

# 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**

For section 5 of the authorising local law, no part of the local government area is declared to be a traffic area.

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

For section 6 of the authorising local law, each area of land identified in schedule 2 is declared to be an off-street regulated parking area.

## 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 residence<sup>1</sup> 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)
  - (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 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 organisation<sup>2</sup>; 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.
- (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

<sup>1</sup> See definition of *residence* in the dictionary.

<sup>2</sup> See definition of *community service organisation* in the dictionary.

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- (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)**

For section 8(2) of the authorising local law, the following vehicles may be issued with a commercial vehicle identification label mentioned in section 8(1) of the

authorising local law—

- (a) any motor vehicle constructed, fitted or equipped for the carriage of persons which is used for carrying on a business that requires the regular use of loading zones; and
- (b) any vehicle that is permanently sign written (painted) or displays a magnetic or other sticker so as to clearly indicate that the vehicle is being used in connection with the carrying on of a business.

## **Part 4                      Minor traffic offence infringement notice penalties**

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

For section 9 of the authorising local law, the infringement notice penalty amount<sup>3</sup> for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

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<sup>3</sup> See section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law—the amount, not more than \$100.00, prescribed under a regulation. See section 2A of the *Penalties and Sentences Regulation 2005*. 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 \$75.00. 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 notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 2 of the Regulation, is \$100.00.

**Schedule 1          Declaration of traffic area**

Section 5

No traffic area declared.

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

Section 6

Name	Property description
Caneland Central	<p>Lot 10 on CP891650, County of Carlisle, Parish of Howard, 2 Mangrove Road Mackay</p> <p>Lot 10 on SP214688, County of Carlisle, Parish of Howard, 11 Matsuura Drive Mackay</p>
Mt Pleasant Centre	Lot 12 on SP103136, County of Carlisle, Parish of Bassett, 54 A Phillip Street Mt Pleasant
Dome Car Park	<p>Lot 2 on RP 706666, County of Carlisle, Parish of Howard, 1 Gregory Street, Mackay and Lot 1 on RP708028, County of Carlisle, Parish of Howard, 7 Gregory Street, Mackay and Lot 3 on RP900898, County of Carlisle, Parish of Howard, 7 Gregory Street, Mackay</p>
Riverside Car Park	<p>Lot 1 on RP719317, County of Carlisle, Parish of Howard, 1 Gregory Street, Mackay and Lot 1 on RP706666, County of Carlisle, Parish of Howard, 1 Gregory Street, Mackay</p>
Sydney Street Markets	Lot 50 on SP178812 County of Carlisle, Parish of Howard, 31 Gordon Street Mackay
Cinema Car Park	Lots 3, 4 and 5 on RP700842 and Lot 1 on RP866509 County of Carlisle, Parish of Howard, 30 Gordon Street Mackay
Reserve for park and recreation purposes at 2 Matsuura Drive, Mackay (Bluewater Lagoon)	Lot 11 on SP214686, County of Carlisle, Parish of Howard, 2 Matsuura Drive Mackay
Reserve for park and recreation purposes at 32 River Street, Mackay (Bluewater Lagoon)	Lot 524 on Plan C13748, County of Carlisle, Parish of Howard, 32 River Street Mackay
Mid-City Car Park (Cnr Gregory and Gordon Streets)	<p>Lot 1 on RP700795, County of Carlisle, Parish of Howard, 13 Gregory Street, Mackay</p> <p>Lot 2 on RP700795, County of Carlisle, Parish of Howard, 13A Gregory Street, Mackay</p>

	Lot 3 on RP700795, Lot 4 on RP700795 and Lot 101 on M912, County of Carlisle, Parish of Howard, 36 Gordon Street, Mackay
Wharf Car Park	Lot 1 on RP700875, Lot 2 on RP700875, County of Carlisle, Parish of Howard, 4 Brisbane Street, Mackay  Lot 159 on M912, Lot 160 on M912, Lot 161 on M912, County of Carlisle, Parish of Howard, 29A River Street, Mackay
Memorial Pool Car Park	Lot 388 on CP852637, County of Carlisle, Parish of Howard, 2 Milton Street, Mackay
MECC Car Park	Lot 5 on CP800783, County of Carlisle, Parish of Howard, 252-258 Alfred Street, Mackay  Lot 4 on SP232808, County of Carlisle, Parish of Howard, 252-258 Alfred Street, Mackay
Senior Citizens Hall Car Park	Lot 3 on SP140252, County of Carlisle, Parish of Howard, 58 Macalister Street, Mackay
Artspace Car Park	Lot 6 on SP232808, County of Carlisle, Parish of Howard, 73 Gordon Street, Mackay
Gordon White Library Car Park	Lot 11 on SP103136, County of Bassett, Parish of Howard, 54 Phillip Street, Mount Pleasant
River Street Boat Ramp	Lot 457 on Plan CI4369, County Carlisle, Parish Howard, 1 River Street  Road Reserve Parking adjacent to River Street Boat Ramp at the end of River Street
Mackay Harbour Boat Ramp	Lot 80 on SP 143358, County Carlisle, Parish Bassett, L80 Mulherin Drive, Mackay Harbour



### Schedule 3      **Infringement notice penalty amounts for certain minor traffic offences**

Section 9

<b>Column 1</b>		<b>Column 2</b>
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
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	0.5 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	0.5 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	0.5 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.5 penalty units

<b>Column 1</b>		<b>Column 2</b>
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
167	Stopping on a length of road or in an area to which a no stopping sign applies	0.5 penalty units
168	Stopping on a road contrary to a no parking sign	0.5 penalty units
169	Stopping at the side of a road marked with a continuous yellow edge line	0.5 penalty units
171	Stopping on a road near a children's crossing	0.5 penalty units
176(1)	Stopping on a road contrary to a clearway sign	0.5 penalty units

<b>Column 1</b>		<b>Column 2</b>
<b><i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i></b>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
179(1)	Stopping an unauthorised vehicle in a loading zone	0.8 penalty units
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.8 penalty units
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.5 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
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
188	Stopping an unauthorised vehicle at a place on a length of road in a shared zone	0.8 penalty units
195	Stopping an unauthorised vehicle at or near a bus stop	0.8 penalty units
197	Stopping an unauthorised vehicle on a bicycle path, footpath, shared path, dividing strip, nature strip or painted island adjacent to a length of road	0.8 penalty units
198	Stopping an unauthorised vehicle which obstructs vehicle or pedestrian access to or from a footpath ramp, footpath, bicycle path, passageway or driveway	0.8 penalty units
202	Stopping contrary to a motorbike parking sign	0.5 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	4 penalty units

<b>Column 1</b>		<b>Column 2</b>
<b><i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i></b>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.5 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.5 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.8 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).

## Endnotes

### 1 Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
amdt	= amendment	prev	= previous
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	rep	= repealed
ins	= inserted	s	= section
num	= numbered	sch	= schedule
om	= omitted	sdiv	= subdivision
p	= page	sub	= substituted
para	= paragraph	unnum	= Unnumbered

### 2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2021</i>	March 2021	

### 3 List of amending local laws

*Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2021*

Commenced on March 2021

### 4 List of annotations

#### Declaration of off-street regulated parking areas

Sch 2 om, replace 2021 No. 2 s 22(1)

Sch 2 om, replace 2021 No. 2 s 22(2)