Redland City Council

Subordinate Local Law No. 5 (Parking) 2015

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 5 (Parking) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated

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A. Chesterman
Chief Executive Officer

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Redland City Council

Subordinate Local Law No. 5 (Parking) 2015

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2015*.

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) 2015*, 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) 2015* (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 5 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

(1) For section 5(1) of the authorising local law, each part of the local government area indicated by hatching on a map in schedule 1 is declared to be a traffic area.

(2) For section 5(2) of the authorising local law, the boundaries of each traffic area are indicated by bold lines circumscribing the hatched area on a map in schedule 1.

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

(1) For section 6(1) of the authorising local law, the areas of land which are declared

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to be an off-street regulated parking area are—

(a) described in schedule 2 part 1; and

(b) indicated by hatching on a map in schedule 2 part 2.

(2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by a bold line circumscribing a hatched area on a map in schedule 2 part 2.

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 a parking permit may be issued.

(2) A parking permit (a ***resident parking permit)***—

(a) may be issued to a person whose circumstances are as follows—

(i) the person resides in a residence[1] situated on a section of road and parking immediately adjacent to the residence 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; and

(iii) the residence does not have, and cannot reasonably be provided with, adequate off–street parking; and

(iv) if the parking permit is granted — there would not be in force more than 3 resident parking permits for the same residence; but

(b) must not be issued to permit a vehicle to be parked contrary to an indication on an official traffic sign installed on a road in a no parking permit area.

(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[2]; 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.

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[1] See definition of ***residence*** in the dictionary.

[2] See definition of ***community service organisation*** in the dictionary.

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(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—

(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***)—

(a) may be issued to a person whose circumstances are as follows—

(i) 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

(ii) the parking permit is to be made available by the resident for use by another person who —

(A) is visiting or attending at the residence identified in the parking permit; and

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(B) intends parking on the section of road immediately adjacent to the residence; and

(iii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and

(iv) the residence does not have and cannot reasonably be provided with adequate off–street parking; and

(v) if the parking permit is granted — there would not be in force more than 2 visitor parking permits for the same residence; but

(b) must not be issued to permit a vehicle to be parked contrary to an indication on an official traffic sign installed on a road in a no parking permit area.

8 Commercial vehicle identification labels—Authorising local law, s 8(2)

(1) For section 8(2) of the authorising local law, this section prescribes the vehicles that may be issued with a commercial vehicle identification label.

(2) A vehicle may be issued with a commercial vehicle identification label if the vehicle—

(a) is used for carrying on a business that requires the regular use of loading zones; and

(b) is—

(i) a horse drawn vehicle constructed, fitted or equipped for the carriage of goods; or

(ii) a motor vehicle (excluding any car or motorbike) constructed, fitted or equipped for the carriage of goods; or

(iii) a motor vehicle constructed, fitted or equipped for the carriage of persons.

(3) Also, a vehicle may be issued with a commercial vehicle identification label if a commercial vehicle identification label is displayed on the vehicle and—

(a) the vehicle on which the label is displayed is the vehicle specified on the label; and

(b) the date specified on the label has not passed.

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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[3] for an offence mentioned in column 1 of schedule 4 is the corresponding amount stated in column 2 of schedule 4.

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[3] Under section 108 of the *Transport Operations (Road Use Management) Act 1995* —

(a) a local government may, under a local law, prescribe an amount as an infringement notice penalty for a minor traffic offence; and

(b) for the *State Penalties Enforcement Act 1999*, the minor traffic offence is an infringement notice offence and the penalty is the infringement notice penalty for the offence.

See sections 5 (Meaning of penalty unit) and 5A (Prescribed value of particular penalty unit) of the *Penalties and Sentences Act 1992* and section 2B of the *Penalties and Sentences Regulation 2005*.

Schedule 1 Declaration of traffic area

Section 5

No traffic area declared.

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Schedule 2 Declaration of off-street regulated parking areas

Section 6

Part 1 Areas declared to be an off-street regulated parking area.

1. Capalaba

Description of car park or area	Location or address of car park or area
School Road off-street car park	Between Mount Cotton Road, Capalaba and Burns Street, Capalaba.

2. Cleveland

Description of car park or area	Location or address of car park or area
Doig Street off-street car park	Between Middle Street and Queen Street, Cleveland.
Emmett Drive off-street car park	Between Emmett Drive, Cleveland and Wharf Street, Cleveland.
John Street off-street car park	Between Queen Street and Russell Street, Cleveland.
Middle Street (East) off-street car park	Middle Street, Cleveland, Cleveland.
Shore Street West off-street car park	Between Shore Street West and Kyling Lane, Cleveland.
Toondah Harbour off-street car park	Emmett Drive, Cleveland.
Wharf Street off-street car park	Between Middle Street and Wharf Street, Cleveland.
William Street off-street car park	Between William Street and Shore Street North, Cleveland.

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3. Macleay Island

Description of car park or area	Location or address of car park or area
Macleay Island Ferry Terminal car and boat trailer park	Brighton Road and Russell Terrace, Macleay Island.

4. North Stradbroke Island

Description of car park or area	Location or address of car park or area
One Mile Ferry Terminal car park	Yabby Street, One Mile, Dunwich, North Stradbroke Island.
East Coast Road off-street car park	East Coast Road, Dunwich, North Stradbroke Island
Junner Street Ferry Terminal car park	Junner Street Ferry Terminal car park, Dunwich, North Stradbroke Island.
Junner Street, Cunningham Street, off-street car park	Between Cunningham Street and Ballow Road, Dunwich, North Stradbroke Island.
Junner Street, Bayly Street off-street car park	Between Ballow Road and Bayly Street, Dunwich, North Stradbroke Island.
Dunwich Cemetery –Flinders Avenue, Dunwich – all open space past the entry gates	Dunwich Cemetery boarded by Flinders Avenue; Yabby Street and Bingle Road Dunwich,

5. Redland Bay

Description of car park or area	Location or address of car park or area
Weinam Creek Cenotaph off-street car park.	Banana Street, Redland Bay.
Weinam Creek off-street car and boat trailer park	Banana Street, Redland Bay.
Weinam Creek Spoil Pond off-street car park	Banana Street, Redland Bay.
Weinam Creek vehicle barge off-street car park	Weinam Street and Esplanade, Redland Bay.
Moores Road off street car park	Between 23 – 29 Moores Road and 14 Auster Street, Redland Bay
Auster Street off street boat ramp access	Auster Street, Redland Bay

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6. Russell Island

Description of car park or area	Location or address of car park or area
Russell Island Ferry Terminal car and boat trailer park	Alison Crescent, Hawthornden Drive and High Street, Russell Island.
Russell Island off-street car park	Bayview Road, Russell Island.
Alice Street – Esplanade off-street car and boat trailer park	Corner of Alice Street and Esplanade, Russell Island
Esplanade off-street car park	Esplanade, Russell Island

7. Victoria Point

Description of car park or area	Location or address of car park or area
Victoria Point off-street car and boat trailer park	Masters Avenue, Victoria Point.
Colburn Avenue off-street car park	Colburn Avenue, Victoria Point.

8. Wellington Point

Description of car park or area	Location or address of car park or area
Wellington Point off-street car and boat trailer park	Main Road, Wellington Point.

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Schedule 3 Definition — no parking permit area

Section 4

Part 1 Description of no parking permit areas

(1) The Capalaba no parking permit area being the area indicated by hatching on part 2 map 1.

(2) The Cleveland no parking permit area being the area indicated by hatching on part 2 map 2.

(3) The Redland Bay no parking permit area being the area indicated by hatching on part 2 map 3.

(4) The Victoria Point no parking permit area being the area indicated by hatching on part 2 map 4.

(5) The Wellington Point no parking permit area being the area indicated by hatching on part 2 map 5.

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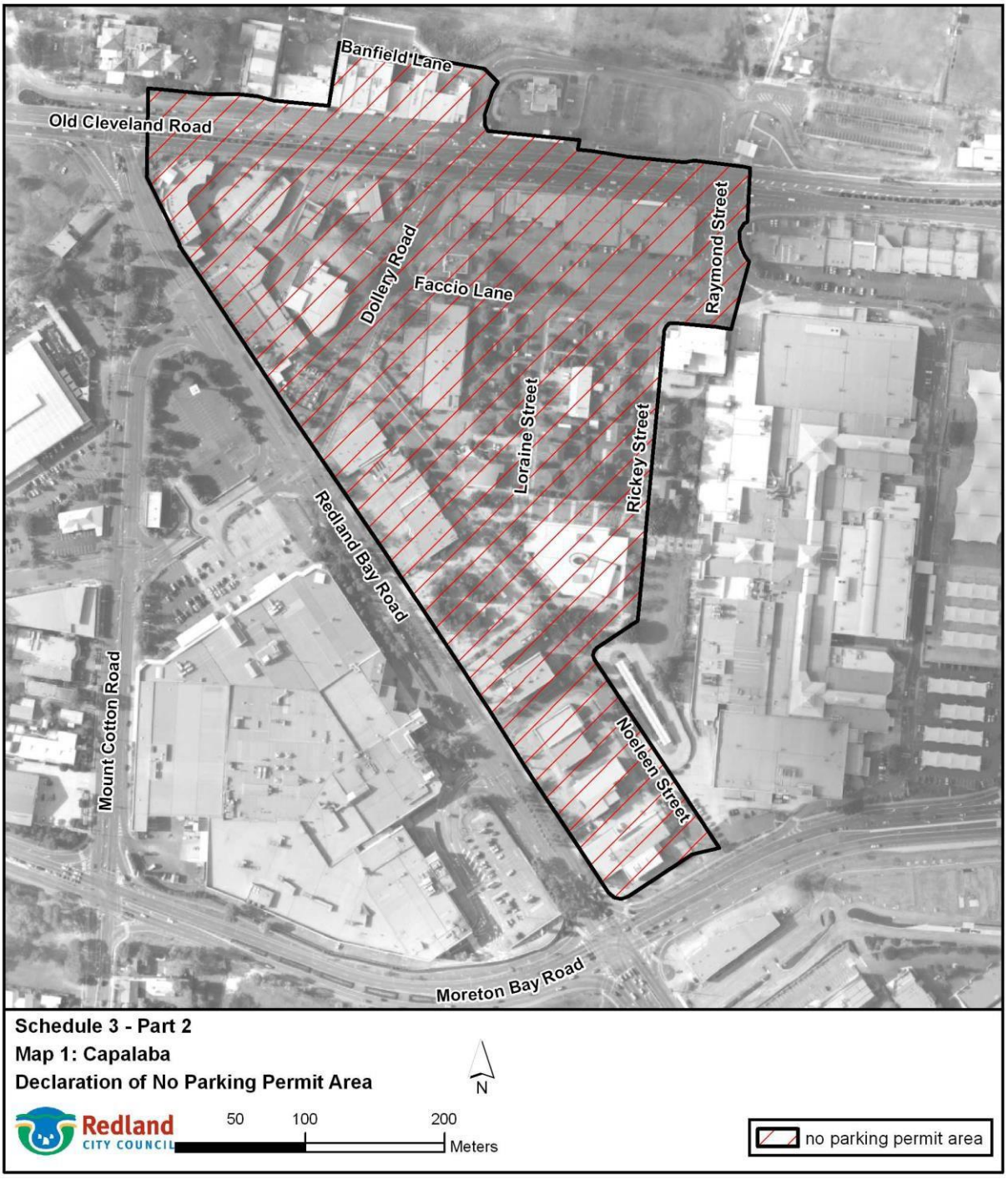
Part 2 Maps of no parking permit areas

Map 1 - Capalaba



Map 2 - Cleveland

Schedule 3 - Part 2
Map 2: Cleveland
Declaration of No Parking Permit Area

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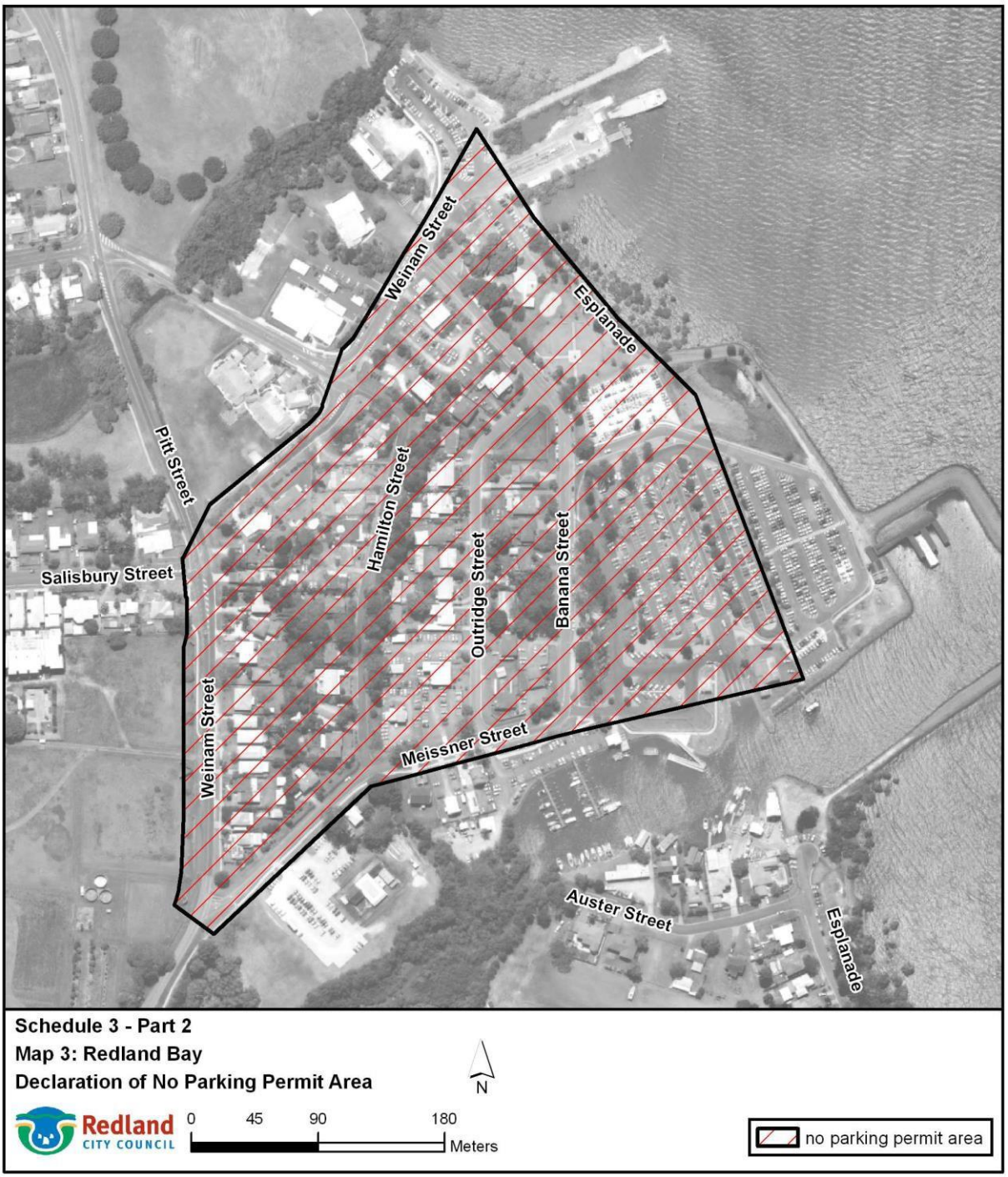
0 55 110 220 Meters

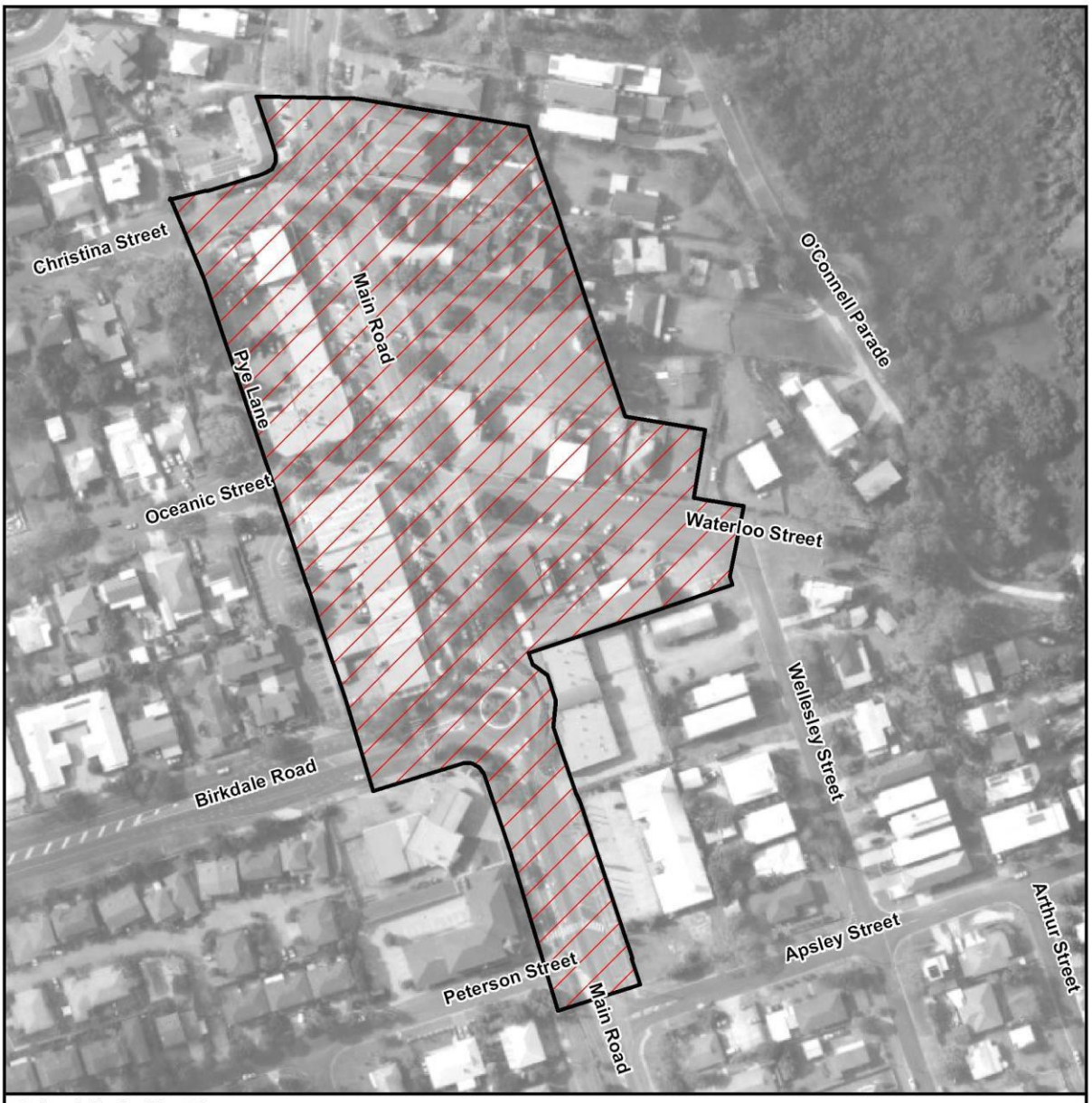
no parking permit area

Map 3 – Redland Bay



Map 4 – Victoria Point

Map 5 – Wellington Point



Schedule 3 - Part 2
Map 5: Wellington Point
Declaration of No Parking Permit Area

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0 20 40 80 Meters

no parking permit area

Schedule 4 Infringement notice penalty amounts for certain minor traffic offences

Section 9

Column 1		Column 2
***Transport Operations (Road Use Management) Act 1995* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	1 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	1 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	1 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	1 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	1 penalty units

Column 1		Column 2
***Transport Operations (Road Use Management – Road Rules) Regulation 2009* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
167	Stopping on a length of road or in an area to which a no stopping sign applies	2 penalty units
168	Unauthorised driver stopping on a length of road or in an area to which a no parking sign applies	1 penalty units

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Column 1		**Column 2**
***Transport Operations (Road Use Management – Road Rules) Regulation 2009* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
169	Stopping at the side of a road marked with a continuous yellow edge line	1 penalty units
170(1)	Stopping in an intersection	2 penalty units
171	Stopping on a children's crossing or on the road within 20m before the crossing or 10m after the crossing	2 penalty units
172(1)	Stopping on a pedestrian crossing that is not at an intersection or on a road within 20m before a crossing and 10m after the crossing otherwise than as permitted by a sign	2 penalty units
173	Stopping on a marked foot crossing that is not at an intersection, or on a road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing unless permitted by a sign	2 penalty units
175	Stopping on a level crossing, or on a road within 20m before the nearest rail or track to the driver approaching the crossing and 20m after the nearest rail or track to the driver leaving the crossing unless permitted by a sign	2 penalty units
176(1)	Stopping on a road contrary to a clearway sign	1 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	1 penalty units
181	Unauthorised driver stopping in a works zone	2 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	1 penalty units
183(1)	Stopping an unauthorised vehicle in a bus	2 penalty units

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Column 1		**Column 2**
***Transport Operations (Road Use Management – Road Rules) Regulation 2009* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
	zone	
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	2 penalty units
185(1)	Stopping an unauthorised vehicle in a permit zone	1.4 penalty units
186(1)	Stopping in a mail zone	1 penalty units
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	1.4 penalty units
191	Stopping on a road so as to obstruct traffic	2 penalty units
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	1.4 penalty units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	1.4 penalty units
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	1 penalty units
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	1 penalty units
199	Stopping near a postbox	1 penalty units
200(1)	Stopping a heavy vehicle or a long vehicle on a length of road that is not in a built-up area otherwise than on the shoulder of the road	1.4 penalty units
200(2)	Stopping a heavy vehicle or a long vehicle on a length of road in a built-up area for	1.4 penalty units

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Column 1		**Column 2**
***Transport Operations (Road Use Management – Road Rules) Regulation 2009* provision**	**Minor Traffic Offence**	**Infringement notice penalty amount**
	longer than 1 hour unless permitted to stop on the length of road for longer than 1 hour by information on or with a traffic controlled device	
202	Stopping contrary to a motorbike parking sign	1 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	4 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	1 penalty units

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Schedule 5 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).

no parking permit area means an area—

(a) described in schedule 3 part 1; and

(b) indicated by hatching on a map in schedule 3 part 2; and

(c) the boundaries of which are indicated by a bold line circumscribing a hatched area on a map in schedule 3 part 2.

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)(i).

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).

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