



Brisbane City Council

**Local Law
(Heavy and Long Vehicle Parking)
1999**

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PART 1 - PRELIMINARY

Citation

1. This local law may be cited as Brisbane City Council Local Law (Heavy and Long Vehicle Parking) 1999.

Object

2. The object of this local law is to protect the safety, environment and amenity of land used for residential purposes from the adverse effects of parking heavy vehicles and long vehicles on roads.

Examples of adverse effects:-

Noise, including the use of air start mechanisms and air compression braking which may have a detrimental effect on the amenity of an area;

Parking or the use of roads to access or exit could create a safety risk to road users, pedestrians or residents;

The heavy or long vehicle has a load which could be dangerous in the event of fire, spillage, breakage or escape of some or all of the load;

The load or remains of the load may constitute a health or environmental risk by harbouring or encouraging bacteria, as in the case of heavy or long vehicles which regularly transport cattle, pigs or chickens;

Heavy or long vehicles, or signs or visible goods on the heavy or long vehicle may have a detrimental impact on the amenity of an area.

Definitions

3. In this local law -

"combination" means a prime mover connected to one or more trailers;

"driver" means the person driving or in control of a motor vehicle;

"emergency vehicle" means:-

- (a) an ambulance; or
- (b) a fire appliance or other vehicle necessary to attend a fire or chemical incident;
- (c) a police vehicle; or
- (d) such other vehicle as specified in a local law policy;

"heavy vehicle" includes:-

- (a) any component of a combination with a GVM of 3 tonnes or more;
- (b) any other vehicle with a GVM of 4.5 tonnes or more;

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"long vehicle" includes:-

- (a) a vehicle or trailer that is 7.5 metres long, or longer;
- (b) a vehicle or trailer that, together with any load or projection, is 7.5 metres long, or longer;
- (c) any combination which is 7.5 metres long, or longer
- (d) any component of a combination which, standing alone, is 5 metres long, or longer.

"off-street service facility" means a part of commercial or industrial premises made available for parking of vehicles;

"traffic sign" has the meaning given to that term in the Transport Operations (Road Use Management - Road Rules) Regulation 1999;

"trailer" means any vehicle without motive power attached or designed for attachment to another vehicle;

"owner" of a vehicle means the person in whose name the vehicle is registered under the Transport Infrastructure (Roads) Regulation 1991 or similar legislation of another State or the Commonwealth;

"park" has the meaning given to that term in the Transport Operations (Road Use Management - Road Rules) Regulation 1999¹;

"prime mover" has the meaning given in the Transport Operations (Road Use Management) Regulation 1995²

"residential purpose" includes dwelling whether as an exclusive or a mixed use of land but does not include dwelling in caretaker's accommodation on non-residential premises;

"road" means an area that is dedicated to public use as a road;³.

"utility installation" means:

- (a) supply of water, hydraulic power, electricity or gas;
- (b) provision of sewerage or drainage services;
- (c) provision of telecommunications services;

"vehicle" has the meaning given to that term in the Transport Operations (Road Use Management - Road Rules) Regulation 1999

Relationship to other laws

4. This local law is in addition to, and does not derogate from, any other local law made by Council to regulate parking.

¹ See Part 12 and s. 350.

² Transport Operations (Road Use Management) Regulation 1995 Schedule 13: "prime mover" means a motor vehicle designed to tow a semi trailer.

³ This local law does not apply to a State-controlled road under the Transport Infrastructure Act 1994 unless the chief executive of the department which administers that Act has given his or her written agreement.

PART 2 - REGULATION OF HEAVY VEHICLE AND LONG VEHICLE PARKING

Restrictions on heavy vehicle and long vehicle parking

5. (1) A person must not park a heavy vehicle or a long vehicle:
- (a) on any road within 100 metres of any land used for residential purposes;
 - (b) for more than one hour in any day
- unless the parking of the heavy or long vehicle is strictly in accordance with:
- (i) a traffic sign; or
 - (ii) an exception under Part 4 - Exceptions.

Maximum Penalty - 50 penalty units

- (2) For the purposes of sub-section (1), a parked vehicle is within 100 metres of land if any part of the vehicle, load or projection is within 100 metres of any point on the boundary of the land.

PART 3 - ENFORCEMENT

Power to require removal of heavy or long vehicle

6. (1) If a heavy or long vehicle is parked in contravention of this local law, an authorised person may orally direct the person who appears to be in control of the vehicle to move it immediately;
- (2) A person who refuses to comply with a direction to move, or fails to comply within a reasonable time, shall be guilty of an offence against this local law.

Maximum Penalty - 50 Penalty Units

Liability of Owner

7. When under this local law a contravention is alleged to have been committed in connection with a heavy or long vehicle, the person liable shall be the owner of the vehicle except as provided in section 6 of this local law or the relevant provisions of Part 4A of the Justices Act 1886.

PART 4 - EXCEPTIONS

Exceptions

8. The exceptions to Part 2 - Regulation of Heavy and Long Vehicle Parking are:
- (1) Where the heavy or long vehicle is an emergency vehicle; or

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- (2) While a heavy vehicle or a long vehicle is reasonably required to be parked:
 - (a) as part of construction or maintenance of the street;
 - (b) to permit utility installation by, or approved by, another authority permitted by law to do so; or
 - (c) where the heavy or long vehicle is parked as near as possible to a site during delivery of goods or provision of services to that site or collection of goods from that site.
- (3) In the event of breakdown, where the heavy or long vehicle is parked for the minimum time necessary:
 - (a) to effect minor repairs sufficient to permit removal to a place where it may be lawfully parked; or
 - (b) to be towed if necessary; or
- (4) Where land on only one side of a road is used for residential purposes and there is no off street service facility on the non-residential side, if the heavy or long vehicle is parked on the non-residential side of the road; or
- (5) As declared by local law policy.

Exceptions by policy

9. Council may in a local law policy specify exemption from all or part of the requirements of this local law and local law policy either generally or in particular circumstances.