

LOCAL LAW NO.30 (PARKING OF HEAVY VEHICLES IN RESIDENTIAL STREETS)

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PART 1 - PRELIMINARY

Citation

1. This local law may be cited as the **Local Law No. 30 (Parking of Heavy Vehicles in Residential Streets)**.

Object

2. The object of this local law is to protect the amenity and safety of residential areas attributable to the parking of heavy vehicles in residential roads.

Definitions

3. In this local law -

“**authorised person**” means an officer or agent of the Council authorised either by Council resolution or by an officer or agent with appropriate delegated authority, to exercise the powers of an authorised person under this Local Law.

“**compliance notice**” means a written notice given by an authorised person requiring a person to stop a contravention of this Local Law or a condition of a permit.

“**Council**” means the Council of the Redland Shire.

“**emergency vehicle**” has the meaning given to that term in the Traffic Regulations 1962 and includes State Emergency Services vehicle.

“**heavy vehicle**” means a vehicle, or combination of vehicles attached to each other, such that it, or the combination, has a gross vehicle mass (GVM) of more than 4.5 tonnes, or has a total length in excess of 7.5m. The term includes a trailer or semi-trailer standing alone, which has a GVM of 3 tonnes or has a length exceeding 5 metres. The term excludes any heavy vehicles specified for exclusion in a local law policy.

“**official traffic sign**” has the meaning given to that term in the Traffic Act 1949.

“**on-road parking space**” means that section of the carriageway of a road which can be used for the parking of vehicles without contravening any other law.

“parking” means the standing of an occupied or unoccupied vehicle, other than temporarily for and while actually engaged in the picking up or setting down passengers or for the loading or unloading of goods.

“permit” means a heavy vehicle parking permit issued under this Local Law.

“Policy” means Local Law Policy No 30 (Parking of Heavy Vehicles in Residential Streets).

“residential area”:-

(a) any area of the Redland Shire which may be designated in a local law policy; and

(b) is contained within a residential zoning under the Town Plan for the Redland Shire.

“residential on-road parking space” means an on-road parking space that is located in front of a residential area.

“residential zoning” means a zoning that is designated primarily for residential purposes under the Town Plan for the Redland Shire.

“road” has the meaning given to that term in the traffic Act 1949.

“traffic area” means a part of the Redland Shire that is declared to be a traffic area by the local government under the authority of section 44B of the Traffic Act 1949.

PART 2 - REGULATION OF HEAVY VEHICLE PARKING

Restrictions on heavy vehicle parking

- 4 (1) Subject to sub-section 4(2) a person must not park a heavy vehicle on any road within 20metres of a residential area after having been advised in writing by Council that after the Council received a reasonable and valid complaint regarding that particular location or in the vicinity of that location, an inspection by a Council officer found that the heavy vehicle does not meet conditions set-down in the Policy.
- (2) A heavy vehicle may be parked within 20 metres of residential area if that heavy vehicle is parked strictly in accordance with:-
- (a) a permit; or
 - (b) the circumstances set out as exceptions under PART 3 – EXCEPTIONS; or
 - (c) an authorisation given by or under another Act of Parliament; or
 - (d) an official traffic sign.
- (3) For the purposes of this section “vicinity” means within 100metres of that particular location.

Maximum Penalty - 50 penalty units

Relationship to other laws

- 5 (1) This local law is in addition to and does not derogate from, a local law made by the Council to regulate parking under Part 6A of the Traffic Act 1949.
- (2) This local law does not apply to a State-controlled road unless the Chief Executive of the Department which administers Chapter 8 of the Transport Infrastructure Act 1994 has given his or her written agreement.



PART 3 - EXCEPTIONS

Particular vehicle exceptions

- 6 (1) The exceptions to PART 2 - REGULATION OF HEAVY VEHICLE PARKING are:
- (a) where the vehicle is an emergency vehicle; or
 - (b) where a heavy vehicle is reasonably required to be parked as a result of:-
 - (i) construction or maintenance of a road;
 - (ii) the provision of services within the road reserve on which the vehicle is parked; or
 - (iii) activity on an adjoining site; or
 - (c) any class of heavy vehicle declared by local law policy to be a heavy vehicle to which an exception applies.

PART 4 - PERMITS

Application for permit

- 7 (1) A person may apply for a permit to park a heavy vehicle in a residential area by lodging with the Council -
- (a) an application in writing on the prescribed form;
 - (b) the prescribed fee;
 - (c) information regarding matters specified in this Local Law as applicable to that permit or authorisation; and
 - (d) information regarding other relevant matters in accordance with the specific requirements prescribed by a local law policy.
- (2) The Applicant must, if the Council so requires, furnish any further information or documents that the local government may require to decide the application.
- (3) An application for a permit is not duly made until the applicant has complied with all the requirements of this section.
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- (4) An applicant who provides information of a false or misleading nature in connection with an application, commits an offence against this Local Law.
- (5) If an Authorised Person approves the application a permit label will be issued which must be affixed, facing outwards, to the subject vehicle as near as practicable to the vehicle registration label.
- (6) Replacement permit labels may only be issued upon the completion by the Applicant of a sworn statement advising that the original label has been lost, destroyed, damaged or defaced.
- (7) Truck parking permits must be renewed annually by application on the prescribed form and pay the prescribed fee.

Maximum Penalty - 50 penalty units

Approval of application

- 8
- (1) The Council may -
 - (a) approve the application; or
 - (b) approve the application subject to conditions; or
 - (c) refuse the application.
 - (2) If the Council approves the application for a permit under subsection (1)(a) or (1)(b), a permit in the prescribed form will be issued for the nominated heavy vehicle.
 - (3) A permit issued under subsection (2) must be affixed, facing outwards, to the nominated heavy vehicle as near as practicable to the vehicle registration label.
 - (4) The Council may only issue a replacement permit upon receiving a sworn statement from the permit holder that the original permit has been lost, destroyed, damaged or defaced.

Classes of heavy vehicles in respect of which permits may be issued

9. The Council may, by local law policy, specify the classes of heavy
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vehicles in respect of which parking permits will not be granted or will not ordinarily be granted.

Criteria for approval of application

- 10** In considering an application the Council must have regard to:-
- (a)** any applicable Commonwealth, State or local government plans, standards, agreements or requirements;
 - (b)** the public interest;
 - (c)** safety issues;
 - (d)** amenity issues; and
 - (e)** any additional criteria specified by local law policy.

Term of heavy vehicle parking permit

- 11**
- (1)** The Council may grant a permit for a specified occasion or for a specified term.
 - (2)** A permit commences and terminates on the dates specified in the permit.
 - (3)** The Council may renew a permit upon receiving an application in writing on the prescribed form and payment of the prescribed fee.

Conditions and prohibitions of permit by policy

- 12**
- (1)** The Council may, by local law policy, specify -
 - (a)** conditions which:-
 - (i)** must be imposed; or
 - (ii)** will ordinarily be imposed;on a permit generally or in particular circumstances or in relation to particular types of permits;
 - (b)** particular circumstances in which:-
 - (i)** a permit will not be issued; or
 - (ii)** a permit will not ordinarily be issued;

- (c) particular circumstances, where the provisions of the Local Law will not apply.

12 (2) A person must comply with the conditions of a permit.

Maximum penalty - 50 penalty units.

Variation of permit conditions

- 13 (1)** The Council may by notice in writing to the holder of a permit add to, vary or revoke a permit condition whenever the local government considers it necessary or appropriate to do so.
- (2)** However, the Council may change the conditions of a permit only if:
- (a)** the holder agrees to the proposed change; or
 - (b)** the Council;
 - (i)** gives the permit holder reasonable written notice of the proposed change inviting the permit holder to make written representations about the proposed change within a reasonable period fixed in the notice; and
 - (ii)** if the permit holder makes such written representations within the time allowed in the notice, the local government takes those representations into account.
- (3)** An addition, variation or revocation of a permit condition takes effect from the date specified in the notice.

PART 5 - ENFORCEMENT

Compliance notices

- 14 (1) If a person contravenes this Local Law or a condition of a permit, an authorised person may give the person a compliance notice.
- (2) A compliance notice may require the person to whom it is given to take specified action, within a specified time, to remedy the contravention.
- (3) Immediate action to remedy a contravention may be required if it is necessary to avoid a risk to public safety.
- (4) A person to whom a compliance notice is given must comply with the notice.
- (5) A compliance notice given under this section may be in addition to any other penalty imposed under this Local Law.

Maximum penalty - 50 penalty units.

PART 6 - MISCELLANEOUS

Local Law Policies

- 15 (1) For the purposes of this Local Law, the Council may make local law policies about -
- (a) classes of heavy vehicles to which this Local Law does not apply;
- (b) permits, to the extent allowed in Part 4; and
- (c) other matters about which this Local Law specifically allows for the making of local law policies.

This and the preceding eight (8) pages bearing my initials is a certified copy of Local Law No. 30 (Parking of Heavy Vehicles in Residential Streets) made, in accordance with the Local Government Act 1993, by Redland Shire Council by resolution dated 12 May 1999.

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Chief Executive Officer

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Dated