# Parking Enforcement Policy 307

**Date of Commencement:** 27/04/2010

**Approval Authority:** Council - Minute 14008

**Date Council Approved:** 22 July 2013

**Date of Next Review:** July 2016

**Review:** every 3 years

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1. Background:

Since Parramatta City Council introduced a ‘Parking Enforcement Policy’ in 2010, the needs and demands of residents, visitors and business owners have not changed dramatically. These people still seek safe, fair affordable parking and parking enforcement.

However presently in 2012 the city of Parramatta is quickly becoming the preferred choice for many businesses and Government agencies to centralise and base themselves. In addition to this the views and outlooks upon peoples use and type of transport is strongly influenced by the cost, convenience and safeness of this decision.

It has now become more evident that these influences also play in the satisfaction of all customers and their experience which they have with Parramatta City Council.

Parramatta City Councils Community Safety Officers are responsible for the administration of all laws which relate to motor vehicle parking along with the education and awareness which is needed for any type of successful enforcement.

2. Objective:

The objective of this Policy is to set out a framework for the manner in which motor vehicle parking arrangements within the Parramatta local government area will be regulated under the laws relating to motor vehicle parking.

This policy sets out:

• Council’s approach to the enforcement of motor vehicle parking controls established under the laws relating to motor vehicle parking so as to achieve a balance between public safety, traffic flow and equitable access to available parking spaces.

• The approach to be followed by Council’s Community Safety Officers in the enforcement of motor vehicle parking controls including the detection of illegal parking offences and the process for review
of any PIN that has been issued as a result of any contravention of motor vehicle parking controls established under the laws relating to motor vehicle parking.

3. Scope:

This Policy prescribes standards for the operational, duties, functions and responsibilities of Council staff involved in all regulatory services associated with motor vehicle parking in the Parramatta Local Government area. The overall aim is for each member of Council staff to achieve the highest possible standard of operation and presentation reflecting Council Code of Conduct, expectations for excellent customer service with a consistent and professional approach.

This Policy is a tool which will be used to assist Council’s Community Safety Officers in the performance of their duties. It is expected that they will act professionally, with courtesy and honesty and within the scope of their responsibilities at all times in order to uphold Council’s Guiding Principles.

Council has a regulatory obligation to enforce the laws relating to motor vehicle parking and to manage public safety and traffic flow in accordance with the relevant laws;

The actions set out in this Policy to regulate motor vehicle parking include educational campaigns, cautions, issuing PINs and reporting the of misuse of mobility parking permits.

This Policy establishes clear and lawful guidelines for:

- Enforcement of parking restrictions to ensure the consistent application of the laws relating to motor vehicle parking,
- Processes for the consideration of representations concerning PINs issued for parking offences
- Documenting enforcement practices utilised by Community Safety Officers to detect illegal parking offences,
- The general standards of behaviour of Council staff involved in parking enforcement.

4. Relationship to Legislation:

The laws relating to motor vehicle parking include the following legislation

- Road Rules 2008
- The Road Transport (General) Act 2005
- Road Transport (General) Regulations 2005
- Local Government Act 1993

5. Related Strategies, Plans or Policies;

Council’s plans and policies that are related to this Policy include:

- Regulatory Services Enforcement Policy
- Parramatta City Council Code of Conduct
6. Definitions

In this Policy, unless the context otherwise requires:

**Adjudication Panel** means the panel described in clause 9 of this Policy that is responsible for the considering requests to review PINs.

**Community Safety Officer** means any member of Council staff who hold this position or any equivalent position that is responsible for the enforcement of the laws relating to motor vehicle parking.

**Council Free Car Parks** means land or any part of land which is set aside for use as a free parking area and is regulated under section 650 of the Local Government Act 1993 and meeting the requirements within this act.

**PIN** means a penalty infringement notice issued under the laws relating to motor vehicle parking as a result of the contravention of those laws.

**Policy** means this document

**Red Zone** means parking signs that are red with white writing or white signs with symbols. These signs are used in high risk areas and include; No Stopping No Parking and bus zones. (Further information about these signs can be found in the Road Rules 2008.)

**School Zone** means:

(a) if there is a school zone sign and an end school zone sign, or a speed limit sign with a different number on the sign, on a road and there is no intersection on the length of road between the signs, that length of road; or

(b) if there is a school zone sign on a road that ends in a dead end and there is no intersection, nor a sign mentioned in paragraph (a), on the length of road beginning at the sign and ending at the dead end, that length of road.

**Standard Operating Procedures** means the operating procedures that apply from time to time to the performance by Community Safety Officers of their duties. Appendix C to this Policy contains the Standard Operating Procedures current as the date of adoption of this Policy.

7. Parking Enforcement Practices

**General**

Efficient and effective parking regulation relies heavily on systematic presence of Council’s Community Safety Officers. Consistency in enforcement is a key component in effective regulatory service. Community Safety Officers are required to use a number of methods to manage parking and the related legislation, they include; education, warnings, cautions, issuing of PINs and submission of reports to the RTA.

Where a Community Safety Officer observes a motor vehicle parked in an illegal position or dangerous position or both, they may issue a PIN and if possible find the driver and instruct them to move the motor vehicle immediately. Motor vehicles parked illegally in a Red Zone
or School Zone will not be afforded any discretion if it is clear that an offence has been committed, as illegal parking in these high risk areas may place a member of the public in danger or adversely affect the flow of traffic.

Any Community Safety Officer may not cancel a PIN if they have commenced recording details on the notice.

The onus to comply with current parking rules and regulations lies solely with each driver of a motor vehicle in NSW.

Discretion

Community Safety Officers may exercise discretion to determine whether or not to issue a PIN as a result of contravention of the laws relating motor vehicle parking. This discretion is personal to each Community Safety Officer and must be consistent with this policy.

Community Safety Unit Operations

General hours of operation for Community Safety Officers performing parking patrol duties are 7 days a week.

It is noted that whilst on street parking enforcement was transferred from the NSW Police Service to Local Government in 2002, NSW Police officers remain authorised to issue PINs for contravention of the laws relating to parking of motor vehicles. Accordingly, complaints about motor vehicle parking enforcement outside of Council’s business hours of operation may be referred to the Police Local Area Command for investigation/action.

Community Safety Officers undertake high visibility and low visibility surveillance to ensure compliance with the laws relating to motor vehicle parking. This surveillance may take the following forms:

• **Covert operations** – Covert operations will only be conducted with Council’s prior approval (given by way of a Council resolution.)

• **High visibility patrols** – This kind of patrol involves activities where Community Safety Officers are clearly visible in full uniform for all motorists and members of the public to see.

• **Low visibility patrols** – This kind of patrol involves activities where Community Safety Officers may not be clearly visible and this includes use of a

  • **Mobile vehicle patrols** - These patrols are conducted from within a motor vehicle. A mobile patrol may be undertaken in an area where officers’ safety is a concern.

All Community Safety motor vehicles must bear Parramatta City Council identification during operational use.

All Community Safety Officers observing and recording illegal parking offences must be in full uniform and comply with the applicable Road Rules and WHS Act at all times. Low visibility patrols are used but not limited to situations where motor vehicles are parking illegally so as to jeopardise the immediate safety of anyone.
When monitoring school pedestrian crossings from within a vehicle, Community Safety Officers must ensure that they legally park their motor vehicle within Two vehicle spaces from the crossing to ensure the Parramatta City Council marked motor vehicle is visible from the pedestrian crossing.

**Standard Operating Procedures and SWPM's**

Community Safety Officers must observe the Standard Operating Procedures in the performance of their duties. In addition (and for the purposes of this Policy), the Community Safety Officers:

- Are to be appropriately attired in full uniform when conducting parking patrols.
- Should place PINs in a conspicuous location.
- Should place chalk markings on the tread of the tyre only not on the wall of the tyre.
- Should ensure that PINs are not to be issued unless all signs are clear and visible and all motor vehicle tyres are inflated.
- May allow a period of 10 minutes as a courtesy in circumstances where the relevant parking time restriction is greater than 15 minutes.
- May allow a period of 5 minutes as a courtesy in circumstances where the relevant parking time restriction is greater than 5 minutes but not greater than 15 minutes.
- In areas serviced by parking meters, Community Safety Officers must ensure and check that the parking meter is functional and allow a courtesy period of 10 minutes for expired tickets.

**Photographs**

To ensure that appropriate evidence is collected Community Safety Officers are permitted to take photographs of vehicles when they believe a breach of legislation has been made. Photographs should be taken first and then the details of the offence and vehicle recorded to issue the penalty notice.

Copies of photographs taken by Community Safety Officers may be obtained by the owner to the vehicle to which the infringement is issued. These photographs may be subject to payment of an approved fee.

Where possible the Community Safety Officer should attempt to issue the fine by placing the PIN on the motor vehicle or handing the PIN to the person who the Community Safety Officers reasonably considers to be the owner or driver of the motor vehicle. The PIN may be sent via the post to the motor vehicle owner under the following circumstances;

- The Community Safety Officer observes a motor vehicle which is illegally parked and the driver then drives away.
- The Community Safety Officer can not find a legal parking space to stop and issue a PIN.
- The Community Safety officer forms the opinion that it would be unsafe to issue the PIN in the normal manner.
- The Community Safety officer forms the opinion that it would be inappropriate to issue the PIN in the normal manner because of the prevailing weather conditions or vehicle type.
**Behaviour Standards**

Upon their appointment each Community Safety Officer is trained to understand and comply with Council’s Code of Conduct and the Standard Operating Procedures.

Community Safety Officers will:

- Be courteous, polite, fair and equitable, diligent and demonstrate behaviour above reproach at all times.
- Apply the ‘benefit of the doubt’ principle. This involves not issuing a PIN if there is any doubt as to whether an offence has been committed.
- Will observe and obey the Road Rules at all times; except in the case of an emergency or non compliance was necessary in the interests of public safety.

It is recognised that people may become upset when issued with a PIN for an illegal parking offence. Community Safety Officers must not verbally abuse, threaten or assault any member of the public. Community Safety Officers must report to their supervisor any verbal abuse directed to them, threats they receive or assault they suffer.

All Community Safety Officers will act as ambassadors for Parramatta City Council and the community.

**8. Parking Programs**

Community Safety Officers will undertake a range of activities to educate and enforce parking legislation in addition to patrolling on street and off street parking areas. From time to time Parramatta City Council will conduct programs to target specific illegal parking behaviour and the methods of monitoring parking breaches. These programs include;

- **Mobility Parking Scheme Program** – This program seeks to manage designated mobility parking and to stop the misuse of mobility parking permits to facilitate easier parking for persons with disabilities which may also be used to gain free all day parking in certain areas.

- **School Safety Program** – This program seeks to educate and discourage illegal parking in School Zones to ensure the safety of school children and the public.

- **Complaint based Program** – This program seeks to aid the investigation of parking related complaints and target specific offences as needed.

**9. Parking on Nature Strips**

Parking on nature strips within identified streets with rollback kerb and gutter and extended nature strips

Under the Road Rules 2008 it is an offence for a motor vehicle to stop on a path/strip in a built up area unless there are permissible parking signs or a hard bay surface constructed for the purpose of motor vehicle parking.

However Council recognises that for suburban residential streets that have rollback kerbs, or suburban residential streets with an extended nature strip, a rigid application of the Road Rules may not be reasonable.
Rollback Kerb Residential Streets

In residential streets with rollback kerbs it is Council’s policy that in enforcing the Road Rules 2008 that no action will be taken in relation to motor vehicles identified by Council as owned by local residents or their visitors which park on the nature strip parallel to the road/kerb in the direction of travel in streets provided the vehicles do not interfere with the general use of the footpath/nature strip area, obstruct sight lines for vehicles using the roadway or cause damage to Council infrastructure which includes the kerb, footpath area and underground services.

This does not apply to heavy / long vehicles such as trucks, trailers, caravans, boats or motor homes.

Residential Streets with Extended Nature Strips

In residential street with extended nature strips as identified by a Council resolution, it is Council’s policy that in enforcing the Road Rules 2008 that no action will be taken in relation to motor vehicles identified by Council as owned by local residents or their visitors which park on the nature strip parallel to the road/kerb in the direction of travel in streets provided the vehicles do not interfere with the general use of the footpath/nature strip area, obstruct sight lines for vehicles using the roadway or cause damage to Council infrastructure which includes the kerb, footpath area and underground services.

This does not apply to heavy / long vehicles such as trucks, trailers, caravans, boats or motor homes.

Identification of Local Residents’ Vehicles and Visitor Vehicles

Local residents are residents that live in the street to which this part of the policy applies. Resident vehicles and visitor vehicles must be identified with the approved “Local Resident” identification label or “Local Resident Visitor” label. Each household is eligible for 2 visitor labels.
Note:

Where a local resident or visitor motor vehicle is found to be parked not in the manner depicted in the diagram a PIN may be issued. (ie the vehicles marked with a "cross")
10. Parking Infringement Review Process

There are two methods to seek a review for a ‘Penalty Infringement Notice’ (PIN) which has been issued. Both of these are by written request to either Parramatta City Council or the State Dept Recovery Office requesting and asking for a review of the issued infringement.

Method 1 – Internal Review by the Adjudication Panel

A person who has been issued a PIN may make a request to Council for a review of the relevant PIN. Representations received (within 21 days from the date the PIN was issued) will be forwarded to Parramatta City Councils Adjudication Panel for consideration.

The Adjudication Panel may determine whether in the circumstances it is reasonable and proper for a PIN to be withdrawn, issue a caution in lieu of a fine or that the penalty should stand.

Each Adjudication Panel meeting is comprised of three people. These persons are from the categories which are listed below with additional independent persons which may be used as reserves:

- Two people who are independent of Parramatta City Council.
- A person who is a member of Parramatta City Council staff and holds a position of Manager or higher or acting in either of these roles...

All members of the Adjudication Panel must be approved and endorsed by the CEO. Appointments will be for a fixed term. The terms of appointment will be determined by the CEO.

The Adjudication Panel must have regard to the following criteria when considering any request for a PIN to be reviewed:

- The nature of the offence to which the PIN relates.
- Whether the PIN was lawfully issued.
- Whether the PIN was issued in a manner consistent with this Policy.
- Whether there are there any extenuating personal circumstances (which may include financial hardship, disability or a medical condition).

Each member of the Adjudication Panel must participate in the consideration of the representations in an impartial, professional and ethical manner. At all times they must comply with all laws relevant to the performance of their duties and all relevant Parramatta City Council policies.

Members of the Adjudication Panel will be rotated on a regular basis in a manner that demonstrates good governance practice and consistency of decision making.

The Adjudication Panel may request additional information from the person who has requested a review of an infringement to assist in the review.

The Adjudication Panel may determine the request on the information available if any request for additional information is not complied within the time frame requested by the Adjudication Panel.

All requests for review of a PIN received within 21 days from the date on which the PIN was
issued will be replied to within 7 days with the SDRO being notified that this PIN is currently under review. Once the decision of the Adjudication Panel has been made the person who has requested the review will be notified no later than 7 days after the date on which the review was adjudicated on.

The Adjudication Panel must ensure reasons for its determination are recorded in Council’s records.

If the Adjudication Panel determines that in the circumstances it is not reasonable and proper for the PIN to be withdrawn, the person who was issued the PIN has the option to either pay the PIN or elect to have it heard before a Magistrate in court.

If the Adjudication Panel determines that in the circumstances it is reasonable and proper for the PIN to be withdrawn or caution issued, Parramatta City Council will take no further action in relation to that PIN. All decisions which are made by Parramatta City Council’s Adjudication Panel are forwarded to the SDRO.

An audit of the Adjudication Panel’s decisions must be undertaken monthly and reported to Council annually in June of each year.

**Method Two- Write to the State Debt Recovery Office**

Representations in regards to PINs issued by Parramatta City Council officers may also be directed to the State Debt Recovery Office (SDRO). The SDRO is a State Government agency that undertakes debt recovery activities on behalf of Government (State and local) in NSW. The postal address for the SDRO is:

The Director
State Debt Recovery Office
PO BOX 4444
Parramatta NSW 2124

The SDRO has a procedure that governs the consideration of representations made in respect of debts that the SDRO is pursuing. The SDRO publishes guidelines that outline the manner in which the SDRO will undertake the consideration of representations and review of the request received in respect of any debt that the SDRO is pursuing.

In general terms, the SDRO procedure may involve:

- An assessment as to whether the relevant PIN was lawfully issued.
- Notification to the person making the request of its determination.

- If the SDRO determines that the relevant PIN was not lawfully issued, it recommends to the issuing authority that the PIN be withdrawn and notifies the person making the request of its determination.

- If the SDRO determines that the relevant PIN was lawfully issued, it notifies the person making the determination and that persons may elect to either:

1. Pay the PIN
2. Challenge the issue of the PIN before the Court.

The SDRO guidelines can be viewed on line at [www.sdro.nsw.gov.au](http://www.sdro.nsw.gov.au)
The SDRO may request further information from the issuing authority to assist with the review of the PIN.

Parking Infringement Reporting

Council derives revenue from enforcement of the laws relating to motor vehicle parking. Councils annual report provides information about the total revenue received from the enforcement of the laws relating to motor vehicle parking.

These should not be appendices -

11. Administration

Authorisation: Council Meeting 22 July 2013 - Minute No. 14008

Review: Every three years

Owner: Manager Regulatory Services

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List of streets exempt for parking on footpath areas

Granville
Albert Street Granville
Margaret Street Granville
Smith Street Granville
Hewlett Street Granville
Daniel Street Granville
Florrie Street Granville
Elizabeth Street Granville
John Street Granville
Caroline Street Granville
Markey Street Granville
Robertson Street Granville (between Markey Street and Guildford Road)
Aubrey Street Granville
Stuart Street Granville
Charles Street Granville
Fifth Street Granville
New York Street Granville
Victoria Street Granville
A’Beckett Street Granville
Hamilton Street Granville

Merrylands
Earl Street Merrylands
Kimberely Street Merrylands
Brady Street Merrylands
Lansdowne Street Merrylands

Guildford
Kenelda Avenue Guildford
Osgood Street Guildford
Linthorne Street Guildford
Cleone Street Guildford (Middle of it)
Wynyard Street Guildford (At the start and Finish of the street)
Chamberlain Street Guildford (between Rhodes and Henry St, both sides)
Salisbury Road Guildford (between Rhodes and Henry St, both sides)
Milner Street Guildford
Roseberry Street Guildford (between Rhodes and Henry St, both sides)

Harris Park
Dalley Street Harris Park
Harris Street Harris Park

Rosehill
Penelope Lucas Lane Rosehill
**Rydalmere**
Anderson Street Rydalmere
Rippon Street Rydalmere

**Oatlands**
Nioka Street Oatlands

**Carlingford**
Mulyan Avenue Carlingford
Freeman Carlingford
Dalmar Place Carlingford
Dunlop Street Carlingford
First Avenue Carlingford
Melrose Street Carlingford
Wyralla Avenue Carlingford
Warrington Avenue Carlingford
Victoria Street Carlingford
William Street Carlingford
Crown Street Carlingford
Lewis Street Carlingford
Boronia Avenue Carlingford

**Epping**
Grandview Parade Epping

**Constitution Hill**
Centenary Avenue Constitution Hill
Greygum Terrace Constitution Hill
Bluegum Circuit Constitution Hill

**Northmead**
Black Wattle Circuit Northmead