



**Cairns Regional Council
Local Law No. 12 (Parking) 2016**

Current as at 1 March 2016

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 12 (Parking) 2016*.

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 car 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 providing for:
 - (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) the establishment of traffic areas and off-street regulated parking areas;
 - (c) 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
 - (d) 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) 2016*; and
- (d) made under Chapter 3 of the LGA.

Part 2 Parking

Division 1 Declaration of parking areas for the TORUM Act

4 Declaration of traffic areas

- (1) The whole local government area is declared to be a traffic area.
- (2) The boundaries of the traffic area are the boundaries of the local government area.

5 Declaration of off-street regulated parking areas

The local government, declares the areas of land indicated by hatching on the maps in *Subordinate Local Law No. 12 (Parking) 2016* Schedule 1 as:

- (a) off street regulated parking areas; and
- (b) the boundaries of off-street regulated parking areas is defined by bold lines circumscribing the hatched areas on the maps.

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. 12 (Parking) 2016*.

7 Infringement notice penalties

The local government prescribes, in *Subordinate Local Law No. 12 (Parking) 2016*, 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 the local government;
 - (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; and

- (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) The vehicle displays a valid disability parking permit 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) The local government 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:
 - (a) persons who hold a permit under the local laws where the parking permit is necessary to undertake the permitted activity;
 - (b) a person engaged in business;
 - (c) local government employees, contractors or agents for the purpose of carrying out work for or on behalf of local government;
 - (d) residents of a road for which a permit is required;
 - (e) contractors or workers undertaking work on an adjoining site where a permit is first obtained;
 - (f) a person who is the holder of a TPI repatriation health card; and
 - (g) any other person who has reasonable grounds to warrant the issue of a parking permit as determined and authorised by the chief executive 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 prescribed activity.
- (2) To obtain a permit an application must be made to Council on the approved forms required under *Local Law No. 1 (Administration) 2016* and this local law.
- (3) A permit granted for parking is not transferable.
- (4) The local government may issue different types of permits and associated vehicle identification labels:

- (a) commercial vehicle permit and commercial vehicle identification label;
- (b) business parking permit and business parking identification label;
- (c) residential parking permit and residential vehicle identification label;
- (d) TPI parking permit and TPI vehicle identification label; and
- (e) parking bay permit and parking vehicle identification label.

11 Additional criteria for the granting of a permit

The following criteria are criteria that must be considered in deciding whether or not to grant a permit:

- (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 parking sign; or
 - (iii) is needed because access to nearby premises is restricted or difficult.
- (b) For residential parking permits:
 - (i) whether the applicant is a permanent resident of the CBD;
 - (ii) whether the vehicle the subject of the application is registered in the applicant's name at the residential address located within the CBD;
 - (iii) if the vehicle is a company vehicle, whether the applicant has complete private use of the vehicle; and
 - (iv) whether there are any on-site parking spaces available at the residence.
- (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 repatriation health card.

- (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 that 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; and
- (b) the holder of a permit must return the vehicle identification label to the local government 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 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) 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 vehicles must be a commercial vehicle (with the type of vehicle excluding cars or motorbikes) 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 activity being permitted under another permit.
- (f) business parking permit:
- (i) a vehicle displaying a business parking permit may park in a pay and display 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 bays; 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.
- (g) residential parking permit:
 - (i) a vehicle displaying a residential parking permit may park in a pay and display or regulated bays within the local government area only;
 - (ii) the vehicle specified in the residential parking permit must not be used within the local government area for business or commercial purposes;
 - (iii) the residential parking permit is valid within the local government area only at the location specified on the permit;
 - (iv) the number of residential parking permits allowed for each dwelling is the maximum number of 2 permits per residential address, less the number of onsite spaces available or which may be reasonably provided at the residence;
 - (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; and
 - (vi) a residential parking permit will not guarantee the availability of parking bays when a vehicle is moved out of a parking bays; or
- (h) TPI parking permits:
 - (i) one TPI parking permit only is issued to the holder of a TPI repatriation health card;
 - (ii) a vehicle displaying a TPI parking Permit may park in a pay and display or regulated bay within the local government area only;
 - (iii) 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;
 - (iv) a TPI parking permit will not guarantee the availability of parking bays when the vehicle is moved out of the parking bays; 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) to define boundaries of off street regulated parking areas; and
- (c) to set infringement notice penalty amounts that apply for minor traffic offences.

CERTIFICATION

This and the preceding 8 pages bearing my initials is a certified copy of Cairns Regional Council *Local Law No.12 (Parking) 2016* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 27 January 2016.

Peter Tabulo
Chief Executive Officer
Cairns Regional Council