



## GLEN INNES SEVERN COUNCIL

### Public Parking Policy

<b>RESOLUTION NUMBER:</b>	<b>23.12/20</b>	<b>MEETING:</b>	<b>17 December 2020</b>
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## AIMS OF POLICY

- To achieve an appropriate balance between public safety, traffic flow and equitable access in the management and regulation of vehicle parking facilities available to the general public, for the benefit of the community, business sector and visitors.

In this regard, public safety considerations will be paramount.

- To manage and regularly review public parking in Glen Innes so that safe and effective vehicle parking spaces are provided to meet the varying needs of users including consumers, business operators, employees, residents, visitors and service providers.
- To pursue a more sustainable approach to the recovery of costs for the provision, maintenance and regulation of public parking facilities, including the imposition of fines for non-compliant parking, in accordance with NSW Government legislation and guidelines.
- To provide an enabling mechanism through which Council can regularly review and if appropriate implement suitable technology to support regulation of safe and compliant parking practices.
- To make Council's practices and intentions in relation to public parking issues a matter of public record and accountability.
- To ensure that safe and effective parking practices are promoted to the community.
- To ensure that local law enforcement officers have the necessary skills and resources to undertake parking surveillance duties in a safe, fair, transparent, consistent and accountable manner, with appropriate training.

## POLICY STATEMENT

### 1. BACKGROUND

Currently Council regulate the use of over 500 on-street public parking spaces in the Central Business District (CBD). These facilities are located within the area bounded by Church, Ferguson and Lang Streets and East Avenue. School parking areas are also enforced at the following locations; St Josephs, Glen Innes Public, Glen Innes West Infants and Glen Innes High Schools. A further 350 odd off street parks are not time limited and therefore not enforced. These comprise both public and private parking including Town Hall, Coles complex and Woolworths to name some of the parking areas.

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Council's Rangers have patrolled public on-street parking areas to enforce compliant parking practices, in particular adherence to posted parking time limits. Since 2002, in common with other local government councils in New South Wales, Council has also inherited responsibility from the NSW Police for enforcing parking legislation in relation to parking on public roads, such as the NSW Road Rules (derived from the Australian Road Rules).

Public safety in the use of all vehicle parking facilities is paramount, for example around school zones and in 'no stopping' zones throughout the local government area. Providing equitable and balanced access to all day and shorter term parking is also a key objective of local parking restrictions, for the benefit of the community, business sector and visitors. In this regard, Council has developed public parking facilities which promote all-day parking (e.g. for employees) at the CBD perimeter, and time limited parking spaces of various durations within the central core of the CBD, designed to cater for a range of business, retail and service needs. Facilities for users with special needs, such as people with disabilities, have also been given particular consideration and priority.

## 2. PUBLIC PARKING AREAS REGULATED

Council has legal responsibility to regulate safe and compliant parking of vehicles throughout the local government area. The principal emphasis in this task is on the CBD and other high risk locations such as around schools and road intersections.

## 3. DEMAND MANAGEMENT

### User groups

Vehicle parking areas for the public are located and regulated to cater for a wide range of users. Each user group has different demands for parking time, location and accessibility. These include consumers of retail or professional services, where it is important to ensure a regular 'turn over' of parking spaces in accessible locations. These facilities should not be used for all day parking by business owners and/or their employees. In most circumstances this can be accommodated at more peripheral locations.

There is an expectation in regional centres such as Glen Innes that people will be able to park reasonably close to their destination. For example, employees are reluctant to walk more than 500 metres to their workplace, whilst shoppers are inclined not to walk further than 200m. Such expectations can present challenges in the light of new development and intensification of land uses over time.

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Others with particular needs include:

- Public transport operators, including bus and taxi services;
- Vehicle users with disabilities or other mobility restrictions (e.g. parents with children in prams);
- Cyclists and motor cycle users;
- Delivery services;
- The construction industry;
- Carers collecting people who cannot drive, from locations such as schools and medical establishments;
- Visitors (including those in coaches and with caravans) and those attending special events; and
- Emergency services.

### **Review and monitoring of supply**

Council's Local Traffic Committee includes representatives from Council, Police as well as elected Councillors and community representation. The Committee enjoys delegation from RMS in relation to the regulation of traffic on public roads, including making decisions on the display of notices regulating where parking may or may not occur, as well as time limits. As a result, the Committee regularly monitors public vehicle parking issues, having regard to changes in user behaviour, emerging needs, and submissions received.

The Committee's minutes are subject to endorsement at open Council meetings. This policy establishes a formal annual review process for public parking provision and restrictions, to be undertaken by the Committee in conjunction with Council's Development, Planning and Regulatory Services Department.

For special short term demands, the Council Grey Street Office or Rangers can issue temporary permits for car parks – for example to enable tradesmen to access a property to undertake repairs and maintenance without compliance with sign posted time limits.

### **New Parking facilities**

Council ensures that an appropriate level of new off street (private) parking is provided in connection with new or intensified development activity. This will be done through the development of a Parking Controls, which forms part of Council's Development Control Plan, used in the assessment of development applications under the *Environmental Planning and Assessment Act, 1979*.

Council may also require monetary or land contributions to be made towards the provision of public parking where a particular project cannot accommodate sufficient off street parking. However, Council will also make provision from time to time for the use and/or purchase of additional land for public parking where it is considered advantageous to do so, such as where existing facilities become insufficient to meet changing demands.

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#### 4. RELEVANT LEGISLATION

A range of legislation applies to the regulation of public parking in New South Wales. Council's officers must comply with relevant statutes and regulations in administering local parking controls. For on street parking, statutes include the NSW Road Rules 2014 and the *Road Transport Act 2013*, while public off street parking is principally regulated pursuant to Part 5 of Chapter 16 of the *Local Government Act 1993*.

In addition, mandatory Guidelines have been issued by the State Government in relation to the effective administration of public parking by local Councils. In turn, vehicle users are responsible to comply with relevant rules including sign posted directions and pavement markings, in their use of public parking facilities. Failure to do so may incur fines or other penalties such as demerit points. Penalties for parking offences are set by legislation administered by the TfNSW, and not Council (see further discussion under the heading "Enforcement & Activity" pp 6 - 8).

*Legislation is regularly updated over time and it is not the purpose of this policy to re-state this material in detail. However, further information can be obtained from the Police, NSW Roads and Traffic Authority and Council's Ranger Unit in relation to current road rules and the regulation of public car parks.*

*Details of current NSW legislation are now also available on the internet (<http://www.legislation.nsw.gov.au>)*

#### 5. ENFORCEMENT ACTIVITY

##### Surveillance of Parking

Council Rangers carry out regular patrols of public parking areas and roads in the local government area. They also respond to community complaints regarding illegally parked vehicles.

Priorities in this surveillance work include:

- Patrolling on street parking in different school zones – during school terms;
- Patrolling on street parking restrictions in the CBD one (1) to two (2) days per week;
- Mobility Parking Scheme will be patrolled in conjunction with normal patrols of on-street parking restrictions;
- Surveillance to ensure correct use of bus, taxi and loading zones, as well as no stopping zones; and
- Advice to drivers of their obligations under the Road Rules.

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Patrols also provide the opportunity to observe any other activity of relevance for local government law enforcement and to report any damaged or unclear signs/markings to Council's Infrastructure Delivery staff who arrange repairs/replacements. Observed parking offences are witnessed and (other than for offences relating to time limits) photographed by Rangers, with vehicle ownership details obtained from the TfNSW.

Typical offences subject of penalty action by Council may include:

- Parking longer than posted time limits (a modest additional time allowance will be provided when follow up checks are done on overstaying time limits, for the avoidance of any doubt);
- Breaches of on street parking restrictions applicable to "No Stopping", Bus, Loading and Taxi zones;
- Parking in an accessible (disability) parking bay without a permit displayed; and
- Failure to park properly within marked parking bay.

Penalty Notices for offences observed are normally placed on parked vehicles. Otherwise these are mailed to the owner of the vehicle concerned, with an accompanying letter informing the owner of the offence details and the process for payment and/or challenge of the penalty (see State Debt Recovery Office services below).

#### **The use of discretion**

Council Rangers have very limited discretion in their enforcement of signposted or marked restrictions in relation to vehicle parking. Failure to take action in relation to an observed offence may firstly create hazards or risks for the community. In addition, it may expose Council and the officers concerned to accusations of partiality and, potentially, claim for damages where an unsafe situation has arisen.

Such inaction may also be in breach of Council's Code of Conduct.

Nevertheless, it is intended that Council's enforcement in relation to parking matters should be undertaken with regard to exceptional circumstances which may arise from time to time. Part 12 of the NSW Road Rules 2014 for example, provides for waiver of penalties in a medical or other emergency, where a driver stops for no longer than is necessary in the circumstances. Emergency services vehicles attending incidents would likewise be considered exempt.

This Policy provides that Council's authorised officers may exercise limited discretion, including issuing warnings, where obvious exceptional and mitigating circumstances are apparent to the officer when observing an offence. Critically, however, public safety must not be compromised. An example may be a vehicle delivering a frail or elderly person to a medical practice, where the prevailing traffic conditions do not present a risk.

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### **State Debt Recovery Office services and information**

Council uses the 'premium' service offered by the NSW State Debt Recovery Office (SDRO) for the administration of parking penalty notices issued in Glen Innes Severn Council, as well as appeals arising.

Under this commission arrangement, the SDRO provides an assessment and review service independent of Council, reducing local administration overheads and reducing potential conflicts of interest. The SDRO also offers extensive advice to people who have received parking penalties on relevant issues and options available to them. For further information, including review guidelines, see the SDRO web site at <http://www.sdرو.nsw.gov.au>

In the event that a person elects to challenge a penalty in Court, Council's authorised officer will usually attend to give evidence. Moreover, in the event of a written appeal where unusual circumstances may have been raised by the recipient of a penalty, the SDRO may confer with Council and request a review of its decision to issue a penalty notice. Such requests are initially considered by the Ranger Unit and then referred to the Council Director responsible for the Ranger Unit or to the General Manager for an appropriate response.

The SDRO also maintains detailed statistical information on Councils' performance in relation to the administration of parking offences in NSW. These include the promptness of payment and extent of challenges upheld. This data, in particular the relationship of Council's performance to State averages, will be used as a key performance indicator for the Ranger Unit.

### **Handling complaints**

As indicated, the administration of all offences and penalty notices is managed under an arrangement with Council by the SDRO. Accordingly all complaints or requests for review should be lodged with State Debt Recovery Office PO Box 786, Strawberry Hills NSW 2012.

However, in the event that a member of the public wishes to lodge a complaint with Council about the conduct of a Council officer in connection with the enforcement of public parking rules, that can be considered under Council's Code of Conduct in the first instance. Please contact Council's Public Officer for further information in this regard.

## **6. PARKING-RELATED INCOME**

The income generated from parking-related income in Glen Innes is used to offset part of the costs of providing relevant Ranger services and for parking area maintenance, including repairs, line marking, signposting and cleaning.

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A small amount of income is derived from fine income, net of State Debt Recovery Office administration fees. This Policy provides that, as a minimum, Council should seek to achieve an improved balance between costs and income in this area. However, Council does not however consider a 'pay for parking' system a viable alternative.

Council will also inform the community of any significant changes to the legislation or local arrangements pertaining to public parking, including media releases and targeted advice to relevant user groups, for example:

- Offers to attend parents and citizens' meetings at Schools regarding enforcement of school zone regulation; and
- Distribution of educational materials to be included in School newsletters.

Council will liaise with the Police, TfNSW, and the SDRO in this work, and seek feedback from the community on new long term discretionary initiatives such as any new enforcement systems.

## 7. STAFF TRAINING AND COMPETENCY

Council's Rangers are trained to undertake their work in a safe, fair, transparent, consistent and accountable manner. In particular, they are to undertake training to a level of Certificate IV in Local Government Regulatory Services. They also attend relevant training, including that provided by Government and the NSW Rangers Institute, to maintain knowledge of current parking legislation and issues.

In addition, Rangers undertaking parking patrol duties are counselled in dealing with difficult or aggressive individuals in connection with potential disputes over alleged offences. They carry mobile communications and camera equipment as part of their work.

Training needs are regularly reviewed with individual staff members as part of their annual appraisals.

## APPLICABILITY

This Policy is prepared and adopted under Chapter 7, Part 3 of the *Local Government Act 1993*.

The purpose of the Policy is to supplement provisions of the *Road Rules 2014*, *The Road Transport Act 2013* and *Local Government Act 1993* and Regulation, by specifying matters that Council must take into consideration when handling issues relating to Public Parking within its Local Government Area.

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This Policy applies to all Council owned or operated roads, roads corridors, public parking spaces, taxi zones, bus zones, time restricted parking areas, no stopping zones, loading zones and disabled parking zones within the township of Glen Innes.

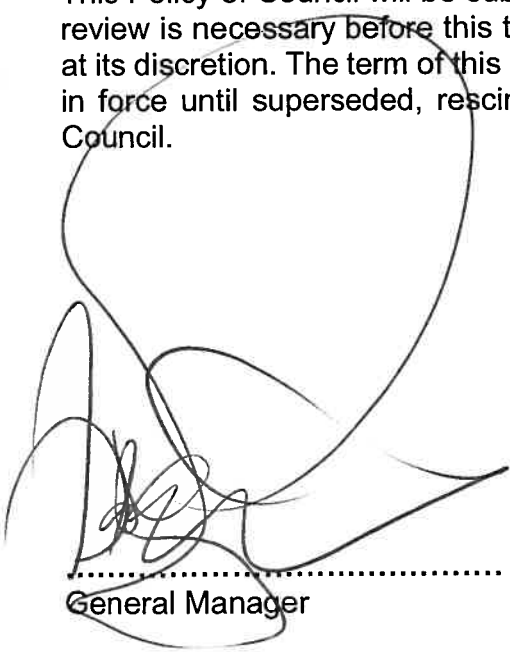
**IMPLEMENTATION AND COMMUNICATION**

Council will promote the Public Parking Policy through Council's weekly Connecting with Your Council column and on Council's website.

Where matters of special strategic importance need to be communicated to the public, Council will also release statements to the media or mail flyers to particular areas that may be affected by changes to public parking.

**VARIATION AND REVIEW**

This Policy of Council will be subject to review in December 2023 or if Council determines a review is necessary before this time. Council reserves the right to vary or revoke this policy at its discretion. The term of this policy does not expire on the review date, but shall continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.



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General Manager

7/1/20.  
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Date

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