

13.4 COMMENCE LOCAL LAW MAKING PROCESS FOR SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2015**Objective Reference:** A7412852**Authorising Officer:** Amanda Pafumi, General Manager Organisational Services**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance**Report Author:** Kristene Viller, Service Manager Ethics & Integrity**Attachments:**
1. Community Consultation Activity Plan [↓](#)
2. Draft Subordinate Local Law No. 5 (Parking) 2015 [↓](#)**PURPOSE**

To seek approval to commence the local law-making process and undertake community consultation for proposed amendments to *Subordinate Local Law No. 5 (Parking) 2015* which introduces a new regulated off-street parking area at the cemetery located at Dunwich, Minjerribah (North Stradbroke Island) and amendments to the penalty units applicable to some minor traffic offences.

BACKGROUND

Council's local laws undergo a continual process of review to provide the best outcomes for both the community and Council. Potential amendments have been identified for *Subordinate Local Law No. 5 (Parking) 2015* that intend to enhance governance of the Redlands community and improve operational outcomes achieved through managing risks within the community.

Parking at Dunwich Cemetery

The recent changes to the parking arrangements in the area surrounding the ferry terminal at One Mile to permit the bus service to safely manoeuvre, have required the removal of 22 parking spaces. This has resulted in commuters travelling by the passenger ferry to the mainland using the parking area provided for visitors to the Dunwich Cemetery as all-day parking. Therefore the flow-on effects of this is that cemetery visitors are unable to park for their legitimate purposes.

Further, as part of Catalyst Project 6 of the Gumpi Dunwich Master Plan (GDMP) – Car parking formalisation, there was an immediate need to remove parking from culturally sensitive areas and an interim action to remove informal car parking from those areas.

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015 at Schedule 1, Item 4, makes it a prohibited activity to enter or remain in a local government cemetery for any purpose other than:

- Visiting a grave, memorial or interment site
- Attending a funeral
- Maintaining or repairing a grave, memorial or interment site in accordance with written authorisation of the Chief Executive Officer.

In line with the interim action and the prohibited activities under *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* it is proposed to introduce regulated parking to this culturally sensitive area.

Limited duration or short-term parking will be provided for at this location. Vehicles parked for longer than the posted limited duration will be subject to infringement under the local law.

Minor Traffic Offence Penalties

Safety-related offences, particularly those related to parking and stopping violations, are a significant concern for both pedestrians and motorists. These violations can pose serious risks to the safety of pedestrians, particularly children, who are often less visible and less predictable than adult pedestrians. For example, stopping on yellow lines or on pedestrian crossings can obstruct the view of drivers and pedestrians, increasing the risk of accidents. It is essential that drivers respect pedestrian crossings and avoid stopping in or near these areas to ensure the safety of all road users.

One effective way to reduce safety-related parking and stopping offences is to increase penalties for these violations. A higher penalty will act as a deterrent and discourage people from committing these offences, as it sends a clear message that these violations are not acceptable and will not be tolerated. By increasing penalties for safety-related parking and stopping offences, we can promote safer and more accessible roads for all, particularly vulnerable road users such as pedestrians and children.

Listed below are tables which identify the offences which relate to deterring safety related parking and stopping violations. Table 1 provides benchmarking information against some other local governments within South East Queensland, while Table 2 provides details concerning the proposed penalty unit increase for the listed offences.

Table 1 - Benchmarking

Transport Operations (Road Use Management - Road Rules) Regulation 2009 provision	Minor Traffic Offence	Redlands' Current Penalty	Logan City Council	Brisbane City Council	Moreton Bay Council	Sunshine Coast Council
167	Stopping at the side of a road marked with a continuous yellow edge line	1 Penalty Unit	1 Penalty Unit	2 Penalty Units	0.70 Penalty Units	0.75 Penalty Units
170(1)	Stopping in an intersection	1 Penalty Unit	2 Penalty Units	2 Penalty Units		0.75 Penalty Units
171	Stopping on a children's crossing or on the road within 20m before the crossing or 10 after the crossing	1 Penalty Unit	2 Penalty Units	2 Penalty Units	0.70 Penalty Units	0.75 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	1 Penalty Unit	2 Penalty Units	2 Penalty Units	0.70 Penalty Units	0.75 Penalty Units

Transport Operations (Road Use Management - Road Rules) Regulation 2009 provision	Minor Traffic Offence	Redlands' Current Penalty	Logan City Council	Brisbane City Council	Moreton Bay Council	Sunshine Coast Council
	permitted by a sign					
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	1 Penalty Unit	2 Penalty Units	2 Penalty Units	0.70 Penalty Units	0.75 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	1 Penalty Unit	2 Penalty Units	1.5 Penalty Units		
176(1)	Stopping on a road contrary to a clearway sign	1 Penalty Unit	0.67 Penalty Units	3 Penalty Units		0.75 Penalty Units
179(1)	Stopping an unauthorised vehicle in a loading zone	1 Penalty Unit	1 Penalty Unit	1 Penalty Unit	0.7 Penalty Unit	0.75 Penalty Units
181	Unauthorised driver stopping in a works zone	1 Penalty Unit	0.67 Penalty Units	0.75 Penalty Units	0.70 Penalty Units	0.75 Penalty Units
182(1)	Stopping an unauthorised vehicle in a taxi zone	1 Penalty Unit	0.67 Penalty Units	2 Penalty Units	0.70 Penalty Units	0.75 Penalty Units
183(1)	Stopping an unauthorised vehicle in a bus zone	1 Penalty Unit	2 Penalty Units	2 Penalty Units	0.70 Penalty Units	0.75 Penalty Units
183(1)	Stopping a bus in a bus zone contrary to a bus	1 Penalty Unit				

Transport Operations (Road Use Management - Road Rules) Regulation 2009 provision	Minor Traffic Offence	Redlands' Current Penalty	Logan City Council	Brisbane City Council	Moreton Bay Council	Sunshine Coast Council
	zone sign					
185(1)	Stopping an unauthorised vehicle in a permit zone	1.4 Penalty Units	0.67 Penalty Units	0.75 Penalty Units		0.75 Penalty Units
186(1)	Stopping in a mail zone	1 Penalty Unit	0.67 Penalty Units	1 penalty Unit		0.75 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 Penalty Unit	1.34 Penalty Units	0.75 Penalty Units	0.55 Penalty Units	0.75 Penalty Units
191	Stopping on a road so as to obstruct traffic	1 Penalty Unit	0.67 Penalty Units	0.75 Penalty Units		
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	1 Penalty Unit	2 Penalty Units	2 Penalty Units	0.70 Penalty Units	0.75 Penalty Units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	1 Penalty Unit				
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 Unit	0.67 Penalty Units	0.75 Penalty Units	0.70 Penalty Units	0.75 Penalty units
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	1 Penalty Unit	0.67 Penalty Units	2 Penalty Units	0.70 Penalty Units	0.75 Penalty units
199	Stopping near a post box	1 Penalty Unit	0.67 Penalty Units	1 Penalty Unit		0.75 Penalty units
200(1)	Stopping a heavy or 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				0.75 Penalty units

Transport Operations (Road Use Management - Road Rules) Regulation 2009 provision	Minor Traffic Offence	Redlands' Current Penalty	Logan City Council	Brisbane City Council	Moreton Bay Council	Sunshine Coast Council
200(2)	Stopping a heavy or long vehicle on a length of road that is not in a built-up area for 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	1.4 Penalty Units			1 Penalty Unit	0.75 Penalty units
202	Stopping contrary to a motorbike parking sign	1 Penalty Unit		0.75 Penalty Units		0.75 Penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	4 Penalty Units	4 Penalty Units	4 penalty Units	4 Penalty Units	2 Penalty Units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	1 Penalty Unit			0.70 Penalty Units	

Table 2 - Proposed Changes to Penalty Units

The below table provides a snapshot of the proposed penalty unit changes.

Transport Operations (Road Use Management - Road Rules) Regulation 2009 provision	Minor Traffic Offence	Current Penalty	Proposed Penalty	Comments
167	Stopping at the side of a road marked with a continuous yellow edge line	1 Penalty Unit	2 Penalty Units	Offence has a direct safety impact to other motorists
170(1)	Stopping in an intersection	1 Penalty Unit	2 Penalty Units	Offence has a direct safety impact to other motorists
171	Stopping on a children's crossing or on the road within 20m before the crossing or 10 after the crossing	1 Penalty Unit	2 Penalty Units	Offence has a direct impact to other motorists and pedestrian safety
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	1 Penalty Unit	2 Penalty Units	Offence has a direct impact to other motorists and pedestrian safety

Transport Operations (Road Use Management - Road Rules) Regulation 2009 provision	Minor Traffic Offence	Current Penalty	Proposed Penalty	Comments
	as permitted by a sign			
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	1 Penalty Unit	2 Penalty Units	Offence has a direct impact to other motorists and pedestrian safety
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	1 Penalty Unit	2 Penalty Units	Offence has a direct impact to other motorists and pedestrian safety
181	Unauthorised driver stopping in a works zone	1 Penalty Unit	2 Penalty Units	Offence has a direct safety impact to other motorists and workers
183(1)	Stopping an unauthorised vehicle in a bus zone	1 Penalty Unit	2 Penalty Units	Offence has a direct impact to other motorists and pedestrian safety
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	1 Penalty Unit		Suggest this is deleted as covered in existing 183(1)
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 Penalty Unit	1.4 Penalty Units	Offence has a direct impact to other motorists and pedestrian safety
191	Stopping on a road so as to obstruct traffic	1 Penalty Unit	2 Penalty Units	Offence has a direct safety impact to other motorists
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	1 Penalty Unit	1.4 Penalty Units	Amend to read 'Stopping within 20m before a bus stop or 10m after a bus stop unless permitted by a sign' Offence has a direct impact to motorist and pedestrian safety
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	1 Penalty Unit	1.4 Penalty Units	Delete and combine with previous 195(1)

ISSUES

The Civil and Traffic Infrastructure Asset Management Team and Compliance Services Unit have reviewed *Subordinate Local Law No. 5 (Parking) 2015* and changes are recommended that will be provided for the area designated for parking at the Dunwich cemetery to be regulated and therefore provide available parking to cemetery visitors, and for increased penalties for minor safety related traffic infringements.

Please note that in the consolidated version of *Subordinate Local Law No. 5 (Parking) 2015* (Attachment 2) the only changes made are to:

Section	Amendment
Schedule 2, Part 1, Section 4	New entry for Dunwich Cemetery
Schedule 4	Updated number of penalty units per table above

State Interest Checks

Section 29A of the *Local Government Act 2009* does not require state interest checks to be completed on subordinate local laws.

Anti-Competitive Provisions

The *Local Government Act 2009* requires that any subordinate local law made with anti-competitive provisions is to comply with the procedures prescribed under a regulation for the review of the anti-competitive provisions.

The *Local Government Regulation 2012* provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy – guidelines for conducting reviews on anti-competitive provisions in local laws (Guidelines).

A review of the amendments to *Subordinate Local Law No. 5 (Parking) 2015* found that the proposed amendment did not create any anti-competitive provisions.

Community Consultation – Dunwich Cemetery Parking

It is proposed that the community consultation on draft *Subordinate Local Law No. 5 (Parking) 2015* for changes to parking at Dunwich Cemetery is conducted in accordance with IAP2 Standard – **Consult level**, for a period of 21 days, commencing on 10 July 2023 and concluding on 31 July 2023.

It is noted that additional consultation is planned in relation to broader parking issues across the Dunwich township. The consultation about parking at the Dunwich Cemetery will be aligned with the wider integrated community consultation about parking across Dunwich. This wider consultation aims to gain community views on a range of parking issues, and gauge acceptance of proposed changes designed to address these issues. The broader consultation will seek balanced feedback from the whole community including an introduction of various other parking limits.

The broader engagement is planned in response to the negative outcomes of long-term informal parking that occurs in some areas of the township, and which has been consistently identified as an issue by community stakeholders. The overall aim of any changes is to protect culturally and environmentally significant areas and increase the effective utilisation of the available parking. A communications and engagement plan has been drafted for a consultation-driven approach.

Consultation on the draft *Subordinate Local Law No. 5 (Parking) 2015* for changes to parking at Dunwich Cemetery will be aligned with the timeframes proposed and messaging will be consistent and coordinated.

Community Consultation – Changes to the Penalty Units

It is also proposed that a separate community consultation be conducted in accordance with IAP2 – **Inform** level, for a period of 21 days commencing on 26 June and concluding on 17 July 2023. This consultation will be focused on the changes to the penalty units for minor safety related offences.

In accordance with the adopted Local Law Making Process, two community engagement plans have been provided (Attachment 1) outlining:

- a) The nature of the engagement
- b) The period of engagement
- c) Where notice of the proposed local laws will be displayed or published
- d) The information that will generally be stated about the proposed local laws in any notice
- e) Where the proposed local laws will be available for inspection or purchase

All comments received will be reviewed and considered in the final community consultation report.

STRATEGIC IMPLICATIONS

Legislative Requirements

The *Local Government Act 2009* details prescriptive provisions that local governments are required to adhere to in the process of making, recording, and reviewing local laws.

The Subordinate Local Law attached to this report has been drafted in accordance with the *Local Government Act 2009*, the Guidelines for Drafting Local Laws issued by the Parliamentary Counsel and the principles under the *Legislative Standards Act 1992*.

Risk Management

The risks associated with making the subordinate local law have been managed by:

- a) Ensuring the process to make the Subordinate local laws is in accordance with legislative standards and the adopted Redland City Council Local Law Making Process.
- b) Comprehensive internal stakeholder engagement to ensure the subordinate local law will promote effective governance to the community.
- c) Utilising a solicitor to draft subordinate local law to ensure the legislative principles are followed in the drafting.
- d) Conducting a review of the amendment to identify any anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

Financial

The cost of drafting the local law and publications is funded through existing budget allocations within the Legal Services Group and Strategy and Governance Unit.

The inclusion of a new regulated off street parking area at Dunwich will increase the workload for the compliance services team, it is anticipated that this will be funded through the existing budget allocation.

People

The community consultation process will have an impact on resourcing within the Strategy and Governance Unit and Communication, Engagement and Tourism Group.

It is anticipated the work will be absorbed by current resourcing. Community consultation will provide the opportunity for community members to have their say on the proposal through providing a comment during the consultation period.

Environmental

There are no environmental implications from the proposed amendments.

Social

Local Government provides for the good governance of the local government area through its local laws. The local law attached to this report has the potential to impact all members of the Redlands Community.

Human Rights

All human rights have been considered against the proposed amendments and it has been determined that none of the proposed changes impact on human rights.

Alignment with Council's Policy and Plans

The process for making the proposed local law is in accordance with Council's adopted practice for making local laws.

This process is in keeping with Council's *Our Future Redlands – A Corporate Plan to 2026 and Beyond* goal for Strong Communities – Laws and Regulations.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Senior Adviser Cemeteries & Internment	8 March 2023	Confirmed the limit of parking time to align with cemetery operations.
Service Manager Compliance Services	8 March 2023 – 21 April 2023	Confirmed the limit of parking time to align with cemetery operations and need for this area to be added to enable enforcement and changes to penalty units.
Senior Traffic Engineer	21 March 2023 – 21 April 2023	Proposed Change and provided area for off street regulated parking.
Service Manager Compliance Services	21 March 2023	Advised no budget implications from proposed change and aware of the proposal.
Senior Adviser Strategic Communication and Community	21 March 2023	Discussed community consultation – prepared YourSay page and will undertake media blasts and order signage.
Group Manager City Assets	April 2023	Approved Report.
Group Manager Corporate Governance	April 2023	Approved Report.
Group Manager Environment and Regulation	April/May 2023	Approved Report.
Councillor Division 2	21 March 2023	Discussed the proposed change and the proposed consultation approach.
Service Manager Ethics and Integrity	April 2023	Prepared Report and Community Consultation Activity Plan and Drafted Amendment to Local Law.

OPTIONS**Option One**

That, in accordance with Council's Local Law Making Process adopted on 20 March 2019, and pursuant to sections 29 and 29A of the *Local Government Act 2009*, Council resolves as follows:

1. To commence the local law making process for *Subordinate Local Law No. 5 (Parking) 2015*.
2. To engage with the community for a period of 21 days (the consultation period) about *Subordinate Local Law No. 5 (Parking) 2015* in accordance with the attached engagement plans.
3. To accept and review all comments received in relation to the proposed changes to *Subordinate Local Law No. 5 (Parking) 2015* and provide to the business unit for review.

Option Two

That Council resolves not to proceed with the Local Law Making Process for *Subordinate Local Law No. 5 (Parking) 2015*.

OFFICERS RECOMMENDATION

Moved by: Cr Tracey Huges

Seconded by: Cr Peter Mitchell

That, in accordance with Council's Local Law Making Process adopted on 20 March 2019, and pursuant to sections 29 and 29A of the *Local Government Act 2009*, Council resolves as follows:

1. To commence the local law making process for *Subordinate Local Law No. 5 (Parking) 2015*.
2. To engage with the community for a period of 21 days (the consultation period) about *Subordinate Local Law No. 5 (Parking) 2015* in accordance with the attached engagement plans.
3. To accept and review all comments received in relation to the proposed changes to *Subordinate Local Law No. 5 (Parking) 2015* and provide to the business unit for review

PROCEDURAL MOTION TO ADJOURN THE MEETING AT 10:52AM**COUNCIL RESOLUTION 2023/117**

Moved by: Cr Paul Bishop

Seconder: Cr Wendy Boglary

That Council adjourn the meeting for a period of five minutes.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.

PROCEDURAL MOTION TO RESUME THE MEETING AT 11:05AM**COUNCIL RESOLUTION 2023/118**

Moved by: Cr Mark Edwards

Seconded by: Cr Rowanne McKenzie

That the meeting proceedings resume.

CARRIED 11/0

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.

COUNCIL RESOLUTION 2023/119

Moved by: Cr Peter Mitchell

Seconded by: Cr Rowanne McKenzie

That, in accordance with Council's Local Law Making Process adopted on 20 March 2019, and pursuant to sections 29 and 29A of the *Local Government Act 2009*, Council resolves as follows:

1. To commence the local law making process for *Subordinate Local Law No. 5 (Parking) 2015*.
2. To engage with the community for a period of 21 days (the consultation period) about *Subordinate Local Law No. 5 (Parking) 2015* in accordance with the attached engagement plans, noting the updates in Attachment 2.
3. To accept and review all comments received in relation to the proposed changes to *Subordinate Local Law No. 5 (Parking) 2015* and provide to the business unit for review.

CARRIED 8/3

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Rowanne McKenzie, Tracey Huges and Adelia Berridge voted FOR the motion.

Crs Mark Edwards, Julie Talty and Paul Bishop voted AGAINST the motion.