



Parking Enforcement Policy

Policy Number 307

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1. Background:

As the City of Parramatta continues to thrive and grow so to does the demand for available short term and long term parking spaces. It is recognised that residents want on street parking near their homes, visitors seek to find parking so they may utilize the many services that Parramatta has to offer, business owners require vehicle turn over so they can remain profitable and workers seek to find affordable long term parking. Council's Community Safety Officers are responsible for the administration of motor vehicles parking in the Parramatta local government area in accordance with the laws relating to motor vehicle parking.

Council is dedicated to working with its stakeholders to ensure the long term strategic management of the current and future traffic flow within of the City of Parramatta. One example of this commitment is the free Loop Shuttle Service to convey people around the Parramatta Central Business District and thus alleviate the need for users to drive and find parking.

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, warnings, issuing PINs and reporting of misuse of mobility parking permits.

This Policy establishes clear and lawful guidelines for:

- enforcement of parking restriction to ensure 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.

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 the key component in an effective service. The 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.

The 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 in determine whether or not to issue PIN as a result of contravention of the laws relating motor vehicle parking. This discretion is personal to each Community Safety Officer.

Council requires that each Community Safety Officer have regard to this Policy in determining how to exercise that discretion.

Appendix B to this Policy sets out guidelines to assist Community Safety Officers in the determining how to exercise their discretion.

Operating Hours

General hours of operation for Community Safety Officers performing parking patrol duties are 8am to 5pm Monday to Friday. In addition to these core hours a small team of Community Safety Officers work in the Parramatta CBD (only) during the following hours,

- Monday 9am to 6pm
- Tuesday 10am to 7pm
- Wednesday 11am to 8pm
- Thursday 1pm to 10pm
- Friday 1pm to 10pm
- Saturday 8am to 5pm
- Saturday 1pm to 10pm

At times Community Safety Officers are rostered to work outside of the above listed times to manage illegal parking at special events, respond to specific community complaints and assist in joint operations with the NSW Police Service.

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 Councils hours of operation may be referred to the Police Local Area Command for investigation/action.

Operational Types

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 surveillance operations will only be conducted with Council's prior approval (given by way of a Council resolution.)
- **High visibility surveillance** – This kind of surveillance involves activities where Community Safety Officers are clearly visible in full uniform for all motorists and members of the public to see.
- **Low visibility surveillance** – This kind of surveillance involves activities where Community Safety Officers may not be clearly visible and this includes use of a

Council motor vehicle that bears Council identification. All Community Safety Officers observing and recording illegal parking offences must be in full uniform and comply with the applicable Road Rules at all times. Low visibility surveillance is confined to situations where motor vehicles that park illegally near pedestrian crossings are being targeted. Community Safety Officers must ensure that they can legally park their motor vehicle within 2 vehicle spaces from the crossing to ensure the Council marked motor vehicle is visible from the pedestrian crossing.

Standard Operating Procedures

Community Safety Officers must observe the Standard Operating Procedures in the performance 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 check that the parking meter is functional and may allow a period of 10 minutes as a courtesy for expired tickets.

Photographs

To ensure that appropriate evidence is collected Community Safety Officers are permitted to take photographs of vehicles where they intend to issue a PIN. Photographs should be taken first and then the details of the offence and vehicle recorded to issue the penalty notice.

Copies of photographs may be obtained by the person to whom the infringement is issued, subject to payment of the relevant 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 stop and illegally park in a red zone and then drives away.
- The Community Safety Officer can not find a legal parking space to stop and issue the 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.

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.

It is expected that 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 (and if they consider appropriate the Police) any verbal abuse directed to them, threats they receive or assault they suffer..

All Community Safety Officers will act as ambassadors for our organisation and the community.

8. Parking Programs

Community Safety Officers will undertake a range of activities to enforce parking restrictions in addition to patrolling on street and off street parking areas. From time to time Council 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 mobility parking and to stop the misuse of permits issued to facilitate easier parking for persons with disabilities.
- **School Safety Program** – This program seeks to discourage illegal parking in School Zones to ensure the safety of children.
- **Complaint based Program** – This program seeks to aid the investigation of parking related complaints

Further information concerning parking programs appears in Appendix A.

9. Parking Infringement Review Process

There are 2 methods to seek a review of a PIN and they are by written request to Council asking for a review or a request to the State Debt Recovery Office.

Method 1 – Internal Review by the Adjudication Panel

A person who has been given a PIN may make a request for Council to review the issue of the relevant PIN. Requests received will be referred to the Adjudication Panel for consideration.

The Adjudication Panel may determine whether in the circumstances it is reasonable and proper for a PIN to be withdrawn.

The Adjudication Panel is comprised of 3 persons from each of the categories listed below with an additional two independent person for reserve:

- 2 person who is independent of Council.
- 1 person who is a member of Council staff and holds a position of senior manager or higher grade.

The members of the Adjudication Panel will be approved by the CEO. Appointments will be for a 1 year 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 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 requested review of a PIN to assist the review. The Adjudication Panel may determine the request on the information available if any request for additional information is not complied with in 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 completed within 7 days. The decision of the Adjudication Panel will be notified to the persons who requested the review no later than 7 days after the date on which the review request was received.

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

If the Adjudication Panel determines that the in the circumstances it is not reasonable and proper for the PIN to be withdrawn, the person who was given the PIN may either pay the PIN or challenge the PIN before the Court.

If the Adjudication Panel determines that in the circumstances it is reasonable and proper for the PIN to be withdrawn, Council will take no further action in relation to that PIN.

An audit of the Adjudication Panel's decisions must be undertaken on a 6 monthly basis and reported to Council annually in June each year.

Method 2 Write to the State Debt Recovery Office

Representations in regards to PINs issued by Council officers may 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 request received in respect of any debt that the SDRO is pursuing.

In general terms, the SDRO procedure involves:

- 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.sdرو.nsw.gov.au

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.

10. Appendices

APPENDIX A
Parking programs

APPENDIX B
Guidelines for discretion, warnings and issuing of PINs

APPENDIX C
Standard Operating Procedures

11. Administration

Authorisation

Adopted by Council 27 April 2010 Minute Number 11420.

Review

Version	Date Adopted	Date Superseded
1	27 th April 2010	

Owner

Manager Regulatory Services

Parking Programs

Mobility Parking Scheme Program.

Mobility Parking Schemes (*MPS*) are schemes authorised by the Road Transport (SAFETY AND Traffic Management) Regulation 1999 that involve permits being issued to persons with a disability to facilitate easier parking arrangements for them.

The aim of this program is to stamp out the misuse by certain motorists who use a permit issued under a MPS that is not their own in order to obtain long term free parking. To validate the identity of permit holders, Council officers are permitted to request to view the permit so they can ascertain it is being used correctly. If it is found that the driver is not the person to whom the permit was issued and that the person to whom the permit was issued is not in the immediate area in which the permit was being used, the Council officer may,

- Complete an RTA report of the incident.
- Issue a PIN to the person who is using the permit contrary to its terms..
- Send the completed report and a copy of the PIN to the RTA fraud unit.

MPS programs may be conducted at times in conjunction with the RTA. During these joint operations the RTA officers only may confiscate permits.

School Safety Program

The aim of this program is to ensure that motor vehicle drivers **do not** park illegally in School Zones. Motor vehicle drivers who disregard parking regulations in School Zones can create dangerous situations for children. Illegally parked vehicles can create blind spots or obstructions to other drivers which may result in the **injury** or **death** of a child.

To demonstrate the seriousness of this issue, higher penalties and greater loss of demerit points for School Zone parking offences were introduced. In line with a State Government directive to NSW councils, Community Safety Officers have a zero tolerance approach to illegal parking offences in School Zones.

Community Safety Officers use a combination of high and low visibility enforcement practices when patrolling School Zones.

Complaint based program

Council initiated this program as a result of complaints received in parking infringement related matters. It is an ongoing program that involves Community Safety Officers investigating all complaints and taking appropriate action that may include warnings being issued or PINs being issued.

Complaints are mainly received from residential areas and include issues such as truck and general parking issues, driveway and footpath obstructions. When a complaint is received Council staff will undertake an inspection to determine the appropriate course of action. At times they will identify other breaches occurring that they will need to investigate and enforce.

A regular issue that arises is the obstruction of footpath areas. Below are some illustrations that are intended to act as a guide to assist Community Safety Officers to manage this issue in a fair and equitable manner.

Parking on nature strips in streets with rollback kerb and gutter

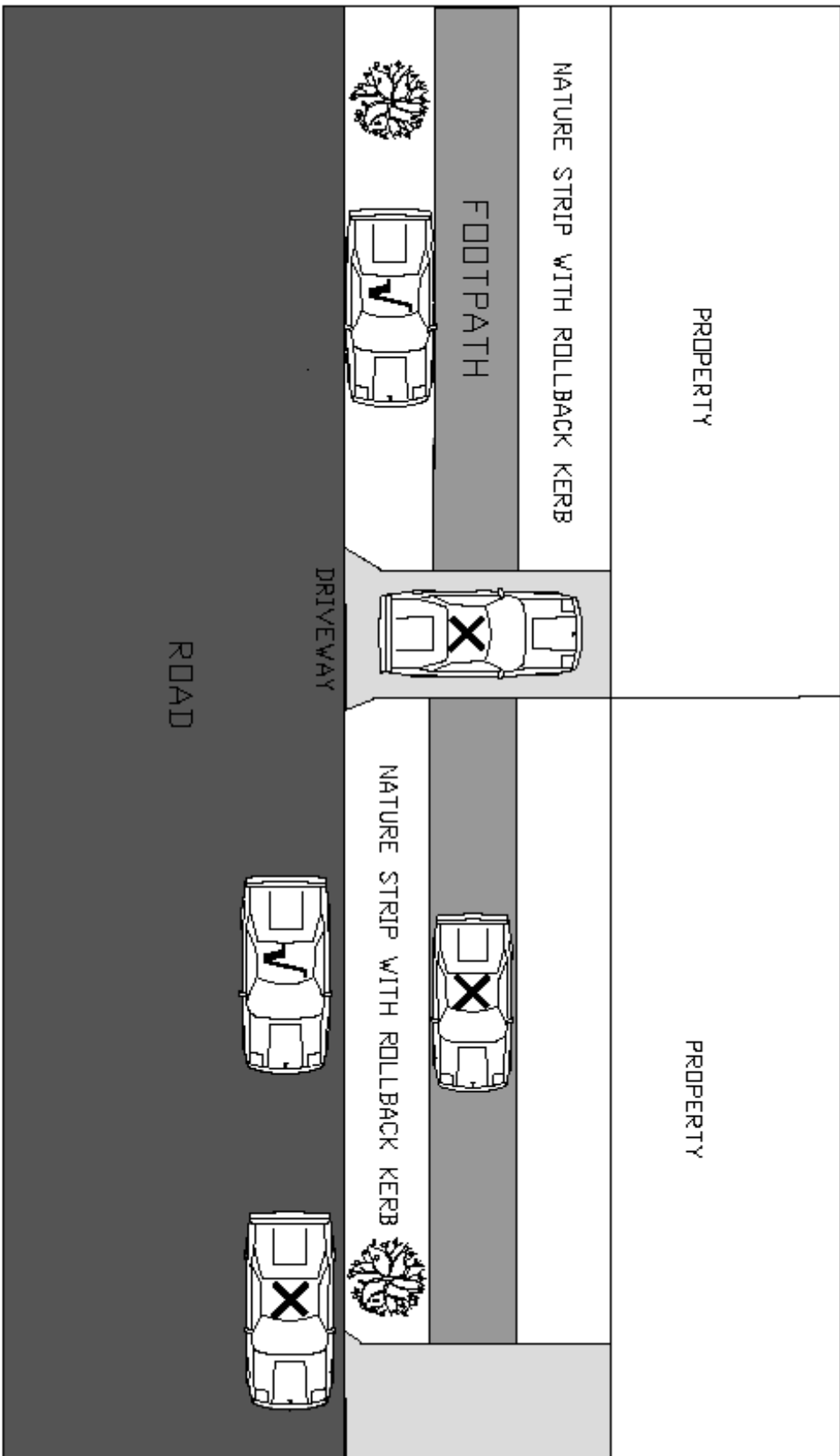
Under the Road Rules 2008 it is an offence for a motor vehicle to stop on a path/strip in a built up area unless there are permissible parking signs or a hard bay surface constructed for the purpose of motor vehicle parking.

Whilst it is a requirement that motor vehicle drivers are to comply with the Road Rules 2008, consideration must also be given to the issue of the number of suburban streets within the Parramatta local government area where the road surface has been reduced in width and additional kerbing installed such as rollback kerbs.

It is Council's policy that in enforcing the Road Rules 2008 in these situations no action will be taken in relation to motor vehicles which park parallel to the road/kerb in the direction of travel in streets that have had the footpath area increased and the road areas decreased such as areas with rollback kerbing installed. The motor vehicles must not interfere with the general use of the footpath area, obstruct sight lines for vehicles using the roadway or cause damage to Council infrastructure which includes the kerb, footpath area and underground services.

Discretion regarding parking on footpaths is mainly used in areas with rollback kerbs installed by Council as they clearly define areas with readily available access. Community Safety Officers may utilise this same discretion in other residential areas where footpaths areas have been increased in width and the road area reduced.

See the following diagram for examples, where a 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")



APPENDIX B

Guidelines for exercising discretion in issuing PINs or giving warnings

Generally the disregard of parking restrictions and regulations by motorists (particularly in problem areas) should attract a penalty so as to operate as a deterrent. However in some circumstances it may be prudent for a Community Safety Officer to exercise discretion by issuing a printed caution or verbal caution and directing the driver to move on rather than issue a PIN.

Below are some examples of the exercise of this discretion that are considered reasonable and proper.

- A driver returns to their motor vehicle as a Community Safety Officer is about to issue a PIN for over staying the sign posted time limit. The officer may use their discretion to issue a caution and instruct the person to move the motor vehicle.
- A Community Safety Officer observes a motor vehicle double parked not in a dangerous position, or not obstructing traffic. The officer may use their discretion to issue a caution and instruct the driver to move on.
- A driver returns to their motor vehicle as a Community Safety Officer is about to issue a PIN for parking on a path/strip. The officer may issue a caution and instruct the person to move the motor vehicle.

The above examples may be used as guidance in a variety of situations involving illegal parking.

It is also essential that each Community Safety Officer exercises and demonstrates good judgement in regards to educating the public about parking regulations.

The introduction of hand held technology (PDA) will provide the means for Community Safety Officers to issue a printed caution to vehicle drivers. The information contained on the caution, including offence and motor vehicle details will then be saved to the database. If a later date the motor vehicle is again found to be illegally parked the database should notify the attending Community Service Officer of the caution/offence details. Council considers it reasonable for warnings to be issued once to each vehicle in any one calendar year where they are electronically recorded. Any disputes relating to warning and the issuing of a PIN will be subject to the formal review process.

APPENDIX C

Standard Operating Procedures

Dress Code

All Community Safety Officers must be mindful of the fact that they are an ambassador of Parramatta City Council, who is constantly under the scrutiny of clients, staff and the public and their individual appearance reflects upon Council.

Community Safety Officers must always present a well-groomed appearance with clothing and footwear being presentable.

Community Safety Officers are encouraged to refrain from wearing facial/ear piercings.

Community Safety Officers must be properly attired with their uniforms when commencing duty. All uniforms must be clean and pressed. The uniforms must be appropriately maintained.

Uniforms are the property of the Council and are to be returned upon employment termination.

Uniforms will be issued or replaced upon application to the Supervisors of Ranger Services.

Uniforms must be worn in accordance with the directions issued by the Service Manager Ranger Services or the relevant Unit Manager or the relevant Group Manager or the CEO or any combination of them.

Return of Council Issued Items Upon Ceasing Employment

All items (radios, id cards, keys, badges, etc. issued to officers remain the property of Council and shall be returned immediately upon employment termination. The Services Manager Ranger Services shall complete the Human Resources checklist and ensure all items issues from commencement of employment are returned.

Motor Vehicle Parking Patrols

Procedures for Parking Patrol Enforcement

Efficient and effective parking regulation as previously stated relies heavily on systematic presence of Community Safety Officers. Consistency in enforcement application is the key component in avoiding undue criticism.

Blatant disregard of restrictions by motorists particularly in problem areas should always attract a penalty.

Leniency is a discretionary option available to all Community Safety Officers involved in the enforcement of the laws relating to motor vehicles parking provided that the officer acts in a way that is responsible, professional and ethical.

At all times the following procedures and work practices are to be observed:

- Community Safety Officers must work in accordance with parking patrol rosters set by their supervisors.

- Community Safety Officers are to be outfitted at all times with relevant equipment for parking patrol duties such as envelopes, chalk or portable radios.
- Community Safety Officers are to be appropriately attired (uniform) when conducting parking patrols, including hats.
- Community Safety must have portable radio units with them when conducting exercises.
- Infringement notifications issued and placed on offending vehicles (if external to a cover) during wet weather shall be encased inside waterproof jackets to avoid deterioration and sufficient motorist notification.
- No Community Safety Officer shall rest or place their foot on the tyre of a motor vehicle or any other part whilst issuing or preparing an infringement notification.
- No Community Safety Officer shall lean or rest any portion of their body on an adjacent motor vehicle whilst issuing or preparing an infringement notification.
- No Community Safety Officer shall place chalk the outside wall of a tyre to determine breaches of the time restriction. All chalking shall occur on the tread of the tyre.

Metered Parking

At all times the following procedures and work practices are to be observed in areas serviced by parking meters:

- Check for current ticket.
- Check that the meter is functional.
- Check that signs are clear and visible.
- Obtain a test ticket.
- Apply a period of 5 or 10 minutes as a courtesy.
- Call a supervisor for guidance and assistance before issuing a PIN if there are any concerns.
- Complete a daily notebook.
- If a parking meter is not functioning, place chalk on the immediately surrounding pavement to identify the relevant parking meter and report its location.

Council Free Car Parks

The owner of any private land may enter into an agreement with Council under which the land or any part of the land is set aside for the use as a Free Parking Area.

These are known as Council Free Parks and the provisions of section 650 of the Local Government Act, 1003 apply to them. Any Council Free Parks must have a sign that clearly displays the conditions of entry and those conditions must include any one or more of the following

- The time during which the public may use the free parking area.
- The designation of a parking space within the free parking area.
- Display a current parking authority for a person with disabilities.
- The maximum period for which a vehicle may be parked in the free parking area.

Notwithstanding, these Standard Operating Procedures all officers shall further discharge every requirement of the SEINS Bureau standard procedures regarding the issue of infringement notifications.