

| | |
|---|----------|
| ORDINARY MEETING 5 DECEMBER 2012 | 1 |
|---|----------|

AMENDMENT OF SUBORDINATE LOCAL LAW NO. 5 (PARKING) 2011 TO EXTEND HARTLEY STREET OFF STREET PARKING AREA AND VARY PENALTY UNITS, AND REGULATED PARKING FEES

Kylee Miller: 1/11/5-02: #3793419

RECOMMENDATION:

That Council resolves:-

1. **To proceed with the making of Parking (Amendment) Subordinate Local Law (No. 1) 2012 as advertised, but amended as follows:-**

After section 2 –

Insert-

**‘2A Commencement
Part 2 commences on 1 January 2013.’; and**

2. **To make Parking (Amendment) Subordinate Local Law (No. 1) 2012 as advertised, but amended as follows:-**

After section 2 –

Insert-

**‘2A Commencement
Part 2 commences on 1 January 2013.’; and**

3. **To adopt the consolidated version of Subordinate Local Law No. 5 (Parking) 2011 which has been prepared by Council Officers and included in the report to Council which accompanies this resolution; and**
4. **That the Fees and Charges Schedule 2012/2013 in relation to Regulated Parking be adopted, effective from 1 January 2013.**

EXECUTIVE SUMMARY:

Council previously resolved to consult with the public and propose amendment to *Subordinate Local Law No. 5 (Parking) 2011* (“the Subordinate Law”), to extend the off-street regulated parking area at 17 Hartley Street to include the newly acquired adjoining lot located at 6-8 Kenny Street Cairns (refer Report to Planning & Sustainability Committee on 12 September 2012 #3652135).

The proposed amendment to the Subordinate Law also included the removal of a reference to a dollar value for infringement notice penalty amounts for minor traffic offences (parking fines), so the fine amount is determined solely by reference to a penalty unit.

It was further proposed to vary the amount of parking fines from 0.2 penalty units to 0.4; and from 0.4 to 0.8 penalty units.

The issue of varying the amount of parking fines was also considered by Council at a Special Meeting in relation to adoption of Council's fees and charges schedule for 2012/13 on 8 June 2012 (refer Report to Special Council Meeting on 8 June 2012 #3593100). At that time, Council also considered the issue of increasing Regulated Parking fees for 2012/2013. It was resolved to defer the decision on the increase of the amount of parking fines and Regulated Parking fees until further review.

The purpose of this report is to proceed with the making of the amending Local Law and adopt the consolidated version of *Subordinate Local Law No. 5 (Parking) 2011*.

It is proposed that the amending Local Law will take effect from 1 January 2013, and that the public be given the opportunity to park in the entire Hartley Street Car Park without charge during the Christmas period from 6 December to 31 December 2012.

This report also outlines the current status of the project to extend the area of the off street car park onto the land at 6-8 Kenny Street.

The further purpose of this report is for Council to review and adopt the increases in Regulated Parking fees and charges that were first proposed to Council on 8 June 2012, to take effect from 1 January 2013.

BACKGROUND:

Extension of Hartley Street Car Park

Under the Subordinate Law, Council has declared a number of areas of land to be off-street regulated parking areas. This includes the existing off-street parking area known as the Hartley Street Car Park.

It is proposed to amend the Subordinate Law to enable Council to regulate off street parking on 6-8 Kenny Street (see **Attachment 1** – Layout). This involves making *Parking (Amendment) Subordinate Local Law (No. 1) 2012* (“the amending law” - see **Attachment 2**).

The amending law inserts a new “Map J” in Schedule 1 of the Subordinate Law to include both the existing area of the car park and the newly acquired 6-8 Kenny Street (see **Attachment 2**).

Infringement Notice Penalty Amounts – removal of dollar value

Schedule 2 of the Subordinate Law defines infringement notice penalty amounts for minor traffic offences (“parking fines”) as a both a dollar value and a penalty unit value. For example, for the offence of parking in a space without paying a fee, the parking fine amount is defined as “\$20.00 or 0.2 Penalty Units”.

The value of a penalty unit is set by the State Government under the *Penalties and Sentences Act 1992* (“the PASA”). Since 2008, the value of a penalty unit has been \$100. The State Government recently amended the PASA to increase the value of a penalty unit to \$110 for offences under State Legislation. It has expressed an intention to make a similar amendment for penalties under Local Laws.

Should this increase be made applicable to penalties under the current Local Laws, the amount of a parking fine will become uncertain. In the above example, the amount is currently \$20.00 or 0.2 penalty unit. If there is an increase in the penalty unit to \$110, ‘0.2 penalty unit’ will equal \$22.00.

As such, the removal of the dollar value will remove any ambiguity about the amount of the fine, where the State Government amends the statutory amount of a penalty unit for offences under Local Laws.

Infringement Notice Penalty Amounts – variation of amounts

Following benchmarking with comparable local authorities, it is proposed to vary the infringement notice penalty amounts for minor traffic offences from 0.2 to 0.4; and from 0.4 to 0.8 penalty units to make them comparable to other Councils. There is also an increase from 1 to 1.5 penalty units proposed for the offence of ‘stopping in a parking area for people with disabilities’.

It should be clarified that this variation applies to the amount of the parking fines that will be issued to persons who do not comply with the Regulated Parking rules set out in the transport legislation. It does not of itself increase the cost of paid parking throughout the local government area.

Increase in Regulated Parking Fees

The fees and charges Schedule 2011/2012 was reviewed and a new schedule created for the 2012/2013 financial year (see **Attachment 3**). The new schedule included a proposed increase in on street and off street parking fees.

The proposed fees and charges Schedule 2012/2013 was originally workshopped with Council during May 2012. The schedule was submitted for adoption at the Special Meeting on 8 June 2012.

Council resolved on that date to defer the proposed increases in Regulated Parking fees and charges until they could be reviewed. Council further resolved that the 2011/2012 Regulated Parking fees and charges were to continue to apply until reviewed.

The proposed increase to fees and charges for Regulated Parking formed part of the Councillors' budget discussions on 22 November 2012.

The fees and charges schedule 2012/2013 for Regulated Parking is again submitted for adoption by Council, to be effective 1 January 2013.

COMMENT:

Process of Making Amendment to Subordinate Local Law

As part of Council's process for amending the Subordinate Law, it was necessary to consult with the public about the proposed changes. This involved publishing a notice about the proposed amendments and allowing a period of time for any submissions.

The public consultation period ran from 17 September 2012 to 4 October 2012. No submissions were received by Council.

Another requirement in the law making process is for Council to consider any possible anti-competitive provisions that may be contained in a Local Law. However, in this instance, it is considered that the amending subordinate law does not contain any possible anti-competitive provisions.

In order to finalise the process of amending the Subordinate Law, Council must resolve to proceed with the making of, and actually make, the amending law and adopt a consolidated version of the Subordinate Law, containing the amendments (see **Attachment 4**). The required resolutions are recommended at the beginning of this report.

After Council has made the above resolutions, Council must let the public know that it has made the proposed Subordinate Law by publishing notice of the same in a local newspaper, in the Government Gazette and on Council's Website. This notice must be published within 1 month after the day when Council makes the above resolutions.

As soon as practicable after the notice is published in the gazette, Council must ensure that the Subordinate Law may be inspected and purchased by the public at Council's public office.

Within 7 days after the notice is published in the gazette, Council must give a copy of the notice and a certified copy of Subordinate Law to the Minister for Local Government.

Commencement Date for Amendments

A Subordinate Local Law normally commences on the date on which notice of the making of the subordinate local law is published in the Government Gazette.

In this case it proposed to nominate a later date in the Subordinate Law namely 1 January 2013 from which date:-

- (a) Council will have the ability to regulate parking (that is, charge a fee and enforce non-compliance) over the extended area of the Hartley Street car park;
- (b) the dollar values will be removed from the schedule referring to parking fine amounts; and
- (c) the parking fine amounts will be varied.

As a gesture of goodwill to the public during the period of the lead up to Christmas, it is proposed to offer free parking in the entire Hartley Street car park (including both the new extended area and the existing area) from 6 December 2012 to 31 December 2012.

Council may resolve to commence these variations from a date later than 1 January 2013, however, Council officers recommend that any alternative date is no later than 1 February 2013.

Status of Project

Works on the extension of the off street car park into 6-8 Kenny Street, commenced during the week of 8 October 2012. The works are due to complete on 30 November 2012.

The works included removal of existing vegetation, placing fill material, levelling, draining and sealing the area. The area was then line marked with bays and enclosed by fencing or bollards. Pay and display machines were then installed. The light pole is scheduled to be installed in January 2012.

Exit and entry to the new area is via the main Hartley Street entry/exit.

A budget amount of \$100,000 was initially allocated to the project, however this amount was contingent upon other projects being underway at the same time so the appropriate fill material could be obtained. As such, there was a contingency amount of a further \$50,000. The cost of the project is expected to run close to \$150,000.

161 additional bays have been created in the extension. The original Hartley Street Car Park area contained 315 bays and currently costs \$2 per day.

A Development Assessment application was lodged for the use of the newly acquired 6-8 Kenny Street as a car park. The application was approved on 26 September 2012.

CONSIDERATIONS:

Corporate and Operational Plans:

This report is in accordance with Corporate Plan Goal 1.9 – Implement relevant Legislation and Local Laws. The report is also in accordance with the Operational Plan aim – to ensure that the enforcement of and compliance with Council’s Local Laws, Cairns Plan and relevant Legislation is taken efficiently and effectively.

Statutory:

Section 101 of the *Transport Operations (Road Use Management) Act 1995* (“the Act”), provides that Council may regulate parking in its local government area.

Local Law No. 5 (Parking) 2011 (“the Local Law”) and *Subordinate Local Law No. 5 (Parking) 2011* (“the Subordinate Law”) complement the Act by providing for the exercise of local government powers authorised under the Act. This purpose is achieved by providing for the establishment of traffic areas and off-street regulated parking areas; and the proscribing of infringement notice penalties for minor traffic offences.

The value of a penalty unit is set by the State Government in the *Penalties and Sentences Act 1992*.

Financial and Risk:

The current cost of parking in Hartley Street Car Park is \$2 per day. The works will result in a total of 476 bays being available in the car park. It is conservatively estimated that the additional car parks will result in additional revenue of approximately \$40,000 per annum. On the basis that the extra bays are available from 1 January 2013, a pro rata increase in revenue may be expected in the order of approximately 50% of this amount in the 12/13 budget.

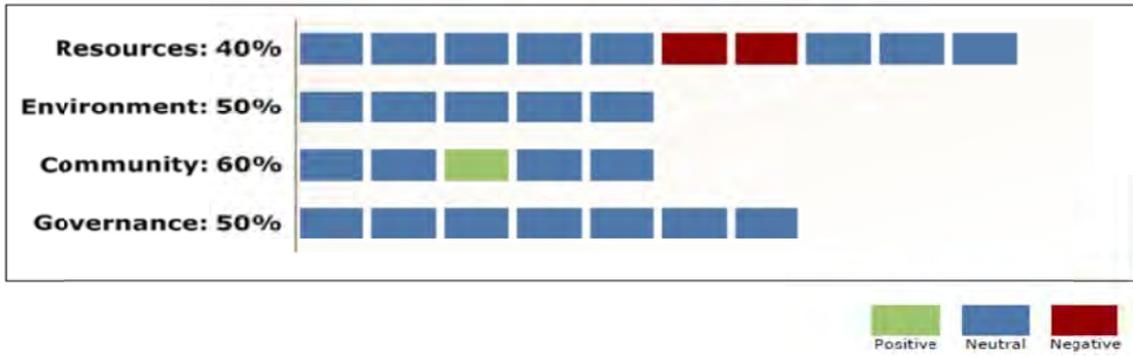
The financial implications for offering free parking on the existing area of Hartley Street car park from 6 December 2012 to 31 December 2012 will be forgoing approximately \$13,000 in revenue.

There are financial implications in the removal of the dollar value from infringement notice penalty amounts for minor traffic offences, however it is difficult to estimate the value as the amount is reliant on the number of parking tickets issued and we cannot estimate what this is likely to be.

Fees and charges, once adopted, form part of Council’s Annual Budget. If the increased fees and charges for regulated parking are adopted, there will be approximately \$250,000 additional projected revenue for the remainder of the financial year.

Sustainability:

A Sustainability scorecard was completed for this project.



Actions undertaken in relation to the activity will have a mainly neutral effect on Council's sustainability in the Resources, Environment, Community and Governance assessments.

The activity has a positive response in the Community assessment (relating to increase access to parking) and a negative response in the Resources assessment (relating to use of materials and products used in set up phase). A carpark invariably requires the use of new materials and resources for the purpose of construction, however, the community need for carparking in the CBD legitimately overrides the negative response on resources.

CONSULTATION:**Development Assessment**

An application for development approval was lodged with Development Assessment for use of the newly acquired 6-8 Kenny Street Cairns. The use of the site for car parking purposes was approved on 26 September 2012.

Capital Works - Infrastructure Management

The works project was managed by a Project Officer within Capital Works.

Finance Department**OPTIONS:**

The following options are suggested for Council's consideration:

Option 1

That Council resolves:-

1. to proceed with the making of, and actually make, Parking (Amendment) Subordinate Local Law (No. 1) 2012, with a commencement date of 1 January 2013 and adopt the consolidated version of Subordinate Local Law No. 5 (Parking) 2011 attached which will in effect:-
 - (a) allow Council to regulate parking in the extended area of the Hartley Street car park;
 - (b) vary the penalty unit amounts; and
 - (c) remove the potentially ambiguous dollar value for parking fines in Subordinate Law;
2. That the Fees and Charges Schedule 2012/2013 in relation to Regulated Parking be adopted, effective from 1 January 2013;

in terms of the wording of the formal resolutions at the beginning of this report.

Option 2

That Council refuses to make the proposed amendments regarding the extension of the Hartley Street Car Park. Should Council take this option it will be unable to lawfully regulate parking on the newly acquired lot.

Option 3

That Council refuse to vary penalty unit amounts and remove the dollar value for parking infringements. Should Council take this option it will render ambiguous parking fine amounts (should the State Government introduce an increase in penalty units applicable for offences under Local Laws) and Council will be well behind the amounts of similar fines imposed by other regional Councils.

Option 4

That Council refuse to adopt the Fees and Charges Schedule 2012/2013 in relation to Regulated Parking. Should Council take this option it will forgo approximately \$250,000 projected revenue for the remainder of the financial year.

CONCLUSION:

It is considered that Council ought to resolve to:-

1. proceed with the making of Parking (Amendment) Subordinate Local Law (No. 1) 2012 as advertised, but amended as follows:-

After section 2 –

Insert-

‘2A Commencement
Part 2 commences on 1 January 2013.’; and

2. Make Parking (Amendment) Subordinate Local Law (No. 1) 2012 as advertised, but amended as follows:-

After section 2 –

Insert-

‘2A Commencement
Part 2 commences on 1 January 2013.’; and

3. Adopt the consolidated version of Subordinate Local Law No. 5 (Parking) 2011 which has been prepared by Council Officers and included in the report to Council which accompanies this resolution; and
4. That the Fees and Charges Schedule 2012/2013 in relation to Regulated Parking be adopted, effective from 1 January 2013.

ATTACHMENTS:

Attachment 1 –Layout

Attachment 2 - *Parking (Amendment) Subordinate Local Law (No. 1) 2012*

Attachment 3 – Fees and Charges Schedule 2012/2013 – Regulated Parking

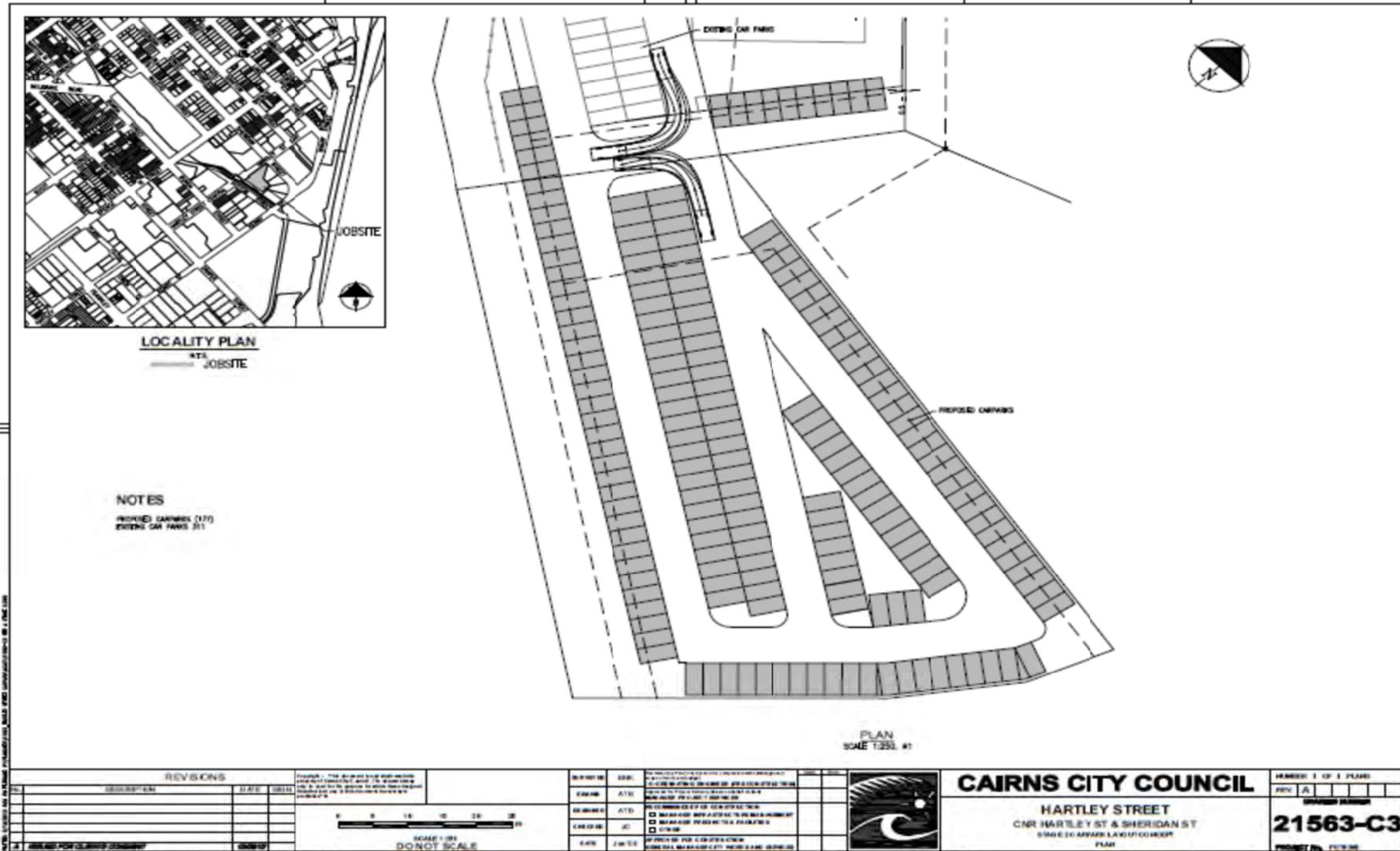
Attachment 4 – Consolidated version of *Subordinate Local Law No. 5 (Parking)*

Kylee Miller
Coordinator Local Laws Compliance Unit

Carole Todd
Manager Environmental Assessment

Kelly Reaston
Acting General Manager Planning and Environment

Attachment 1 – Layout



Attachment 2 – Parking (Amendment) Subordinate Local Law (No. 1) 2012

Parking (Amendment) Subordinate Local Law (No. 1) 2012

Contents

| | | |
|---------------|--|----------|
| Part 1 | Preliminary | 1 |
| | 1 Short title..... | 1 |
| | 2 Subordinate local law amended | 1 |
| | 2A Commencement..... | 1 |
| Part 2 | Amendments to subordinate local law..... | 1 |
| | 3 Amendment of sch1 (Declaration of off-street regulated parking areas)..... | 1 |
| | 4 Replacement of sch2 (Infringement notice penalty amounts for certain minor traffic offences)..... | 2 |

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Parking (Amendment) Subordinate Local Law (No. 1) 2012*.

2 Subordinate local law amended

This subordinate local law amends *Subordinate Local Law No. 5 (Parking) 2011*.

2A Commencement

Part 2 commences on 1 January 2013.

Part 2 Amendments to subordinate local law

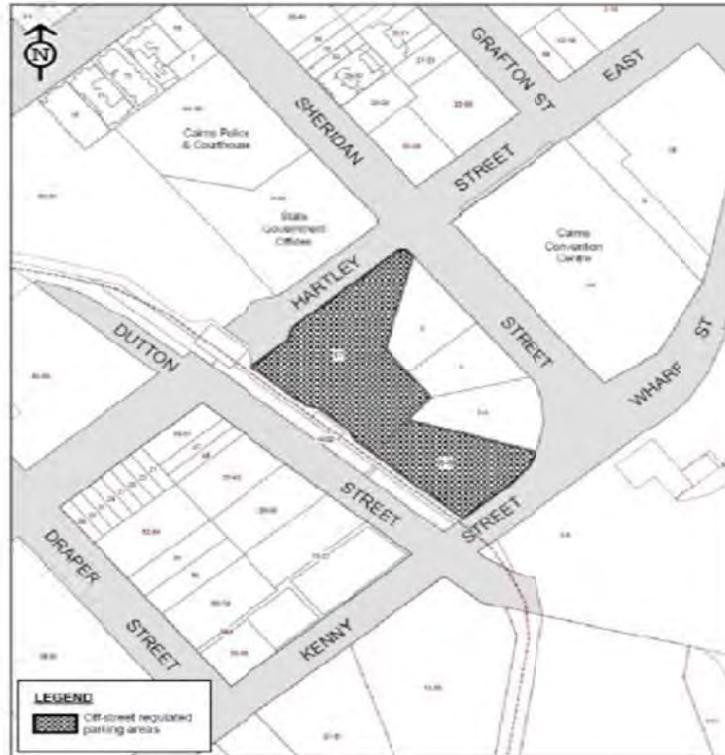
3 Amendment of sch1 (Declaration of off-street regulated parking areas)

Schedule 1, map titled 'Cairns City off-street regulated parking areas Hartley Street Car Park – Map J'—

omit, insert—

'Cairns City off-street regulated parking areas

Hartley Street Car Park – Map J



4 Replacement of sch2 (Infringement notice penalty amounts for certain minor traffic offences)

Schedule 2—
omit, insert—

Schedule 2 - Infringement notice penalty amounts for certain minor traffic offences

Section 9

| Column 1 | Column 2 |
|--|---|
| <i>Transport Operations (Road Use Management) Act 1995 provision</i> | Minor Traffic Offence |
| 106(1)(a)(i) | Parking in a designated parking space where a parking meter or parkatarea installed for the space indicates that a parking fee has not been paid. |
| 106(1)(a)(ii) | Parking in a designated parking space without complying with the authorised system that applies for that space. |
| 106(1)(b) | Parking in a designated parking space for a period longer than the maximum |
| | Infringement notice penalty amount |
| | 0.4 Penalty Units |
| | 0.4 Penalty Units |
| | 0.4 Penalty Units |

| Column 1 | | Column 2 |
|--|--|---|
| Transport Operations (Road Use Management) Act 1995 provision | Minor Traffic Offence | Infringement notice penalty amount |
| | time indicated on the official traffic sign installed for the space. | |
| 106(1)(c) | Parking in a designated parking space in which another vehicle is parked. | 0.4 Penalty Units |
| 106(1)(d) | Parking in a designated parking space so that the vehicle is not wholly within that space. | 0.4 Penalty Units |

| Column 1 | | Column 2 |
|--|---|---|
| Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision | Minor Traffic Offence | Infringement notice penalty amount |
| 167 | Stopping on a length of road or in an area to which no stopping sign applies. | 0.8 Penalty Units |
| 168(1) | Stopping on a length of road or in an area to which no parking sign applies. | 0.8 Penalty Units |
| 169 | Stopping at the side of a road marked with a continuous yellow edge line. | 0.8 Penalty Units |
| 170(1) | Stopping in an intersection. | 0.8 Penalty Units |
| 170(2) | Stopping on a road within 20m from the nearest point of an intersecting road at an intersection with traffic lights. | 0.8 Penalty Units |
| 170(4) | Stopping on a road within 10m from the nearest point of an intersecting road at an intersection without traffic lights. | 0.8 Penalty Units |
| 171(1)(a) | Stopping on a children's crossing. | 0.8 Penalty Units |
| 171(1)(b) | Stopping on the road within 20m before the children's crossing or 10m after the crossing. | 0.8 Penalty Units |
| 172(1) | Stopping on a pedestrian crossing that is not an intersection, or on the road within 20m before the crossing and 10m after the crossing. | 0.8 Penalty Units |
| 173(1) | Stopping on a marked foot crossing that is not an intersection, or on the road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing. | 0.8 Penalty Units |

| Column 1 | | Column 2 |
|--|--|------------------------------------|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 174(2) | Stopping within 10m before the traffic lights nearest to the driver at the place, and 3m after the traffic lights on a road – (a) with bicycle crossing lights facing bicycle riders crossing the road; and (b) with traffic lights facing traffic travelling on the road, and (c) that is not an intersection. | 0.8 Penalty Units |
| 175(1) | 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. | 0.8 Penalty Units |
| 176(1) | Stopping on a length of road other than a road-related area, to which a clearway sign applies. | 0.8 Penalty Units |
| 179(1) | Stopping in a loading zone. | 0.8 Penalty Units |
| 179(2) | Stopping continuously in a loading zone by a bus, truck or motor vehicle displaying a commercial vehicle identification label for longer than 30 minutes or such other time as indicated on the loading zone sign applying to the loading zone. | 0.8 Penalty Units |
| 179(2A) | Stopping continuously in a loading zone by a motor vehicle that is dropping off, or picking up, goods for longer than 20 minutes. | 0.8 Penalty Units |
| 179(2B) | Stopping continuously in a loading zone by a motor vehicle that is dropping off, or picking up, passengers for longer than 2 minutes. | 0.8 Penalty Units |
| 180(1) | Stopping in a truck zone. | 0.8 Penalty Units |
| 181(1) | Stopping in a works zone. | 0.8 Penalty Units |
| 182(1) | Stopping in a taxi zone. | 0.8 Penalty Units |
| 183(1) | Stopping in a bus zone. | 1 Penalty Unit |
| 185(1) | Stopping in a permit zone unless the driver's vehicle displays a current permit. | 0.8 Penalty Units |
| 186(1) | Stopping in a mail zone. | 0.8 Penalty Units |

| Column 1 | | Column 2 |
|--|--|------------------------------------|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 187(1) | Stopping in a bus lane, tram lane, transit lane, truck lane. | 0.8 Penalty Units |
| 187(2) | Stopping in a tram lane, tramway or on tram tracks. | 0.8 Penalty Units |
| 188 | Stopping in a shared zone. | 0.8 Penalty Units |
| 189 | Stopping on a road – (a) if the roadway is a two-way road – between the centre of the road and another vehicle that is parked at the side of the road; or (b) if the road is a one-way road – between the far side of the road and another vehicle that is parked at the side of the road. | 0.8 Penalty Units |
| 190 | Stopping in a safety zone or on a road within 10m before or after a safety zone. | 0.8 Penalty Units |
| 191 | Stopping on a road near an obstruction on the road in a position that obstructs traffic on the road. | 0.8 Penalty Units |
| 192(1) | Stopping on a bridge, causeway, ramp or similar structure. | 0.8 Penalty Units |
| 192(2) | Stopping in a tunnel or underpass. | 0.8 Penalty Units |
| 193(1) | Stopping on or near a crest on a length of road that is not in a built-up area. | 0.8 Penalty Units |
| 194(1) | Stopping within 1m of a fire hydrant, fire hydrant indicator or fire plug indicator. | 0.8 Penalty Units |
| 195(1) | Stopping at a bus stop, or on the road, within 20m before a sign on the road that indicates the bus stop, and 10m after the sign | 0.8 Penalty Units |
| 196(1) | Stopping at a tram stop or on the road within 20m before a sign that indicates a tram stop. | 0.8 Penalty Units |
| 197(1) | Stopping on a bicycle path, footpath, shared path or dividing strip or nature strip adjacent to a length of road in a built-up area. | 0.4 Penalty Units |
| 198(1) | Stopping on a road in a position that obstructs access by vehicles or pedestrians to or from a footpath ramp or a similar way of access to a footpath or a bicycle path or passage way. | 0.4 Penalty Units |

| Column 1 | | Column 2 |
|--|---|------------------------------------|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 198(2) | Stopping on or across a driveway or other way of access for vehicles travelling to or from adjacent land. | 0.4 Penalty Units |
| 199 | Stopping on a road within 3m of a public post box. | 0.8 Penalty Units |
| 200(1) | Stopping a heavy vehicle, or long vehicle, on a length of road that is not in a built up area, except on the shoulder of the road. | 0.8 Penalty Units |
| 200(2) | Stopping a heavy vehicle, or long vehicle on a length of road in a built-up area for longer than 1 hour. | 0.8 Penalty Units |
| 201 | Stopping on a length of road to which a bicycle parking sign applies. | 0.4 Penalty Units |
| 202 | Stopping on a length of road to which a motorbike parking sign applies | 0.4 Penalty Units |
| 203(1) | Stopping in a parking area for people with disabilities. | 1.5 Penalty Unit |
| 205 | Parking continuously on a length of road, or in an area, to which a permissive parking sign applies for longer than – (a) the period indicated by information on or with the sign ; or (b) if the vehicle displays a current parking permit for people with disabilities – the period stated in the permit. | 0.4 Penalty Units |
| 208(1) | Parallel parking on a road – failing to properly position the vehicle (except in a median strip parking area). | 0.4 Penalty Units |
| 208A | Parking in a road-related area (except in a median strip parking area) without properly position the vehicle. | 0.4 Penalty Units |
| 210(1) | Angle parking in a parking area on the side of the road or in a median strip area to which a parking control sign or road marking applies – failure to properly position the vehicle. | 0.4 Penalty Units |
| 211(2) | Parking a vehicle not completely within a parking bay. | 0.4 Penalty Units |

| Column 1 | | Column 2 |
|--|---|------------------------------------|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 211(3) | If a vehicle is too wide or long to fit completely within a single parking bay, not parking the vehicle within the number of parking bays needed to park the vehicle. | 0.4 Penalty Units |
| 212(1) | Entering or leaving a median strip parking area in a different direction to the direction that is indicated on a traffic control device. | 0.8 Penalty Units |
| 212(2) | Entering or leaving a median strip parking area backwards instead of forwards where there is no information on or with a traffic control device. | 0.8 Penalty Units |
| Part 12 | Other parking offences provided for in Part 12 (Restrictions on stopping and parking). | 0.4 Penalty Units |

CERTIFICATION

This and the preceding 8 pages bearing my initials is a certified copy of Cairns Regional Council Parking (Amendment) Subordinate Local Law (No. 1) 2012 made in accordance with the provisions of the Local Government Act 2009, by Cairns Regional Council by resolution dated the 5th day of December 2012.

Peter Matthew Tabulo
Acting Chief Executive Officer
Cairns Regional Council

Attachment 3 – Fees and Charges Schedule 2012/2013 – Regulated Parking

| CAIRNS REGIONAL COUNCIL - Fees & Charges Schedule 2012 / 2013 | | | | | | | |
|--|----------|----------------------------|----------------------------|----------------------------|-----------------------|-------------------|----------|
| Description of Fee, Charge, Penalty plus conditions | Unit | 2011/12 Rate Including GST | 2012/13 Rate Including GST | Cost Recovery Fee (Y or N) | Legislation & Section | LGA S97 Paragraph | % Change |
| Regulated Parking | | | | | | | |
| Metered Parking | Hour | 1.00 | 1.20 | N | | | 20.0% |
| Pay & Display - Wharf Street between Lake/Sheridan Street | Hour | 0.25 | 1.20 | N | | | 380.0% |
| Off Street Parking | | | | | | | |
| Lake Street Parking Station : Casual rates | Hour | 1.00 | 1.00 | N | | | 0.0% |
| Lake Street Parking Station : Permanent Card holder | Week | 27.00 | 28.00 | N | | | 3.7% |
| Lake Street Parking Station : Reserved Parking Bay | Week | 33.30 | 35.00 | N | | | 5.1% |
| Lake Street Parking Station : Replacement access card | | 31.20 | 32.00 | N | | | 2.6% |
| Lake Street Parking Station : Late Release fee | Release | 26.00 | 27.00 | N | | | 3.8% |
| Lake Street Parking Station : Overnight fee | | 5.20 | 5.40 | N | | | 3.8% |
| Old Library Carpark : Casual rates | Hour | 0.80 | 1.20 | N | | | 50.0% |
| Old Library Carpark : Reserved Bay monthly only payable in advance | Week | 15.60 | 16.20 | N | | | 3.8% |
| Southern Esplanade Carpark : Casual only | Hour | 0.90 | 1.20 | N | | | 33.3% |
| Hospital Carpark | Hour | 0.60 | 1.20 | N | | | 100.0% |
| Hartley St Carpark | Day | 2.00 | 4.00 | N | | | 100.0% |
| Special Arrangements - all payable in advance | | | | | | | |
| Meter Hoods : Annual | Year | 1,014.00 | 1,054.00 | N | | | 3.9% |
| Meter Hoods : Weekly | Week | 46.80 | 48.60 | N | | | 3.8% |
| Meter Hoods : Monthly | Month | 124.80 | 130.00 | N | | | 4.2% |
| Meter Hoods : Lost | Each | 104.00 | 108.00 | N | | | 3.8% |
| Meter Hoods : Daily | Day | 15.60 | 16.20 | N | | | 3.8% |
| Meter Hoods : Half daily (< 4 hours) | Half day | 7.80 | 8.10 | N | | | 3.8% |
| Reserved Regulated Parking Areas : Daily | Day | 15.60 | 16.20 | N | | | 3.8% |
| Reserved Regulated Parking Areas : Half daily (< 4 hours) | Half day | 7.80 | 8.10 | N | | | 3.8% |
| Block Loading Zone: Daily | Day | - | 25.00 | N | | | New |

Regulated Parking

1

| Description of Fee, Charge, Penalty plus conditions | Unit | 2011/12 Rate Including GST | 2012/13 Rate Including GST | Cost Recovery Fee (Y or N) | Legislation & Section | LGA S97 Paragraph | % Change |
|---|----------|----------------------------|----------------------------|----------------------------|---|-------------------|----------|
| Commercial Vehicle Permit (Initial label) : Annual - Jan to Dec | Year | 83.20 | 86.50 | Y | | S97(2)(a) | 4.0% |
| Commercial Vehicle Permit (Initial label) : Pro-Rata 3/4 - Apr to Dec | 3/4 Year | 62.40 | 65.00 | Y | | S97(2)(a) | 4.2% |
| Commercial Vehicle Permit (Initial label) : Pro-Rata 1/2 - Jul to Dec | 1/2 Year | 41.60 | 43.20 | Y | | S97(2)(a) | 3.8% |
| Commercial Vehicle Permit (Initial label) : Pro-Rata 1/4 - Oct to Dec | 1/4 Year | 20.80 | 21.60 | Y | | S97(2)(a) | 3.8% |
| Replacement Labels | Label | 12.50 | 13.00 | Y | | S97(2)(a) | 4.0% |
| Business Permits | Year | 1,248.00 | 1,298.00 | Y | | S97(2)(a) | 4.0% |
| Residential Permits | Year | 31.20 | 32.50 | Y | | S97(2)(a) | 4.2% |
| <u>Infringement Fines & Penalties</u> | | | | | | | |
| <i>NOTE : Maximum period S.570</i> | | | | | | | |
| Administration Fee : Queensland registration | Fine | 15.60 | 16.20 | Y | Transp Ops (Road Use Mgt) Act 1995 Regulated Parking Local Laws 2003 | S97(2)(a) | 3.8% |
| Administration Fee : Interstate registration WA , Tas, NT | Fine | 15.60 | 16.20 | Y | | S97(2)(a) | 3.8% |
| ACT | Fine | 22.40 | 23.30 | Y | | S97(2)(a) | 4.0% |
| SA, NSW, Vic | Fine | 20.80 | 21.60 | Y | | S97(2)(a) | 3.8% |

Regulated Parking

2

Attachment 4 – Consolidated version of Subordinate Local Law No. 5 (Parking)

#3797176 v1

Cairns Regional Council Subordinate Local Law No. 5 (Parking) 2011



**Cairns Regional Council
Subordinate Local Law No.5
(Parking) 2011**

Cairns Regional Council Subordinate Local Law No. 5 (Parking) 2011

Contents

| | | |
|---------------|---|-----------|
| Part 1 | Preliminary | 3 |
| | 1 Short title..... | 3 |
| | 2 Purpose and how it is to be achieved..... | 3 |
| | 3 Authorising local law..... | 3 |
| | 4 Definitions | 3 |
| Part 2 | Declaration of parking areas for the TORUM Act | 3 |
| | 5 Declaration of traffic areas—authorising local law, s 5..... | 3 |
| | 6 Declaration of off-street regulated parking areas—authorising local law, s 6..... | 3 |
| Part 3 | Parking contrary to parking restriction | 4 |
| | 7 Parking permits issued by local government—Authorising local law, s 7(2) | 4 |
| | 8 Commercial vehicle identification labels—authorising local law, s 8(2)..... | 4 |
| Part 4 | Minor traffic offence infringement notice penalties | 4 |
| | 9 Infringement notice penalty amounts—authorising local law, s 9 | 4 |
| | Schedule 1 - Declaration of off-street regulated parking areas | 5 |
| | Schedule 2 - Infringement notice penalty amounts for certain minor traffic offences | 17 |
| | Schedule 3 – Dictionary | 22 |

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011* which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons who may be issued with parking permits and the terms and conditions of such permits; and
 - (c) the vehicles that can be issued with commercial vehicle identification labels; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by Cairns Regional Council Local Law No. 5 (Parking) 2011 (the **authorising local law**).

4 Definitions

- (1) The dictionary in the schedule defines particular words used in this subordinate local law.
- (2) All other words have the same meaning as in the authorising local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas—authorising local law, s 5

- (1) For section 5(1) of the authorising local law, the whole local government area is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law the boundaries of the traffic area are the boundaries of the local government area.

6 Declaration of off-street regulated parking areas—authorising local law, s 6

- (1) For section 6(1) of the authorising local law, each area of land indicated by hatching in the map in schedule 1 is declared to be an off-street regulated

parking area.

- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by bold lines circumscribing the hatched areas on the map in schedule 1.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government—Authorising local law, s 7(2)

For section 7(2) of the authorising local law, the following persons may be issued with a parking permit mentioned in section 7(1)(b) of the authorising local law—

- (a) persons who have been granted approval under another local law for the commercial use of a local government controlled area, where the permit is necessary to undertake the commercial use; and
- (b) a person engaged in tourism-related business; and
- (c) school bus operators; and
- (d) local government employees, contractors or agents for the purpose of carrying out work for or on behalf of local government; and
- (e) residents of a road for which a permit is required; and
- (f) contractors or workers requiring a permit to park on a road to undertake work on an adjoining site; and
- (g) official news media journalists, camera operators, or persons in some other way engaged in a news gathering capacity for a magazine, newspaper, radio or television broadcast ; and
- (h) any other person who in the opinion of an authorised person has reasonable grounds to warrant the issue of a parking permit.

8 Commercial vehicle identification labels—authorising local law, s 8(2)

For section 8(2) of the authorising local law, the vehicles that may be issued with a commercial vehicle identification label are any motor vehicles constructed, fitted or equipped for the carriage of persons which is used for carrying on a business that requires the regular use of loading zones.

Part 4 Minor traffic offence infringement notice penalties

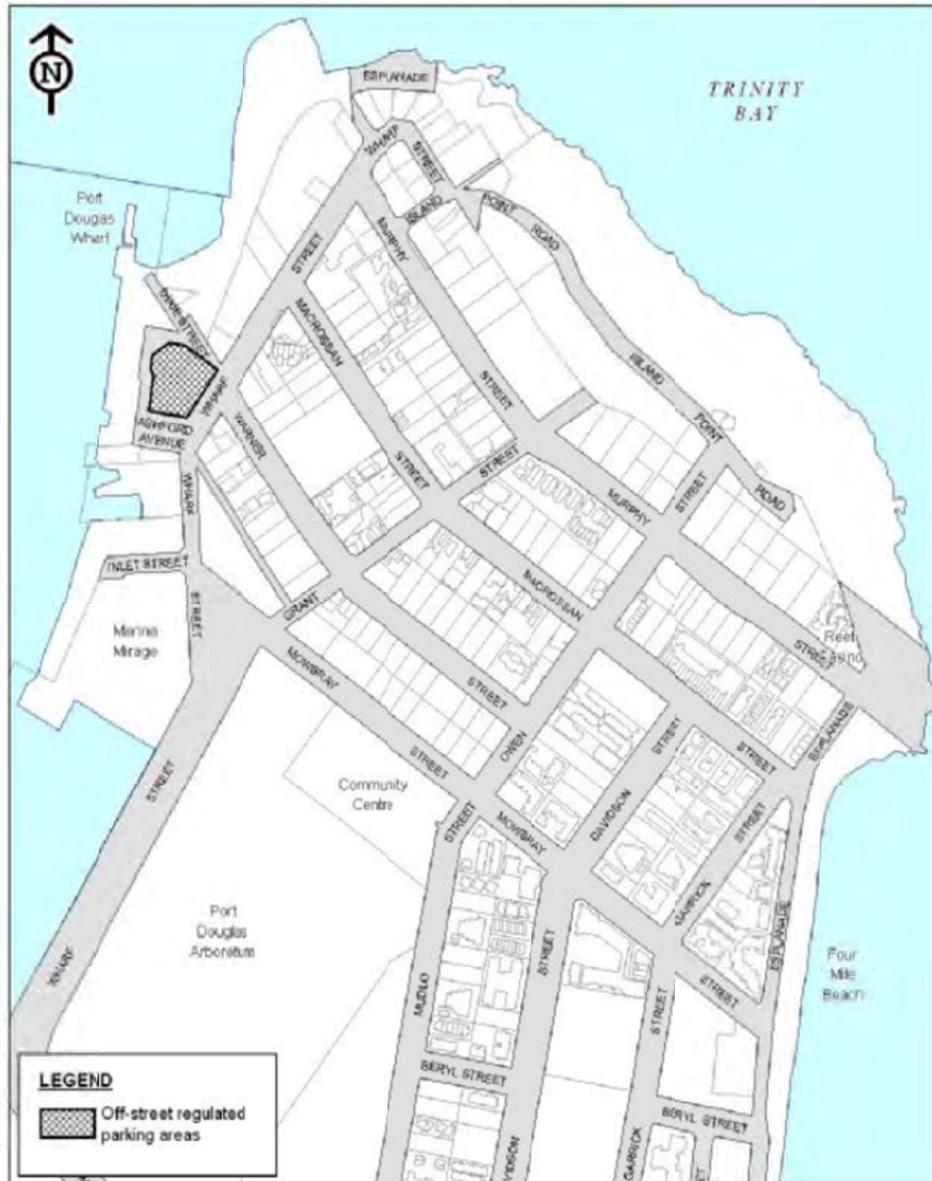
9 Infringement notice penalty amounts—authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty amount for an offence mentioned in column 1 of schedule 2 is the corresponding amount stated in column 2 of schedule 2.

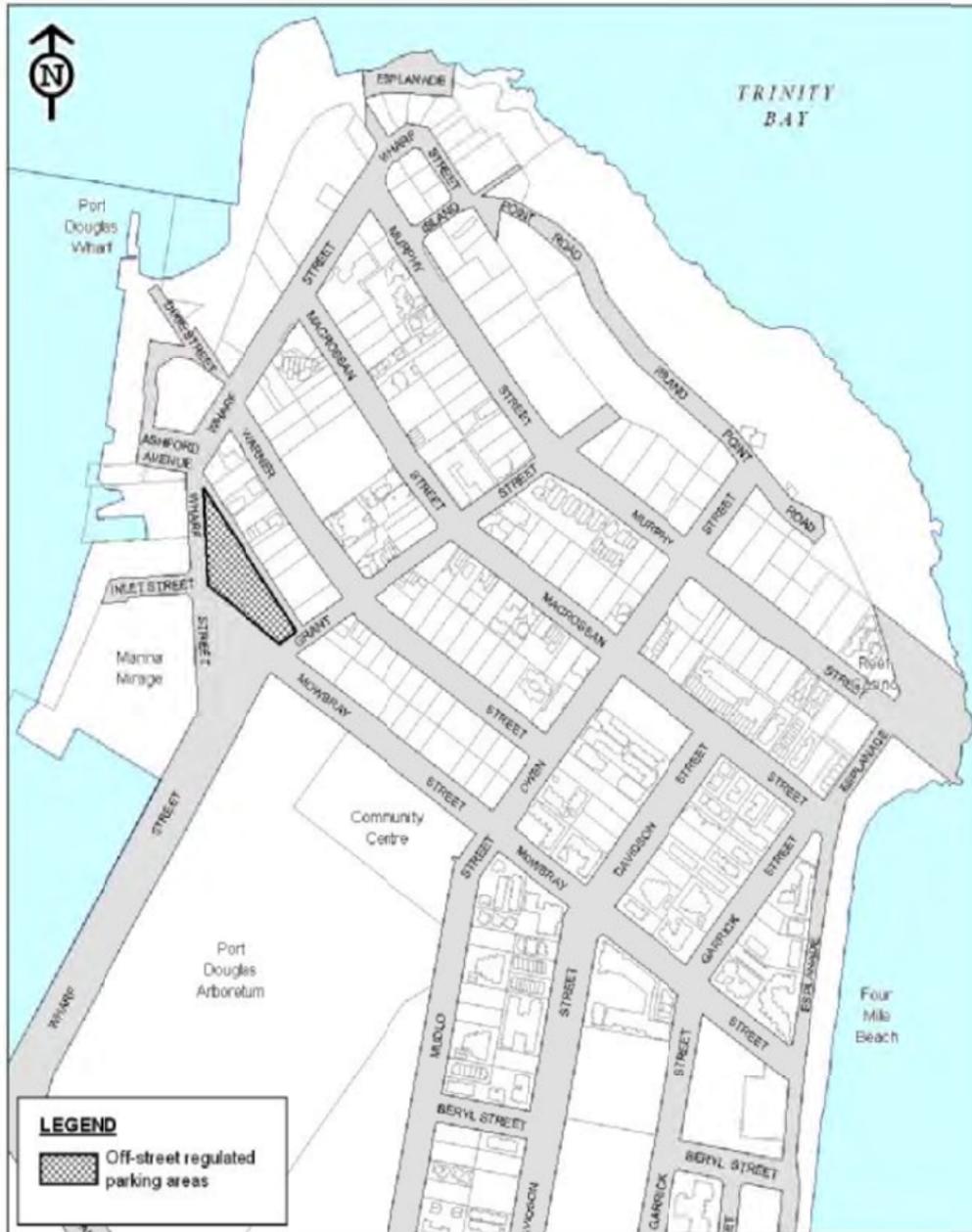
Schedule 1 - Declaration of off-street regulated parking areas

Section 6

Port Douglas off-street regulated parking areas



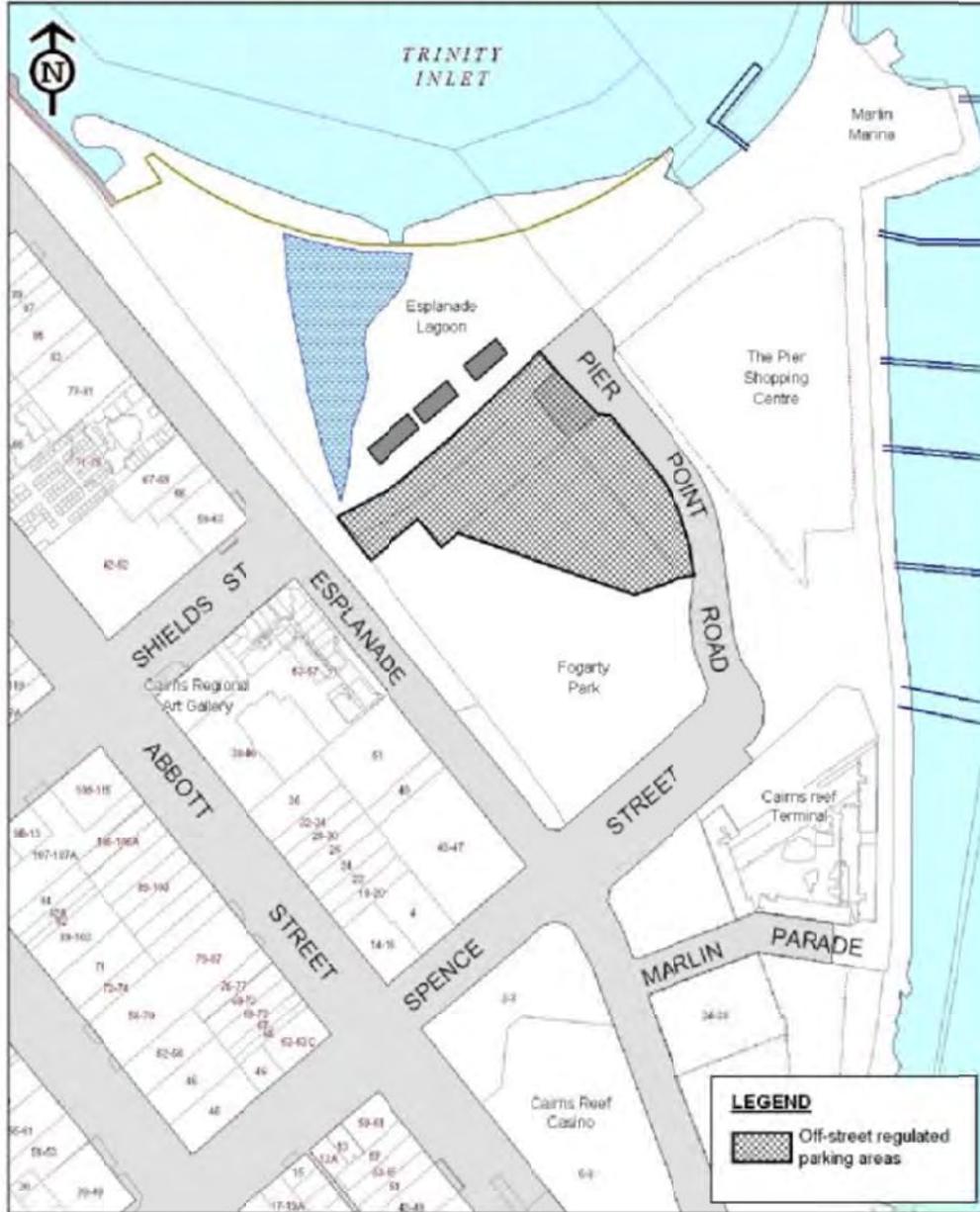
Port Douglas off-street regulated parking



Cairns City off-street regulated parking areas
Lake Street Parking Station – Map A



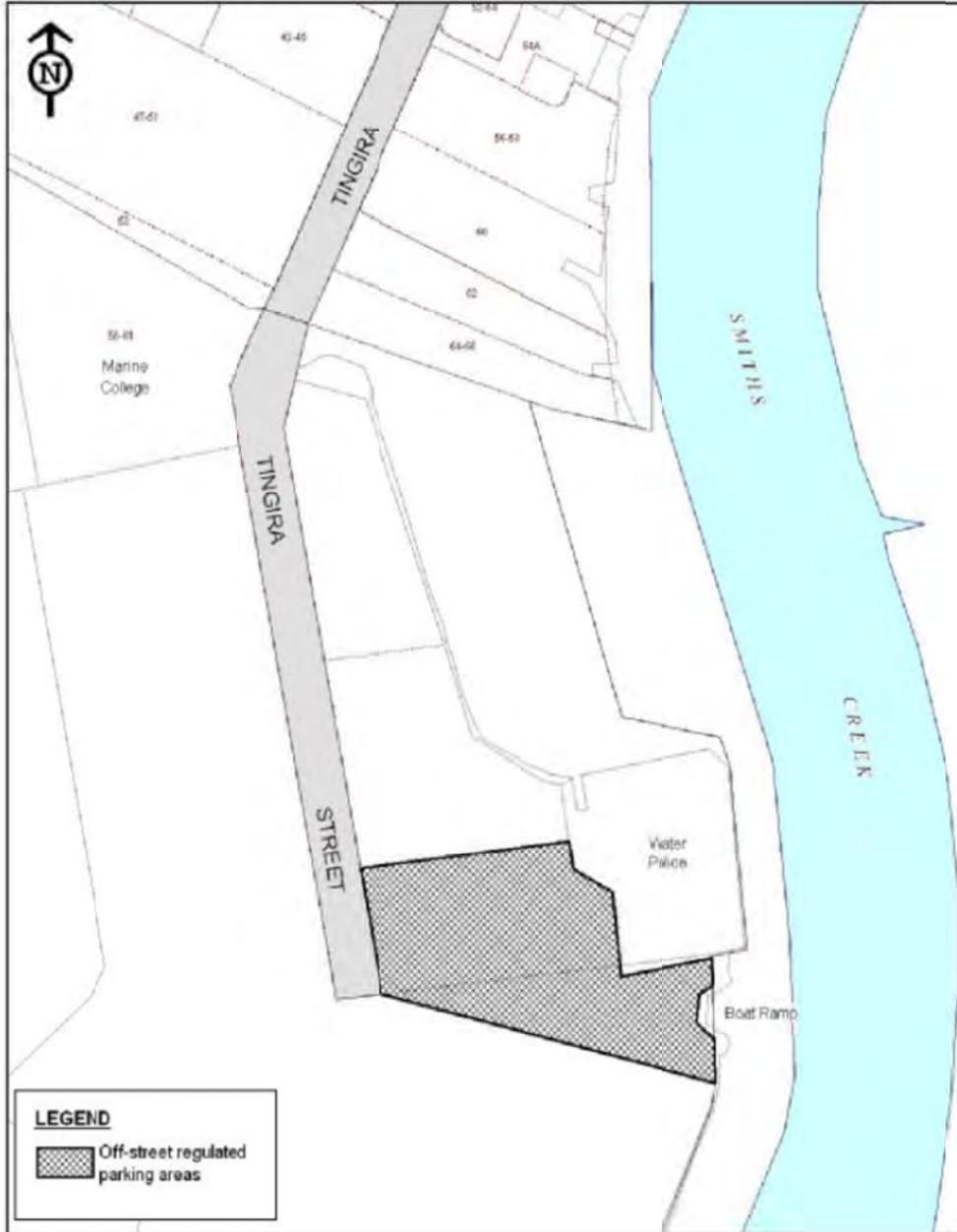
Cairns City off-street regulated parking areas
Southern Esplanade Car Park (The Pier) - Map B



Cairns City off-street regulated parking areas
Civic Theatre Car Park - Map D



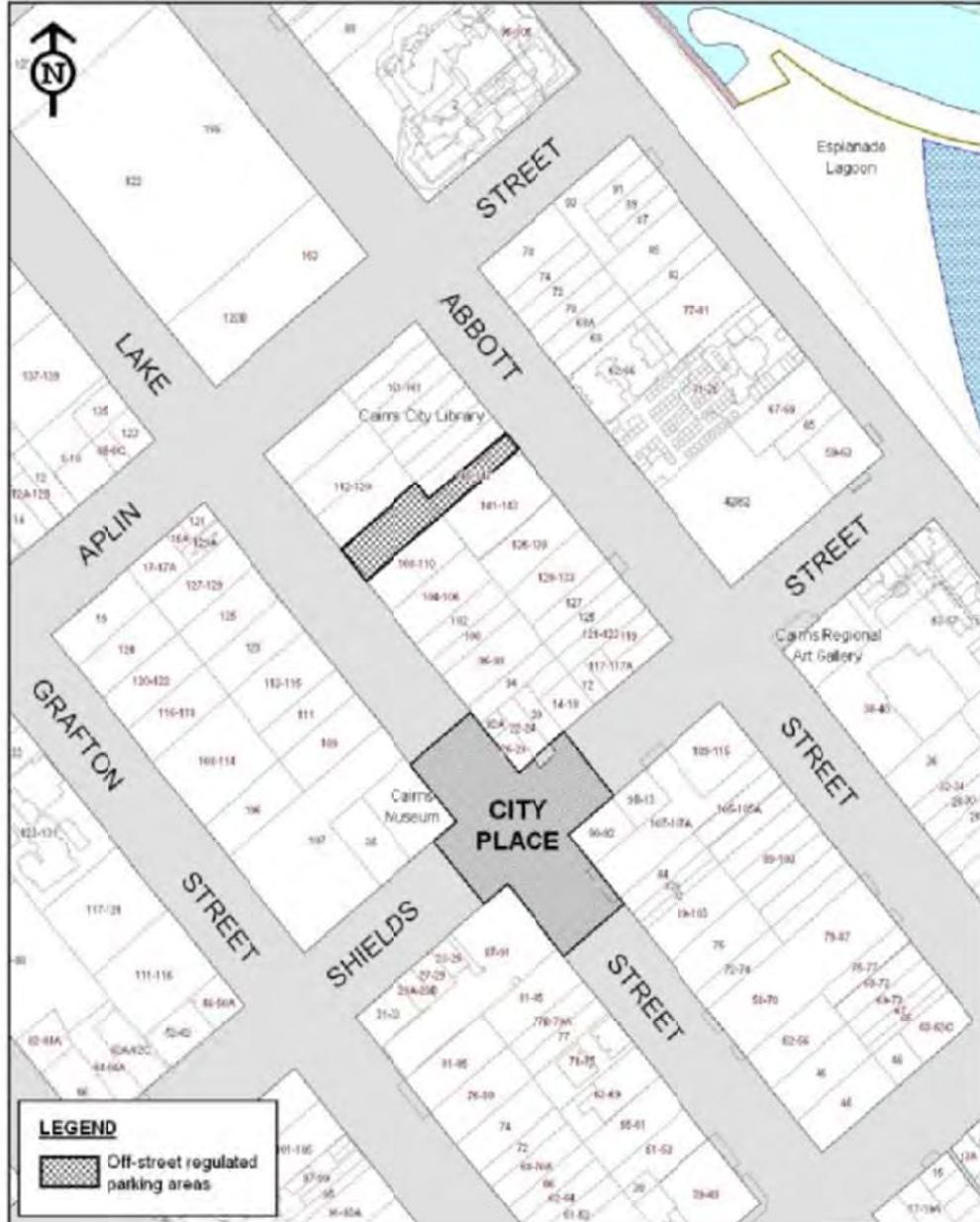
Cairns City off-street regulated parking areas
Tingira Street Car Park - Map E



Cairns City off-street regulated parking areas
Grafton Street North Car Park (Old Library Car Park) - Map F



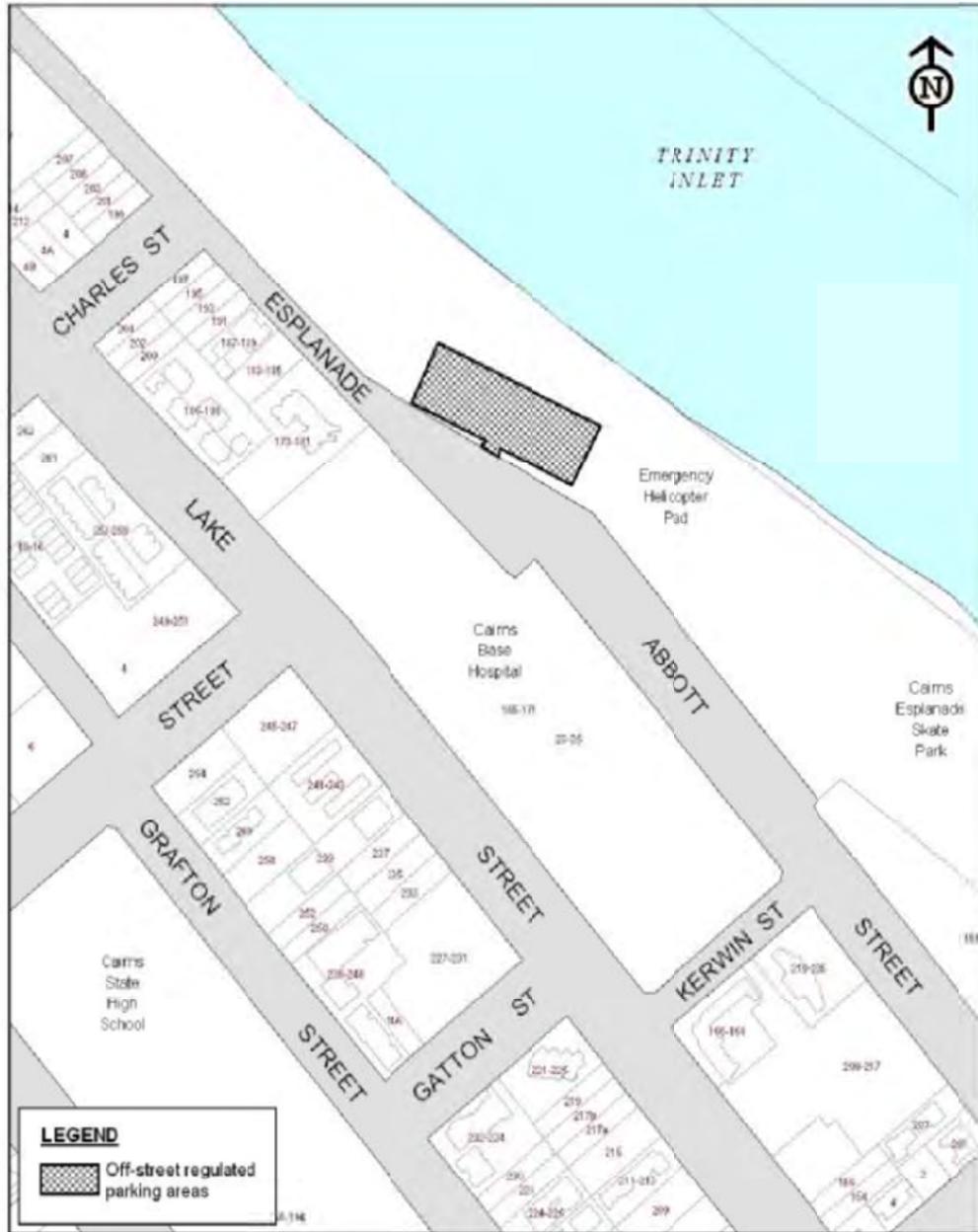
Cairns City off-street regulated parking areas
Cairns Regional Council Library Car Park - Map G



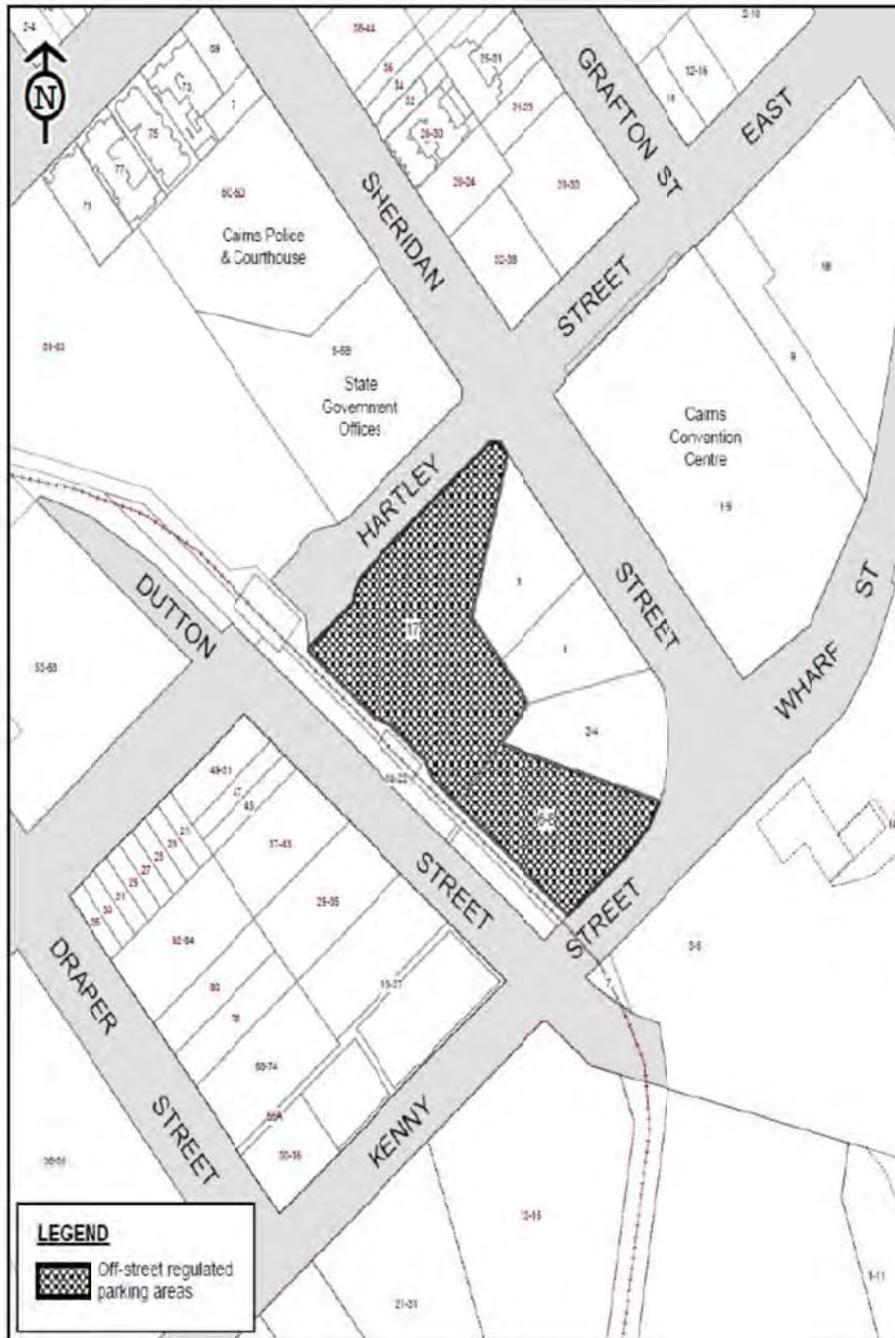
Cairns City off-street regulated parking areas
Council Chambers Car Park - Map H



Cairns City off-street regulated parking areas
Hospital Esplanade Car Park - Map I



Cairns City off-street regulated parking areas
Hartley Street Car Park - Map J



Cairns City off-street regulated parking areas
Bunda Street Car Park - Map K



Schedule 2 - Infringement notice penalty amounts for certain minor traffic offences

Section 9

| Column 1 | | Column 2 |
|--|---|------------------------------------|
| <i>Transport Operations (Road Use Management) Act 1995 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 106(1)(a)(i) | Parking in a designated parking space where a parking meter or parkatarea installed for the space indicates that a parking fee has not been paid. | 0.4 Penalty Units |
| 106(1)(a)(ii) | Parking in a designated parking space without complying with the authorised system that applies for that space. | 0.4 Penalty Units |
| 106(1)(b) | Parking in a designated parking space for a period longer than the maximum time indicated on the official traffic sign installed for the space. | 0.4 Penalty Units |
| 106(1)(c) | Parking in a designated parking space in which another vehicle is parked. | 0.4 Penalty Units |
| 106(1)(d) | Parking in a designated parking space so that the vehicle is not wholly within that space. | 0.4 Penalty Units |

| Column 1 | | Column 2 |
|--|--|------------------------------------|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 167 | Stopping on a length of road or in an area to which no stopping sign applies. | 0.8 Penalty Units |
| 168(1) | Stopping on a length of road or in an area to which no parking sign applies. | 0.8 Penalty Units |
| 169 | Stopping at the side of a road marked with a continuous yellow edge line. | 0.8 Penalty Units |
| 170(1) | Stopping in an intersection. | 0.8 Penalty Units |
| 170(2) | Stopping on a road within 20m from the nearest point of an intersecting road at an intersection with traffic lights. | 0.8 Penalty Units |

| Column 1 | | Column 2 |
|--|---|------------------------------------|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 170(4) | Stopping on a road within 10m from the nearest point of an intersecting road at an intersection without traffic lights. | 0.8 Penalty Units |
| 171(1)(a) | Stopping on a children's crossing. | 0.8 Penalty Units |
| 171(1)(b) | Stopping on the road within 20m before the children's crossing or 10m after the crossing. | 0.8 Penalty Units |
| 172(1) | Stopping on a pedestrian crossing that is not an intersection, or on the road within 20m before the crossing and 10m after the crossing. | 0.8 Penalty Units |
| 173(1) | Stopping on a marked foot crossing that is not an intersection, or on the road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing. | 0.8 Penalty Units |
| 174(2) | Stopping within 10m before the traffic lights nearest to the driver at the place, and 3m after the traffic lights on a road – (a) with bicycle crossing lights facing bicycle riders crossing the road; and (b) with traffic lights facing traffic traveling on the road, and (c) that is not an intersection. | 0.8 Penalty Units |
| 175(1) | 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. | 0.8 Penalty Units |
| 176(1) | Stopping on a length of road other than a road-related area, to which a clearway sign applies. | 0.8 Penalty Units |
| 179(1) | Stopping in a loading zone. | 0.8 Penalty Units |

| Column 1 | | Column 2 |
|--|--|------------------------------------|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 179(2) | Stopping continuously in a loading zone by a bus, truck or motor vehicle displaying a commercial vehicle identification label for longer than 30 minutes or such other time as indicated on the loading zone sign applying to the loading zone. | 0.8 Penalty Units |
| 179(2A) | Stopping continuously in a loading zone by a motor vehicle that is dropping off, or picking up, goods for longer than 20 minutes. | 0.8 Penalty Units |
| 179(2B) | Stopping continuously in a loading zone by a motor vehicle that is dropping off, or picking up, passengers for longer than 2 minutes. | 0.8 Penalty Units |
| 180(1) | Stopping in a truck zone. | 0.8 Penalty Units |
| 181(1) | Stopping in a works zone. | 0.8 Penalty Units |
| 182(1) | Stopping in a taxi zone. | 0.8 Penalty Units |
| 183(1) | Stopping in a bus zone. | 1 Penalty Unit |
| 185(1) | Stopping in a permit zone unless the driver's vehicle displays a current permit. | 0.8 Penalty Units |
| 186(1) | Stopping in a mail zone. | 0.8 Penalty Units |
| 187(1) | Stopping in a bus lane, tram lane, transit lane, truck lane. | 0.8 Penalty Units |
| 187(2) | Stopping in a tram lane, tramway or on tram tracks. | 0.8 Penalty Units |
| 188 | Stopping in a shared zone. | 0.8 Penalty Units |
| 189 | Stopping on a road – (a) if the roadway is a two-way road – between the centre of the road and another vehicle that is parked at the side of the road; or (b) if the road is a one-way road – between the far side of the road and another vehicle that is parked at the side of the road. | 0.8 Penalty Units |
| 190 | Stopping in a safety zone or on a road within 10m before or after a safety zone. | 0.8 Penalty Units |
| 191 | Stopping on a road near an obstruction on the road in a position that obstructs traffic on the road. | 0.8 Penalty Units |

| Column 1 | | Column 2 |
|--|---|------------------------------------|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 192(1) | Stopping on a bridge, causeway, ramp or similar structure. | 0.8 Penalty Units |
| 192(2) | Stopping in a tunnel or underpass. | 0.8 Penalty Units |
| 193(1) | Stopping on or near a crest on a length of road that is not in a built –up area. | 0.8 Penalty Units |
| 194(1) | Stopping within 1m of a fire hydrant, fire hydrant indicator or fire plug indicator. | 0.8 Penalty Units |
| 195(1) | Stopping at a bus stop, or on the road, within 20m before a sign on the road that indicates the bus stop, and 10m after the sign | 0.8 Penalty Units |
| 196(1) | Stopping at a tram stop or on the road within 20m before a sign that indicates a tram stop. | 0.8 Penalty Units |
| 197(1) | Stopping on a bicycle path, footpath, shared path or dividing strip or nature strip adjacent to a length of road in a built-up area. | 0.4 Penalty Units |
| 198(1) | Stopping on a road in a position that obstructs access by vehicles or pedestrians to or from a footpath ramp or a similar way of access to a footpath or a bicycle path or passage way. | 0.4 Penalty Units |
| 198(2) | Stopping on or across a driveway or other way of access for vehicles travelling to or from adjacent land. | 0.4 Penalty Units |
| 199 | Stopping on a road within 3m of a public post box. | 0.8 Penalty Units |
| 200(1) | Stopping a heavy vehicle, or long vehicle, on a length of road that is not in a built up area, except on the shoulder of the road. | 0.8 Penalty Units |
| 200(2) | Stopping a heavy vehicle, or long vehicle on a length of road in a built-up area for longer than 1 hour. | 0.8 Penalty Units |
| 201 | Stopping on a length of road to which a bicycle parking sign applies. | 0.4 Penalty Units |
| 202 | Stopping on a length of road to which a motorbike parking sign applies | 0.4 Penalty Units |
| 203(1) | Stopping in a parking area for people with disabilities. | 1.5 Penalty Unit |

| Column 1 | | Column 2 |
|--|---|------------------------------------|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 205 | Parking continuously on a length of road, or in an area, to which a permissive parking sign applies for longer than – (a) the period indicated by information on or with the sign ; or (b) if the vehicle displays a current parking permit for people with disabilities – the period stated in the permit. | 0.4 Penalty Units |
| 208(1) | Parallel parking on a road – failing to properly position the vehicle (except in a median strip parking area). | 0.4 Penalty Units |
| 208A | Parking in a road-related area (except in a median strip parking area) without properly position the vehicle. | 0.4 Penalty Units |
| 210(1) | Angle parking in a parking area on the side of the road or in a median strip area to which a parking control sign or road marking applies – failure to properly position the vehicle. | 0.4 Penalty Units |
| 211(2) | Parking a vehicle not completely within a parking bay. | 0.4 Penalty Units |
| 211(3) | If a vehicle is too wide or long to fit completely within a single parking bay, not parking the vehicle within the number of parking bays needed to park the vehicle. | 0.4 Penalty Units |
| 212(1) | Entering or leaving a median strip parking area in a different direction to the direction that is indicated on a traffic control device. | 0.8 Penalty Units |
| 212(2) | Entering or leaving a median strip parking area backwards instead of forwards where there is no information on or with a traffic control device. | 0.8 Penalty Units |
| Part 12 | Other parking offences provided for in Part 12 (Restrictions on stopping and parking). | 0.4 Penalty Units |

Schedule 3 – Dictionary

tourism-related business a vehicle used in the opinion of an authorised officer to transport tourists or promote tourism.

CERTIFICATION

This and the preceding 22 pages bearing my initials is a certified copy of the consolidated version of *Cairns Regional Council Subordinate Local Law No. 5 (Parking) 2011* adopted in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated the 5th day of December 2012.

Peter Matthew Tabulo
Acting Chief Executive Officer
Cairns Regional Council