

Sunshine Coast Regional Council Local Law No. 5 (Parking) 2011

CONSOLIDATED VERSION NO. 2

incorporating amendments to 20 December 2019

**adopted by Sunshine Coast Regional Council on 30 January 2020 pursuant to
section 32 of the *Local Government Act 2009***

Sunshine Coast Regional Council

Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

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

1A Commencement

This local law commences on 1 January 2012.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.
- (2) The purpose is achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
 - (c) regulating heavy vehicle parking in traffic areas and off-street regulated parking areas in the local government's area; and
 - (d) the prescribing of infringement notice penalties for minor traffic offences.

3 Definitions—the dictionary

Schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011* defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6²; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² A local government cannot regulate parking on a State-controlled road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

Part 2 Declaration of parking areas for the TORUM Act

5 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.^{3 4}
- (2) The subordinate local law must define the boundaries of the traffic area.

6 Declaration of off-street regulated parking areas

- (1) The local government may, by subordinate local law, specify an area of land, including structures on the land, as an off-street regulated parking area for the purposes of the TORUM Act, section 104(1)(b).⁵
- (2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits⁶

- (1) The local government may issue a parking permit.
- (2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).
- (3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
 - (a) a parking permit for people with disabilities⁷, provided—
 - (i) the driver of the vehicle is complying with any conditions for the use of the permit; and
 - (ii) in the case of an official traffic sign regulating parking by time—the vehicle is not parked for longer than the period mentioned in section 206(2), *Transport Operations (Road Use Management—Road Rules) Regulation 2009*; or

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

⁴ The TORUM Act, section 69(4), provides: “A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the *Transport Planning and Coordination Act 1994*, section 8D(1), only if the chief executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.”

⁵ Before an area specified under this local law subsection has effect as an off-street regulated parking area for the TORUM Act must also be ‘controlled by ... a local government’ pursuant to section 104(1)(a). Section 104(2) provides that land controlled by the local government includes land over which the local government may exercise control for the purposes of Part 6 (Regulated parking) under an arrangement with a person who owns, or has an interest in, the land.

⁶ See the TORUM Act, section 103(4).

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.

- (b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.
- (4) Parking a vehicle in the way mentioned in subsection (3)(b) is a prescribed activity for the purposes of section 5(b) of *Local Law No.1 (Administration) 2011* and the permit mentioned in subsection (1) constitutes an approval for the purposes of that local law.

8 Commercial vehicle identification labels⁸

- (1) The local government may issue a commercial vehicle identification label.
- (2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.⁹
- (3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.¹⁰
- (4) Parking a vehicle as mentioned in subsection (3) is a prescribed activity for the purposes of section 5(b) of *Local Law No.1 (Administration) 2011* and the label mentioned in subsection (1) constitutes an approval for the purposes of that local law.

Part 4 Heavy vehicle parking

9 (omitted)

10 Heavy vehicle parking in an off-street parking area

- (1) A person must not, without reasonable excuse, park a heavy vehicle in an off-street regulated parking area.
Maximum penalty for subsection (1)—20 penalty units.
- (2) A person must not, without reasonable excuse, drive a heavy vehicle through an off-street regulated parking area.
Maximum penalty for subsection (2)—20 penalty units.

Part 5 Minor traffic offence infringement notice penalties

11 Minor traffic offence infringement notice penalties

- (1) The local government may, by subordinate local law, prescribe an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.¹¹

⁸ See the TORUM Act, section 103(5).

⁹ The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, *commercial vehicle*.

¹⁰ 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.

¹¹ See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

12 Interference with regulated parking

- (1) A person must not without reasonable excuse interfere with a—
- (a) commercial vehicle identification label; or
 - (b) permit; or
 - (c) infringement notice attached to a vehicle.

Maximum penalty for subsection (1)—20 penalty units.

- (2) A person who is not an authorised person must not interfere with—
- (a) an authorised system; or
 - (b) a designated parking space; or
 - (c) an off-street regulated parking area.

Maximum penalty for subsection (2)—20 penalty units.

- (3) In this section—

authorised system see the TORUM Act, section 103(3)(d).

designated parking space see the TORUM Act, schedule 4.

12A Marking tyres for enforcement purposes

- (1) This section applies to an authorised person appointed to enforce the TORUM Act or this local law.
- (2) The authorised person may mark the tyres on a vehicle using crayon, chalk or a similar substance as far as is reasonably necessary for the purpose of enforcing a provision of the TORUM Act or this local law relating to the regulation or prohibition of the parking of vehicles.

Part 6 Miscellaneous

13 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of traffic areas;¹² and
- (b) the declaration of off-street regulated parking areas;¹³ and
- (c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;¹⁴ and

¹² See section 5(1).

¹³ See section 6(1).

¹⁴ See section 7(2).

- (d) vehicles that may be issued with a commercial vehicle identification label;¹⁵ and
- (e) the classes of heavy vehicles that may park on a road in a traffic area for more than 1 hour;¹⁶ and
- (f) the part of a road or area where a heavy vehicle may be parked for more than 1 hour;¹⁷ and
- (g) amounts for infringement notice penalties that apply for minor traffic offences.¹⁸

¹⁵ See section 8(2).

¹⁶ See section 9(a).

¹⁷ See section 9(b).

¹⁸ See section 11(1).

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 20 December 2019.

2 Table of consolidated versions

| Consolidated Version No. | Amendments included | Effective | Notes |
|--------------------------|--|-------------------|-------|
| 1 | Amendment Local Law No. 2 (Parking) 2018 | 21 September 2018 | |
| 2 | Amendment Local Law No. 2 (Miscellaneous) 2019 | 20 December 2019 | |

3 List of amending local laws

Amendment Local Law No. 2 (Parking) 2018

date of Council resolution 13 September 2018

date of gazettal 21 September 2018

commenced on date of gazettal

Amendment Local Law No. 2 (Miscellaneous) 2019

date of Council resolution 12 December 2019

date of gazettal 20 December 2019

commenced on date of gazettal

4 List of annotations

PART 4 —HEAVY VEHICLE PARKING ON A ROAD

part heading amended by Amendment Local Law No. 2 (Miscellaneous) 2019 s21

Declaration of off-street regulated parking areas

s6 amended by Amendment Local Law No. 2 (Parking) 2018 s4

Restrictions on heavy vehicle parking on a road

s9 omitted by Amendment Local Law No. 2 (Miscellaneous) 2019 s22

Marking tyres for enforcement purposes

s12A inserted by Amendment Local Law No. 2 (Miscellaneous) 2019 s23