of local government powers authorised under that Act;
 - (b) establishment of **traffic areas** and **off-street regulated parking areas**; and
 - (c) the prescribing of **infringement notice penalties** for **minor traffic offences**.

3 Relationship with other laws

This local law is:

- (a) in addition to, and does not derogate from, and made under the **TORUM Act**, Chapter 5, Part 6;
- (b) applicable to a state controlled **road** where the Chief Executive of the department that administers section 101 (1) (Road Transport Infrastructure) of the **TORUM Act** approves in writing the application of this local law to a state controlled **road**;
- (c) to be read with *Local Law No. 1 (Administration) 2022*; and
- (d) made under Chapter 3 of the **LGA**.

Part 2 Parking

Division 1 Defining and specifying of parking areas for the TORUM Act

4 Defining of traffic areas

- (1) The whole local government area is defined as a **traffic area**.
- (2) The boundaries of the **traffic area** are the boundaries of the local government area.

5 Specification of off-street regulated parking areas

Council specifies the area bounded by bold lines and hatched on the maps in *Subordinate Local Law No. 9 (Parking) 2022* in Schedule 1 as **off-street regulated parking areas**.

Division 2 Minor traffic offences

6 Minor traffic offences

Minor traffic offences are identified in Column 1 of Schedule 2 in *Subordinate Local Law No. 9 (Parking) 2022*.

7 Infringement notice penalties

Council prescribes, in *Subordinate Local Law No. 9 (Parking) 2022*, the amount (in penalty units) as shown in Schedule 2 Column 2, as the **infringement notice penalty** for the corresponding **minor traffic offence** identified in Column 1 of Schedule 2.

8 Permit to park contrary to an official traffic sign

- (1) Despite section 6, a **vehicle** may be parked contrary to an indication on an **official traffic sign** if:
 - (a) the **vehicle** displays a **vehicle identification label**:
 - (i) issued by **Council**;
 - (ii) affixed securely on the left hand side of the windscreen in a prominent position;
 - (iii) valid for the place at which the **vehicle** is parked;
 - (iv) valid for the time at which the **vehicle** is parked;
 - (v) valid for the purpose for which the **vehicle** is parked;
 - (vi) for which the term of the **permit** has not expired; and
 - (vii) for which the **permit** has not been suspended or cancelled;
 - (b) the vehicle is parked in accordance with the conditions of the **permit**; and
 - (c) used by the person or entity to whom the **permit** was issued.

- (2) Despite section 6, a **vehicle** may be parked contrary to an indication on an **official traffic sign** if the vehicle displays a TPI issued by the Queensland State Government or interstate Government, to the extent that they are allowed to under the conditions (if any) of the disability parking **permit**.

Division 3 Parking contrary to parking restriction

9 Parking permits and vehicle identification labels

- (1) **Council** may issue a parking **permit** and in conjunction with that, a **vehicle identification label**, under this Part.
- (2) The persons that may be issued with a parking **permit** are:
- persons who hold a **permit** under the local laws where the parking **permit** is necessary to undertake the permitted activity;
 - a person engaged in business;
 - Council** employees, contractors or agents for the purpose of carrying out work for or on behalf of **Council**;
 - residents of a **road** for which a **permit** is required;
 - contractors or workers undertaking work on an adjoining site where a **permit** is first obtained;
 - a person who is the holder of a **TPI**; and
 - any other person who has reasonable grounds to warrant the issue of a parking **permit** as determined and authorised by the Chief Executive Officer or delegated officer.

Division 4 Parking contrary to an indication on an official traffic sign

10 Prescribed activity

- (1) Parking contrary to an indication on an **official traffic sign** regulating parking by time or payment of a fee (*Transport Operations (Road Use Management) Act 1995*, section 103(4)(a)(ii)) is a **category 1 activity**.
- (2) To obtain a **permit** an application must be made to **Council** on:
- [Approved Form 1.7: Application Information \(*What I want*\)](#); and
 - [Approved Form 9.10: Parking](#)
- (3) A **permit** granted for parking is not transferable.
- (4) **Council** may issue different types of **permits** and associated **vehicle identification labels**:
- commercial vehicle permit** and **commercial vehicle** identification label;
 - parking bay **permit** and parking bay vehicle identification label;

- (c) business parking **permit** and business parking identification label; and
- (d) **TPI** parking **permit** and **TPI** vehicle identification label.

11 Additional criteria for the granting of a permit

- (1) Council must assess the application against the additional criteria.
- (2) The additional criteria are:
 - (a) whether the **permit**:
 - (i) is for a designated parking space where parking is restricted to **permit** parking;
 - (ii) is for a regulated parking area contrary to an indication by an **official advertising device**; or
 - (iii) is needed because access to nearby **premises** is restricted or difficult.
 - (b) for a **commercial vehicle** permit:
 - (i) whether the type of **vehicle** is a **commercial vehicle** (excluding any car or motorbike) constructed, fitted or equipped for:
 - (A) the carriage of goods;
 - (B) the carriage of persons;
 - (C) conforming in all respects (whether as to design or otherwise) with the directions in relation thereto contained in the Manual of Uniform Traffic Control Devices; and
 - (D) which is used for carrying on a business that requires the regular use of loading zones;
 - (c) for business parking **permits**:
 - (i) whether the business is of such a nature that the **vehicle** is required to be moved around frequently within the local government area;
 - (ii) whether the **vehicle** is used only for business purposes; and
 - (iii) whether the **permit** is required for demonstrated business purposes.
 - (d) for **TPI permits**:
 - (i) whether the applicant has been issued a **TPI**.
 - (e) for parking bay **permits**:
 - (i) whether there is a need for parking if building or construction work is being conducted or proposed at nearby **premises**;
 - (ii) whether it is necessary for another **permit**;
 - (iii) whether it relates to parking that is needed for a special event, festival or public assembly; and

Example - a temporary entertainment event permit may require parking contrary to an official traffic sign.

- (iv) whether it is appropriate to reserve a particular parking bay.

12 Conditions that must be imposed on a permit

The following types of conditions must be imposed on a **permit**:

- (a) the **permit holder** must securely affix the **vehicle identification label** to the inside of the windscreen on the left hand side of the **vehicle** facing outwards so it is clearly visible to a person outside the **vehicle**;
- (b) the expiry date for the **permit**; and
- (c) the holder of a **permit** must return the **vehicle identification label** to **Council** within 3 days after expiration, amendment, cancellation or suspension of the **permit**.

13 Conditions that will ordinarily be imposed on a permit

- (1) The following types of conditions will ordinarily be imposed on a **permit**, where applicable:

- (a) the **vehicle** specified in the **permit** is used within the local government area wholly or substantially for business or commercial purposes;
- (b) the **permit** is valid within the local government area only;
- (c) the local government may amend any condition of the **permit** subject to reasonable notification to the **permit holder** at any time;
- (d) for a **commercial vehicle permit**:
 - (i) a **vehicle** displaying a **commercial vehicle** identification label may park in a commercial loading zone for the purpose of loading or unloading for up to a maximum of 30 minutes unless otherwise stated;
 - (ii) when not parking in a loading zone, a **commercial vehicle** must comply with all applicable parking requirements;
 - (iii) the type of **vehicle** must be a **commercial vehicle** (excluding any car or motorbike) constructed, fitted or equipped for:
 - (A) the carriage of goods;
 - (B) the carriage of persons;
 - (C) conforming in all respects (whether as to design or otherwise) with the directions in relation thereto contained in the Manual of Uniform Traffic Control Devices; and
 - (D) which is used for carrying on a business that requires the regular use of loading zones;
- (e) Parking bay **permit**:

- (i) the **permit holder** is authorised to park only in the allocated numbered bay;
 - (ii) the **permit** allows 24 hour, 7 days a week access to the parking bay;
 - (iii) cancellation of a reserved bay must be made in writing at least one month prior to cancellation;
 - (iv) the **permit** may specify a designated area for the **permit holder** to park within;
 - (v) limiting the parking to the activity for which the **permit** is being granted; and
 - (vi) ensuring compliance with the activity being permitted under another **permit**;
- (f) Business parking **permit**:
- (i) a **vehicle** displaying a business parking **permit** may park in a metered or regulated bays within a specified part of the local government area;
 - (ii) the **vehicle** specified in the business parking **permit** must be used within the local government area for business or commercial purposes;
 - (iii) the vehicle specified in the business parking **permit** is used within local government area wholly or substantially for business or commercial purposes;
 - (iv) a **vehicle** displaying a business parking **permit** must have frequent movement in and around the local government area:
NB - the purpose of the business permit is not for all day parking in front of their place of employment.
 - (v) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone, emergency vehicle zones or disabled bays is not permitted;
 - (vi) a business parking **permit** does not guarantee the availability of parking bays when a **vehicle** is moved out of a parking bay; and
 - (vii) a **vehicle** displaying a business parking **permit** must not park adjacent or in close proximity to a business of a similar nature for longer than a 30 minute period of any given day; and
- (g) TPI parking permits:
- (i) one TPI parking **permit** only is issued to the holder of a TPI;
 - (ii) a **vehicle** displaying a TPI parking **permit** may park in a metered or regulated bay within the local government area;

- (iii) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone or emergency vehicle zones is not permitted;
- (iv) a TPI parking **permit** will not guarantee the availability of parking bays when the vehicle is moved out of a parking bay; and
- (v) time restrictions (for example 1P, 2P, 3P etc.), specified on official traffic signs still apply.

Part 3 - Miscellaneous

14 Subordinate local laws

- (1) The local government may make subordinate local laws:
 - (a) To identify **off-street regulated parking areas**;
 - (b) Define boundaries of **off street regulated parking areas**; and
 - (c) Set **infringement notice penalty** amounts that apply for **minor traffic offences**.

Part 4 Repeals

15 Repeal

This local law repeals -

- (a) Local Law No.5 (Parking) 2011.

CERTIFICATION

This and the preceding 7 pages bearing my initials is a certified copy of Cassowary Coast Regional Council *Local Law No.9 (Parking) 2022* made in accordance with the provisions of the *Local Government Act 2009*, by Cassowary Coast Regional Council by resolution dated 28 July 2022.

A handwritten signature in black ink, appearing to read 'Andrew Graffen', is positioned above the printed name.

Andrew Graffen
Chief Executive Officer
Cassowary Coast Regional Council