

Enforcement of Parking Restrictions Policy

1 Purpose

The objective of this policy is to ensure that the Council's function of enforcing restrictions which apply to street parking, Council free car parking areas, private free parking areas under a policing agreement and other road related areas is conducted in a manner which is fair, consistent, impartial and transparent.

2 Policy

2.1 Intent

Council will enforce restrictions on parking within the Council area in a manner which is fair, impartial and transparent. This policy will be achieved by performing the enforcement of parking restrictions in accordance with the details in this policy.

2.2 Guidelines for Private Free Parking Area Agreements

Subject to workloads and availability of relevant staff, Council may provide services in relation to policing of Private Car Parking areas subject to the following conditions:

- The owners of the private property or the owner's agent have requested, in writing, Council's assistance in policing parking within their property. That any such request satisfy that there is a genuine need
- The property to be the subject of an agreement shall be located within Coffs Harbour CBD or within a radius of 1km from the centre of the CBD and shall include the Jetty shopping precinct.
- The Private Free Parking area be not less than 20 parking spaces available for public use and at least one bay being for disabled parking.
- That Council incur no cost in the setting up of any agreement and that such cost be paid by the requesting owner.
- That Council incur no cost in respect to signage, line marking and maintenance of any such area.
- That Council **may** charge a fee for service as set from time to time within Council Fees and Charges Policy document.

Upon the landowner having met the above conditions, may enter into a contractual agreement the terms of which shall be agreed upon by Council's General Manager, who shall be Council's signatory to the agreement.

2.3 Impartial Enforcement Of Parking Restrictions

Council must enforce restricted parking requirements in a manner which is impartial. In particular, no person, group, class of people, business or workplace shall be excluded from the enforcement of parking restriction requirements unless that exclusion is authorised by law or is in the public interest. For example, it is in the public interest that parking restrictions will not be enforced in relation to emergency vehicles utilised by emergency workers attending the scene of an incident in the course of their emergency function.

2.4 Monitoring Restricted Parking Compliance

Council will monitor compliance with restricted parking requirements by:

- Routinely patrolling Council's Free Car Parking Areas.
- Routinely patrolling Coffs Harbour's public roads and road related areas.
- Routinely patrolling Private Free Car Parking as resources permit.
- Responding to complaints concerning illegally parked vehicles.
- Conducting targeted programs, such as school zones to address and heighten awareness of systemic non-compliance of parking restrictions in these areas.

2.5 Response to Identified Breaches Of Restricted Parking Requirements

Council Officers will have discretion to respond to identified breaches of restricted parking requirements in the following manner:

- In the ordinary course, a penalty infringement notice will be issued in response to a breach of a lawful restricted parking requirement.
- Each instance of a breach of a restricted parking requirement shall be taken on a case by case basis and the Council Officer shall have discretion not to issue a penalty infringement notice when it is fair and appropriate in the circumstance.
- Council Officers authorised to issue penalty infringement notices must receive training to ensure a consistent approach to the issue or non-issue of a parking infringement notice.
- In determining whether a penalty infringement notice is to be issued or not, Council Officers must exercise their discretion impartially.
- A decision by a Council Officer to issue a penalty infringement notice may be reviewed at the request of the person responsible for paying the infringement notice, within 21 days of the date of issue.

2.6 Administration And Collection Of Penalty Infringement Amounts

Council has contracted the administration of penalty infringement notices, including penalty amount collection, to the State Debt Recovery Office (here after referred to as SDRO). Pursuant to the contract, the SDRO is responsible for collecting the payment of amounts required by the penalty notice and also for determining any request for the cancellation of a penalty infringement notice by the recipient.

2.7 Request For A Review Of An Infringement Notice

A person who receives a penalty infringement notice may make representations in regards to any mitigating circumstances in respect to the offence and/or feel the infringement has been incorrectly issued.

All requests for a review must be in writing and forwarded to the State Debt Recovery Office Representations Unit for determination. Any representations received by Council directly will be forwarded to the SDRO within five working days of receipt of the request. The person requesting the review will be notified by mail of this action within five working days of posting. It should be noted that Council views the SDRO's decision on requests for a review as final.

However, in extraordinary circumstances, a further and final appeal may be made to Council's review panel at the discretion of Council's General Manager.

Once a penalty infringement notice has been issued, the notice must not be cancelled by the issuing officer unless authorised by the review panel.

Council may only authorise the cancellation of a penalty infringement notice after it has been issued if at least two of the following officers review the circumstances of the matter and unanimously authorise the cancellation of the notice.

- General Manager
- Director Sustainable Communities
- Group Leader Sustainable Places
- Section Leader Compliance & Regulatory Enforcement Section
- Compliance Coordinator
- Senior Ranger
- Senior Compliance Officer

Collectively, the people performing these positions for Council are referred to as the Review Panel. There is no requirement for all members of the review panel to review every penalty infringement notice following a request and regardless of how many members of the Review Panel review a request, the decision to authorise the cancellation of the penalty infringement notice must be unanimous.

In the event that a unanimous decision cannot be reached, then the decision of the SDRO review will stand.

If the cancellation of a penalty infringement notice is authorised by Council, a full and complete record must be made which identifies, as a minimum, the following details:

- The registration details of the vehicle which was parked in breach of the parking restrictions and, when known, the identity of the person responsible for the breach.
- Who made the request for cancellation, which must be in writing and signed by the applicant.
- The reasons which support the cancellation being authorised.
- The names of the review panel members who determined the request for the PIN to be cancelled.

Council will not consider a request to cancel a penalty infringement notice unless that request is made in writing and is received within a period of no more than 40 days from the date of the infringement notice.

The SDRO may determine requests for cancellation of a penalty infringement notice without reference to Council. In some circumstances the SDRO may request Council's input in relation to representations seeking cancellation of a penalty notice. When such a request is made by the SDRO, Council's response must be authorised by at least two members of the Review Panel and a detailed record of Council's response is to be retained.

Nothing in this policy prevents the Review Panel considering and authorising the cancellation of a penalty infringement notice at the instigation of Council Officers and in the absence of a request from a member of the public. An example of such a circumstance is where an infringement notice has been issued where no offence has occurred; i.e. issued in error.

If a penalty infringement notice is cancelled at the instigation of a Council Officer then a written record of that cancellation must be made which includes the details noted earlier in this policy.

2.8 Probity and Conflict Of Interest

Coffs Harbour City Council's Code of Conduct and the Local Government Act 1993, provides guidance to assist Council Officers to determine if they have a conflict of interest in relation to a particular parking restriction enforcement matter. Further assistance may also be obtained from Council's Public Officer at the request of any Council Officer if the Officer has concerns about any potential probity or conflict of interest matter in connection with the enforcement of parking restrictions.

3 Definitions

Emergency Vehicle: Carries the same meaning as defined within the Australian Road Rules 2005 and means any vehicle driven by a person who is:

- a) an emergency worker, and
- b) driving the vehicle in the course of his or her duties as an emergency worker.

Emergency Worker: Carries the same meaning as defined within the Australian Road Rules 2005 and means;

- a) a member of the Ambulance Service rendering or providing transport for sick or injured persons, or
- b) a member of a fire brigade, rural fire brigade or the State Emergency Service providing transport in the course of an emergency, or
- c) a person (or a person belonging to a class of persons) approved by the Road Authority.

Parking Restrictions: Means any restriction which is lawfully imposed on a parking area within a Council or Private Free car park or any other lawfully imposed parking restriction which may apply to a public road or road related area as defined within the Australian Road Rules 2008. This may include (but is not limited to) time limitations on the duration of stay within the park; restrictions which limit the use of parking spaces to particular vehicles or purposes, or restrictions which limit the use of parking spaces to people with a disability.

Penalty Infringement Notice (PIN): Means a notice issued by Council requiring the payment of an amount of money for breaching a lawful parking restriction. The power to issue a PIN and the amount of the penalty are both established by legislation.

Private Free Parking Area: Means a parcel of land which is privately owned and used primarily as a car park. Where the said owner has entered into a contractual agreement with this Council, utilising section 650 (6) of the Local Government Act making such area a Free Public Car Park under the regulatory control of Council.

4 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead Councillors in their understanding of, and compliance with, this policy and guidelines.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with this policy and guidelines.
Directors	Sustainable Communities	To communicate, implement and comply with this policy and related guidelines.
Group Leaders, Section Leaders, Coordinators	Sustainable Places	To implement this policy and related procedures.
Authorised Council Officers and Contractors.	Sustainable Places	To implement this policy and related procedures.

5 References (laws, standards and other Council documents)

- Roads Act 1993
- Australian Road Rules 2008
- Road Transport Act 2005
- Local Government Act 1993

- Guidelines to assist Councils to assess applications from private landowners for the creation of free parking areas on private land as published by OLG August 1998.

6 6. Details of Approval and revision

- **Approval date: 22/06/2017**
- **Responsible Section: Compliance and Regulatory Enforcement**
- **Superseded policies/procedures:**
- **Next review date: 22/06/2021**

Table of amendments

Amendment	Authoriser	Approval ref	Date