



Brisbane City Council

Regulated Parking Permit Local Law 1996

This consolidated local law was adopted by Council on 5 June 2018
Commencement date - 15 June 2018



Dedicated to a better Brisbane

Brisbane City Council

Regulated Parking Permit Local Law 1996

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Part 1 Preliminary

1 Short title

This local law may be cited as the *Regulated Parking Permit Local Law 1996*.

2 Commencement

- (1) Sections 1 and 2 commence on the day notification of the making of this local law is published in the Gazette.
- (2) The remaining provisions commence on the day following the expiration of 21 days after the commencement of sections 1 and 2.

3 Definitions

- (1) In this local law—

appropriate application fee, with respect to a permit, means the fee (if any) last determined under section 14 that is applicable to the permit.

Brisbane City Plan means the document entitled *Brisbane City Plan 2014*, as amended from time to time.

car-share operator means a corporation or business that operates a short-term car-share scheme.

car-share permit means a permit issued to a car-share operator in relation to a car-share vehicle owned or leased by a corporation or business conducting a car-share scheme.

carer's permit means a permit issued to a—

- (a) resident in relation to a person that is caring for that resident; or
- (b) vessel occupier in relation to a person that is caring for that vessel occupier.

charitable organisation means a charitable organisation listed in Appendix A of the document entitled "Schedule of Fees and Charges" determined by resolution of Council from time to time.

City means the area comprised in the City of Brisbane under the *City of Brisbane Act 2010*.

Council means the Brisbane City Council.

event day means—

- (a) a day, notified by Gazette, on which an event is taking place within a specified traffic area; or
- (b) a day or time as specified on an official traffic sign within a specified traffic area.

fleet permit means a permit issued to a resident who has exclusive use of a vehicle that is registered to a corporation or business and that is kept at the resident's place of residence.

health and community permit means a permit issued to—

- (a) a registered health care professional who provides professional health care services to a resident; or
- (b) a charitable organisation.

multiple dwelling has the meaning given to it in Brisbane City Plan.

permit means—

- (a) a resident's permit;
- (b) a visitor's permit;
- (c) a short-term permit;
- (d) a carer's permit;
- (e) a health and community permit;
- (f) a fleet permit;
- (g) a vessel occupier's permit; and
- (h) a car-share permit,

issued in writing under this local law.

permittee means the person to whom a permit that remains in force has been issued under this local law.

registered health care professional means a health practitioner or health service provider registered with the Australian Health Practitioner Regulation Agency.

regulated parking permit scheme area means all roads and parts of roads in any area that has been established as a parking permit scheme area by Council where an official traffic sign has been installed to regulate parking by time. For the avoidance of doubt, a parking permit scheme area may include all or part of a traffic area.

resident means a person who dwells next to a road where parking is regulated by time.

rooming accommodation has the meaning given to it in Brisbane City Plan.

short-term permit means a permit that is issued to a resident for a number of hours on a stated day, or on a stated day and a consecutive day, or such longer period as Council may agree, for the purpose specified in the permit.

traffic area has the meaning given to it in the *Transport Operations (Road Use Management) Act 1995*.

vessel occupier means a person who occupies a vessel that is moored in the Brisbane River on an official mooring at Gardens Point Boat Harbour or Dockside Marina.

vessel occupier's permit means a permit issued to a vessel occupier in relation to a vehicle.

visitor's permit means a permit that is issued to a resident or vessel occupier in relation to a visitor of that resident or vessel occupier.

writing has the meaning given to it in the *Acts Interpretation Act 1954*.

- (2) Subject to subsection (1), in this local law any term defined in the *Transport Operations (Road Use Management) Act 1995* has the meaning given to it in that Act.

4 Object

The object of this local law is to provide a means by which—

- (1) parking by a resident of the City—
- (a) on a road; and
 - (b) in the vicinity of his or her place of residence; or
- (2) parking by a person attending at, or visiting, the place of residence of another person or the mooring of a vessel—
- (a) on a road; and
 - (b) in the vicinity of that place of residence or mooring; or
- (3) parking by a vessel occupier of a vehicle—
- (a) on a road; and
 - (b) in the vicinity of the mooring of his or her vessel; or
- (4) parking by a person of a car-share vehicle on a road,
- in circumstances specified under this local law, will not be unreasonably restricted by Council's regulation of parking.

Part 2 Permits

5 Application of permit

A permit is applicable to a particular parking only if the conditions (if any) to which the permit is subject are complied with in that parking.

6 Permit to park contrary to indication of official traffic sign

Despite the *Transport Operations (Road Use Management) Act 1995* a vehicle may be parked on a road in the City contrary to an indication on an official traffic sign regulating parking by time if a permit has been granted in relation to that vehicle under this local law that is applicable to the parking.

7 Types of permits

- (1) Council may issue the following types of permit—
- (a) a resident's permit;
 - (b) a visitor's permit;
 - (c) a short-term permit;

- (d) a carer's permit;
 - (e) a health and community permit;
 - (f) a fleet permit;
 - (g) a vessel occupier's permit; and
 - (h) a car-share permit.
- (2) A permit, other than a car-share permit, may be issued in respect of a vehicle—
- (a) used or proposed to be used by the person to whom the permit is to be issued; and
 - (b) identified in the permit.
- (3) A car-share permit may be issued in respect of a vehicle—
- (a) used or proposed to be used by the corporation or business to whom the permit is to be issued; and
 - (b) identified in the permit.
- (4) A permit, other than a car-share permit, remains valid only while either—
- (a) the resident to, or in relation to, whom it was issued continues to dwell at the place identified in the relevant permit; or
 - (b) the vessel occupier to, or in relation to, whom it was issued continues to occupy the vessel at the place of mooring identified in the relevant permit.
- (5) A car-share permit remains valid only while the corporation or business to which it was issued continues to operate.
- (6) For the avoidance of doubt, Council may issue any permit described in subsection (1) regardless of whether or not the criteria for issuing that permit has been met.

8 To whom a permit may be issued

- (1) Subject to subsections (3), (4) and (6), a resident (including a resident in rooming accommodation in a building or a resident of a multiple dwelling for which a development application was lodged before 31 March 2015) may apply for any or all of the following—
- (a) a resident's permit;
 - (b) a visitor's permit;
 - (c) a short-term permit;
 - (d) a carer's permit; and
 - (e) a fleet permit.
- (2) A registered health care professional may apply for a health and community permit if the person requiring the services of the registered health care professional is a resident.

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- (3) A resident in rooming accommodation in a building or a resident of a multiple dwelling for which a development application was lodged after—
- (a) 31 March 2015, in a traffic area or regulated parking permit scheme area that was established prior to 30 June 2015;
 - (b) 19 March 2017, in relation to the Taringa Residential Parking Permit Area;
 - (c) 29 August 2017, in relation to the New Farm and Teneriffe Hill Residential Parking Permit Area; and
 - (d) for any other traffic area or regulated parking permit scheme area established after 30 June 2015 – the date of gazettal of that traffic area or regulated parking permit scheme area,
- may only apply for a carer’s permit.
- (4) A resident in rooming accommodation in a building or a resident of a multiple dwelling for which a development application was lodged on or before—
- (a) 19 March 2017, in relation to the Taringa Residential Parking Permit Area;
 - (b) 29 August 2017, in relation to the New Farm and Teneriffe Hill Residential Parking Permit Area; and
 - (c) for any other traffic area or regulated parking permit scheme area established after 30 June 2015 – the date of gazettal of that traffic area or regulated parking permit scheme area,
- may apply for any or all of the following—
- (d) either—
 - (i) a resident’s permit; or
 - (ii) a fleet permit; and
 - (e) a visitor’s permit; and
 - (f) a short-term permit; and
 - (g) a carer’s permit.
- (5) To remove any doubt, a registered health care professional may apply for a health and community permit to provide health and community services to—
- (a) a resident in rooming accommodation, in a building for which a development application was lodged after 31 March 2015; and
 - (b) a resident of a multiple dwelling, for which a development application was lodged after 31 March 2015.
- (6) A resident (other than a resident in rooming accommodation or a resident of a multiple dwelling) of a traffic area or regulated parking permit scheme area established after 30 June 2015 may apply for any or all of the following—
- (a) either—

- (i) a resident's permit; or
 - (ii) a fleet permit; and
 - (b) a visitor's permit; and
 - (c) a short-term permit; and
 - (d) a carer's permit.
- (7) A car-share operator may apply for any number of car-share permits.
- (8) A vessel occupier may apply for any or all of the following—
- (a) a vessel occupier's permit;
 - (b) a visitor's permit; and
 - (c) a carer's permit.

9 Applications

An application for a permit must—

- (a) be in writing in a form approved by Council; and
- (b) contain all of the information indicated by the form; and
- (c) be accompanied by the appropriate application fee.

10 Council to decide applications

Council must decide an application for a permit.

11 Decision on application

- (1) Council may—
 - (a) approve the application; or
 - (b) refuse the application.
- (2) In approving the application Council may determine conditions relevant to the object of this local law to which the permit is to be subject.
- (3) If Council approves the application it must issue a permit to the applicant and advise the applicant of the conditions (if any) to which the permit is subject.
- (4) If Council refuses the application, it must—
 - (a) notify the applicant in writing of—
 - (i) the refusal; and
 - (ii) the reasons for the refusal; and
 - (b) refund to the applicant the amount of any fee paid.

12 Duration of permit

- (1) This section does not apply to a short-term permit.

- (2) Subject to section 7(4)(a) and 7(5), a permit, other than a permit issued to a vessel occupier, remains in force for up to a maximum period of 12 months after it is issued.
- (3) Subject to section 7(4)(b), any permit issued to a vessel occupier remains in force for up to a maximum period of 3 months after it was issued.
- (4) A permit, other than a permit issued to a vessel occupier, may be renewed from time to time for periods of 12 months.
- (5) Any permit issued to a vessel occupier may be renewed from time to time for periods of 3 months.

13 Renewal of permit

- (1) This section does not apply to a short-term permit.
- (2) Council may send to every permittee a permit renewal notice before the date on which the permit is due to expire.
- (3) The permit renewal notice—
 - (a) must state the date on which the permit renewal falls due; and
 - (b) must state the appropriate application fee for the permit and the time for payment.
- (4) The appropriate application fee must be paid on or before 4.30 pm on the day on which the permit is due to expire or at such earlier time as the renewal notice may require.

Part 3 General

14 Fees

- (1) Council may by resolution determine the fee to be paid in respect of any type of permit.
- (2) In determining any fee Council may—
 - (a) determine that the fee be of amounts that vary according to specified factors; and
 - (b) provide for any specified person or person within a specified class or specified classes of persons to be exempt from the payment of a fee.

15 Conditions of permits

- (1) Without limiting Council's power to impose conditions under this local law, Council may restrict the area in which a vehicle may be parked to—
 - (a) the traffic area or regulated parking permit scheme area (if any) in which is situated; or
 - (b) part of the traffic area or regulated parking permit scheme area (if any) in which is situated; or
 - (c) the road adjacent to; or

- (d) the one or more segments of road in close proximity to, the place of residence or mooring identified in the permit.
- (2) Without limiting Council's power to impose conditions under this local law, Council may restrict the area in which a vehicle may be parked by excluding—
 - (a) roads or areas that Council considers are unsuitable for parking;
 - (b) one or more traffic areas; and
 - (c) traffic areas on days that are event days for that particular traffic area.

16 Revocation

- (1) Council may, by written notice to the permittee, revoke any permit given under this local law.
- (2) A revocation takes effect from the time specified in the notice.

17 Electronic communication

- (1) This section applies if an application has been made in an approved form.
- (2) If the person making the application lodges it with Council electronically, the person is deemed to have given consent for Council to give the person any information or notice about their application by electronic means.
- (3) Council may elect to give the person any information or notice electronically or in paper copy.

18 Repeal of Local Law Policy No. 1 (Regulated Parking Permit) 1996

The *Local Law Policy No. 1 (Regulated Parking Permit) 1996* is repealed.

Endnotes

Key

Key to abbreviations in list of amendments

Key	Explanation
amd =	amended
ch =	chapter
def =	definition
div =	division
hdg =	heading
ins =	inserted
om =	omitted
pt =	part
renum =	renumbered
rep =	repealed
s =	section
sch =	schedule
sub =	substituted

List of amendments

PART 1 PRELIMINARY

s 3(1)	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 3(1)</i>
s 3(2)	amd	<i>Regulated Parking Permit Amending Local Law 2018 s 3(2)</i>
s 4	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 4</i>

PART 2 PERMITS

s 6	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 5</i>
s 7	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 6</i>
s 8	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 7</i>
s 9	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 8</i>
s 10	amd	<i>Regulated Parking Permit Amending Local Law 2018 s 9</i>
s 11(1)	amd	<i>Regulated Parking Permit Amending Local Law 2018 s 10(1)</i>
s 11(2)	amd	<i>Regulated Parking Permit Amending Local Law 2018 s 10(2)</i>
s 11(3)	amd	<i>Regulated Parking Permit Amending Local Law 2018 s 10(3)</i>
s 11(4)	amd	<i>Regulated Parking Permit Amending Local Law 2018 s 10(3)</i>
s 12	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 11</i>
s 13(1)	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 12(1)</i>
s 13(2)	amd	<i>Regulated Parking Permit Amending Local Law 2018 s 12(2)</i>
s 13(3)	amd	<i>Regulated Parking Permit Amending Local Law 2018 s 12(3)</i>
s 13(4)	amd	<i>Regulated Parking Permit Amending Local Law 2018 s 12(4)</i>
s 14	om	<i>Regulated Parking Permit Amending Local Law 2018 s 13</i>

PART 3 GENERAL

s 15(1)	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 14(1)</i>
s 15	renum	<i>Regulated Parking Permit Amending Local Law 2018 s 14(2)</i>
s 16	sub	<i>Regulated Parking Permit Amending Local Law 2018 s 15(1)</i>
s 16	renum	<i>Regulated Parking Permit Amending Local Law 2018 s 15(2)</i>
s 16	ins	<i>Regulated Parking Permit Amending Local Law 2018 s 16</i>
s 17	ins	<i>Regulated Parking Permit Amending Local Law 2018 s 17</i>
s 18	ins	<i>Regulated Parking Permit Amending Local Law 2018 s 18</i>