

Toowoomba Regional Council

Subordinate Local Law No. 1.18 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 2020

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.18 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 2020*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2020* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

- (1) The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2020* (the **authorising local law**).
- (2) The activity named in schedule 1, section 1 is a prescribed activity for the purposes of section 5(b) of the authorising local law.

4 Subordinate local law repealed

This subordinate local law repeals *Subordinate Local Law No. 1.18 (Parking in a Loading Zone by Displaying a Commercial Vehicle Identification Label) 2011*.

5 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 Approval for prescribed activity

6 Matters regarding the prescribed activity—Authorising local law, sections 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and

- (b) prescribes the matters specified in this section for the prescribed activity.¹
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
 - (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
 - (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
 - (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
 - (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
 - (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
 - (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
 - (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

7 Approvals that are non-transferable—Authorising local law, section 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

¹ Section 103(4) of the *Transport Operations (Road Use Management) Act 1995* relevantly provides that under a local law, a local government may—

- (a) allow a vehicle to park contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays a permit issued by the local government; and
- (b) define the persons that may be issued with a permit (as distinct from an approval).

The local government has defined the persons that may be issued with a permit (as distinct from an approval) under *Local Law No. 5 (Parking) 2011*. *Local Law No. 1 (Administration) 2020* is a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws and provides for miscellaneous administrative matters. *Local Law No. 1 (Administration) 2020* provides for consistent and comprehensive processes for the local government to grant and regulate approvals (as distinct from permits) to undertake prescribed activities. The activity identified in schedule 1, section 1 is a prescribed activity. *Local Law No. 1 (Administration) 2020*, schedule 1 defines approval to include, relevantly, a permit. Each category of permit identified under *Local Law No. 5 (Parking) 2011* is an approval for the purposes of *Local Law No. 1 (Administration) 2020*.

Part 3 Application to State-controlled roads

8 State-controlled roads to which the local law applies – authorising local law, schedule 1

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 3 are the roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Parking in a loading zone by displaying a commercial vehicle identification label

Section 6

1. Prescribed activity

- (1) Parking in a loading zone by displaying a commercial vehicle identification label under the *Transport Operations (Road Use Management) Act 1995*, section 103(5).
- (2) Section 8 of *Subordinate Local Law No. 5 (Parking) 2011* prescribes the vehicles that may be issued with a commercial vehicle identification label.

2. Activities that do not require an approval under the authorising local law

No activities stated.

3. Documents and materials that must accompany an application for an approval

- (1) The name of the applicant.
- (2) A description of the type and make of the vehicle.
- (3) The registration number of the vehicle and the date of expiry of the registration.
- (4) Details of the registered owner of the vehicle.
- (5) Details of why the applicant requires the approval.
- (6) The period during which the applicant requires the approval.

4. Additional criteria for the granting of an approval

The application must show that the vehicle is within the list of vehicles prescribed as eligible for a commercial vehicle identification label under a subordinate local law made under *Local Law No. 5 (Parking) 2011*, section 8(2).

5. Conditions that must be imposed on an approval

Not applicable.

6. Conditions that will ordinarily be imposed on an approval

The conditions of an approval may require the approval holder to—

- (a) affix the approval to, or exhibit the approval on, a specified part of the vehicle identified in the approval facing outwards and as near as practicable to the registration label for the vehicle; and
- (b) if the approval holder requests the issue of a replacement approval—complete a

statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original approval; and

- (c) enter into an agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the use of a vehicle under the approval; and
- (d) take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
- (e) take specified measures to reduce the impact of the activities authorised by the approval so that the activities do not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) However, the local government may fix the term of an approval if it is desirable to so—
 - (a) to provide common expiry dates for approvals; or
 - (b) for some other reason.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.
- (3) However, the local government may fix the term of the extension or renewal of an approval if it is desirable to do so—
 - (a) to provide common expiry dates for approvals; or
 - (b) for some other reason.

Schedule 2 Categories of approval that are non-transferable

Section 7

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 State-controlled roads to which the local law applies

Section 8

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

Schedule 4 Dictionary

Section 5

loading zone has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.