

## PARKING POLICY

---

<b>First Approval Date</b>	17/10/2016
<b>Classification</b>	Council Policy
<b>Responsible Officer</b>	Group Manager Planning, Environment, Regulatory and Customer Services
<b>Relevant Legislation</b>	<i>Australian Road Rules Expiation of Offences Act 1996 Local Government Act 1999 Private Parking Areas Act 1986 Road Traffic Act 1961</i>
<b>Related Policies</b>	Nil
<b>Record Number</b>	POL202253259
<b>Council Resolution Number</b>	CNC293/21-22
<b>Last Reviewed</b> 16/05/2022	<b>Next Review</b> 16/05/2023



# Parking Policy

---

<b>1. Introduction</b>	<b>3</b>
<b>2. Purpose</b>	<b>3</b>
<b>3. Legislative Requirements and Corporate Policy Context</b>	<b>3</b>
<b>4. The key principles of the Policy are to:</b>	<b>4</b>
<b>5. Policy Background</b>	<b>4</b>
<b>6. Type of Parking Permits</b>	<b>5</b>
<b>7. Number of Permits</b>	<b>5</b>
<b>8. Additional Residential Parking Permits may be issued at the discretion of Council Administration.</b>	<b>7</b>
<b>9. Duration of Permits</b>	<b>8</b>
<b>10. Fees</b>	<b>8</b>
<b>11. Conditions for issue of Permits</b>	<b>9</b>
<b>12. Non-Compliance with the Permit Policy</b>	<b>9</b>
<b>13. Permit Costs</b>	<b>10</b>
<b>14. Waiving of Expiations</b>	<b>10</b>
<b>15. Grievance Process</b>	<b>11</b>
<b>16. Undertaking the Internal Review</b>	<b>11</b>
<b>17. Availability of Policy</b>	<b>12</b>
<b>18. Review</b>	<b>12</b>

# Parking Policy

---

## 1. Introduction

**1.1** The Town of Walkerville recognises the need for some residents to have access to on-street parking, in some instances dedicated for resident use only. The need for this varies across the Town depending on location and land use factors. The provision of access to on-street parking must be balanced with the safety and convenience for all road users.

**1.2** This policy will be implemented and enforced consistently and fairly across the Town to achieve the fair use of available on-street parking.

Large sections of the Township are currently restricted to timed and parking permit zones to ease congestion, reduce all day parking by commuters into the city and ensure improved availability of on-street parking for residents and visitors. To counteract this pressure on the available number of on-street carparks, permit and timed zones have been systematically rolled out.

As a shared community asset that is in demand, on-street parking is a resource that requires careful management to ensure a wide range of users have fair and reasonable access.

## 2. Purpose

**2.1** The key objectives of this Policy are to:

- ensure pedestrian and motorist safety
- support traffic flow to optimise the use of on street space available
- balance local needs and complements the role of available off-street parking
- adhere to legislative requirements
- Optimise the use of on-street parking within the Town that best meets the needs of all road users and land uses and compliments the availability of off-street parking.
- Limit use of Residential Parking Permits to areas of specific need.
- Encourage long term parking to be directed to off-street parking areas.
- Clearly indicate the eligibility requirements in order to obtain a Residential Parking Permit.

## 3. Legislative Requirements and Corporate Policy Context

**3.1** Council regulates and enforces parking restrictions for the entire community in accordance with:

- Sections 17 and 18 of the Road Traffic Act (1961) which empower authorised officers as defined under the Local Government Act (1999) to install traffic management devices; and
- Section 35 (3) of the Road Traffic Act (1961) which empowers authorised officers to enforce the Australian Road Rules.
- The power to install traffic management devices will be undertaken in accordance with the Manual of Legal responsibilities and Technical Requirements for Traffic Control Devices.

# Parking Policy

---

## **4. The key principles of the Policy are to:**

- 4.1** Ensure on-street parking will be available in a safe, convenient and appropriate manner that supports the primary activities in the street resulting from land uses (both current and potential) for each area within the Town of Walkerville.
- 4.2** On-street parking will be controlled through the implementation of parking controls including but not limited to time limited parking and permit zones (Resident Only), for which a need must be established. The 'need' for a permit zone will be determined by Council.
- 4.3** On-street parking will not be provided through means of exclusive use of a single space or spaces for an individual or group of users (except in the case of permit zones for residents only where a need has been established).

## **5. Policy Background**

- 5.1** A Permit Zone (Resident Only) is very exclusive and significantly limits parking availability for non-resident road users.
- 5.2** The award of Permit Zones (Resident Only) will only be considered in extenuating circumstances and at the absolute discretion of the Council.
- 5.3** A Permit Zone (Resident Only) may be considered due to the following circumstances:
  - Upon request from a resident where there is a conflict between the on-street parking supply and demand in the street in which the resident lives at a particular time, or during a particular period. A Permit Zone (Resident Only) may be warranted following an 'On-street Parking Occupancy Survey' to determine if any parking conflicts will result in the need for parking changes. Any changes will be at the discretion of Council.
  - Streets are known to have a high number of residences with no off-street parking.

### **5.4 Parking around School Areas**

All schools in the Council area will be monitored on a regular basis.

- 5.4.1** During the first week of a new school term, where appropriate, drivers will be educated and advised of their responsibilities by Community Safety Officers.
- 5.4.2** After the completion of the first week of each school term, drivers of any vehicles in breach of the Australian Road Rules will be issued an expiation notice.

### **5.5 Parking over Driveways**

- 5.5.1** A warning notice will not be issued to drivers parking over driveways.

### **5.6 Heavy Vehicles – Car yards – (related to)**

- 5.6.1** Where heavy vehicles are parked for longer than the time permitted as per the Australian Road Rules, Rule 200 the Community Safety Officer will:
  - 5.6.1.1** Issue a warning notice on the vehicle or at the property outside of which the truck is parked and where possible discuss the matter with the driver.
  - 5.6.1.2** Issue an expiation notice if further offences occur

# Parking Policy

---

## 5.7 New Residents

**5.7.1** If the Customer is a resident who is new to the area (less than eight (8) weeks) or did not know they were required to have a valid parking permit and have been expiated, the option to have the subject expiation reviewed by Council is available. The Customer will need to apply for a residential parking permit to avoid future expiations and lodge a submission for review of the expiation received. In some instances and at the discretion of Council Administration, waiving of the expiation may be considered.

**5.8** In the event that a resident incurs an expiation for parking in a permit zone and they are in possession of a valid residential parking permit, a first offence will be considered (refer to clause 14 Waiving of Expiations)

## 6. Type of Parking Permits

### 6.1 Residential Parking Permits

**6.1.1** A “*Resident Only Parking Exemption*” is provided to residents of the Town, in order to exempt them only from parking their vehicles for longer than the permitted time, in areas in which time limit parking controls apply adjacent to their properties or where a permit zone for residents only exists adjacent to their property.

**6.1.2** Permits will be issued in respect to a specific street(s). Permits are not transferable from one residential parking permit exempt zone or limited area to another.

**6.1.3** Any tampering, alteration or misuse of the permit will render the permit invalid.

### 6.2 Temporary Parking Vouchers

**6.2.1** A temporary vehicle specific parking vouchers may be issued to provide kerbside parking for:

- visitors or work contractors of residents, or
- Resident vehicles when your usual off-street parking space is temporarily unavailable due to building renovations, etc.

**6.2.2** A maximum limit of two (2) vouchers per residence at any one time applies. Vouchers are issued on a weekly, monthly or yearly basis. In instances where more vouchers are required (i.e. construction of a new dwelling), an applicant may apply for multiple vouchers.

***Note: The holder of a permit or voucher is not guaranteed a parking space in the street for which the permit is issued.***

## 7. Number of Permits

**7.1** Subject to meeting the eligibility criteria a maximum number of permits will generally be issued as shown in table 1 below:

# Parking Policy

Number of off-street car parks on the property	Maximum number of and type of permits per property
0	One (1) <b>free</b> residential permit plus up to two (2) <b>paid*</b> residential permits
1	One (1) <b>free</b> residential permit plus up to two (2) <b>paid*</b> residential permits
2	One (1) <b>free</b> residential permit plus up to one (1) <b>paid*</b> residential permits
3 or more	One (1) <b>free</b>

*\*Paid Residential Parking Permits will incur costs, pursuant to Councils Fees & Charges Schedule.*

Additional parking permits may be issued at the discretion of Council Administration for properties where permanent residents exceed the number of off street parks identified. Evidence will be required for proof of residency.

## 7.2 Resident Parking Permit

Eligibility for Parking Permits (for overstay of time limited parking controlled areas for permit zones (residential purposes only)

### 7.2.1 To be eligible to receive a Residential Parking Permit:

- An applicant must be a permanent resident at the address located within the Town boundaries.
- An applicant must submit evidence of residency at the time of application.
- An applicant must have an applicable registered vehicle(s) which is not a truck, trailer, caravan, boat or bus with proof of ownership.
- An applicant must reside in a property alongside which time-limit parking controls apply or permit zone for residential use only (noting that if there are no restrictions on parking within a prescribed area, then a residential parking permit will not be issued).

### 7.2.2 To be eligible to receive Temporary Parking Vouchers:

- An applicant must submit evidence of ownership or tenancy at the time of application.
- Provide details of the vehicle registration (where possible), which is not a truck, trailer, caravan, boat or bus with proof of ownership.
- For Temporary Parking Vouchers to be awarded, Council Administration requires evidence supporting the grounds for the vouchers (i.e. construction scope of work, contract of works, quotes etc).

# Parking Policy

---

- Temporary Parking Vouchers are provided for a maximum of twelve (12) months and extensions may be sought, at the discretion of Council Administration.

## **7.3 Terms & Conditions**

- Date must be written on the permit in either ink or permanent marker (pencil is not accepted)
- Permit is only valid for date/month stipulated on permit
- Permit must be clearly displayed on passenger side of the vehicle dashboard
- Permit cannot override other laws under the Australian Road Rules (ie. no parking / no stopping / driveways)
- The granting of a permit does not guarantee a specified parking space.
- A permit will be revoked if misused or copied and offending vehicle may be expiated.

## **8. Additional Residential Parking Permits may be issued at the discretion of Council Administration.**

**8.1** Council acknowledges that from time to time, there may be exceptional circumstances that warrant the Administration to issue additional residential parking permits (no more than two (2)) over and above those afforded by the policy. Where exceptional circumstances can be demonstrated, Council Administration may exercise discretion to issue additional residential parking permits to a person/persons who meet the relevant eligibility criteria and to limit the duration of these permits.

**8.2** An application under this section must be made to Council Administration in writing by the permanent resident who meets the eligibility criteria of this policy. The application must outline the nature of the exceptional circumstances supporting the application, the number of additional permits being sought, who will be given the permits, the registration of the vehicles that will be afforded the permit and the timeframe the permit is required for.

**8.3** Exceptional circumstances may include, but are not limited to, the following:

- Medical treatment i.e. nurses, doctors, carers and other health practitioners; or
- Special events; or
- A household where a larger than average number of residents reside permanently; or
- Any other exceptional circumstances deemed at the discretion of Council Administration.

**8.4** Any permit issued under this section will be subject to the Fees and Charges schedule.

# Parking Policy

## 9. Duration of Permits

- 9.1** Permits can be purchased either annually or up to three years at a time in advance until 30<sup>th</sup> June of the relevant annual period. Should an application for a parking permit be applied for after 1<sup>st</sup> January, or a permit be granted by Council Administration in exceptional circumstances, a pro rata rate of the annual fee will be applied as per the table below.

Application period for permit	Fee applied
1 <sup>st</sup> July – 31 <sup>st</sup> December (permit until 30 June)	Refer to Council's Fees and Charges schedule
1 <sup>st</sup> January – 30 June	Refer to Council's Fees and Charges schedule

- 9.2** The responsibility of applying for a permit renewal is on the permit holder, Council Administration will send a reminder notice to the permit holder within 60 days of expiry
- 9.3** Eligibility for the renewal of a parking permit is to be reviewed at the end of the agreed permit period.
- 9.4** When issuing additional transferable parking permits in exceptional circumstances, Council Administration reserves the right to limit the timeframe afforded by the permit.

## 10. Fees

- 10.1** Fees for permits are charged in accordance with Councils fees and charges schedule.
- 10.2** Permits can be purchased either annually or up to three years at a time in advance until 30 June of the relevant annual period as outlined in the table below.

Permit timeframe	Annual Permit fee	Permit fee (Pro rata 6 Months Permit applications lodged between 1 <sup>st</sup> January – 30 <sup>th</sup> June)
One Residential Parking Permit	Free*	Free*
Subsequent Residential Parking Permit 1 Year	Refer to Council's fees and charges schedule	Refer to Council's fees and charges schedule
Subsequent Residential Parking Permit 2 Year	Refer to Council's fees and charges schedule	Refer to Council's fees and charges schedule
Subsequent Residential Parking Permit 3 Year	Refer to Council's fees and charges schedule	Refer to Council's fees and charges schedule

*Note: Fees and Charges may change and will be based on the rate prescribed in Councils Fees and Charges schedule at the time of application.*

- 10.3** Replacement Permits for lost or destroyed Residential Parking Permits;
- 10.3.1** If a permit is damaged, unusable or lost, the permit holder may request a replacement permit in writing by way of a statutory declaration outlining the reasons for replacement or upon return of the old permit. First replacement may be issued free of charge. Otherwise a replacement fee is payable.



# Parking Policy

---

- 10.3.2** If a permit is reported stolen, we require a written statutory declaration including a police report number and a replacement permit may be issued free of charge in the first instance. Otherwise a replacement fee is payable.

## **11. Conditions for issue of Permits**

- 11.1** Residential Parking Permits will be considered and administered by council administration based on the details contained within this policy.
- 11.2** The details of conditions for issue of permits are as follows.
- 11.2.1** Every permit must contain details of describing:
- The type of permit.
  - The street to which the permit applies.
- 11.2.2** Permits will be issued in respect to a specific street, in the event the residence is located on a corner block the permit can be issued to both specified streets.
- 11.2.3** Permits are not transferable from one residential parking permit zone to another.
- 11.2.4** Residential Parking Permits must be placed either on the front dashboard or hooked onto the rear vision mirror
- 11.2.5** Every holder of a permit who changes his or her place of residence shall forthwith remove such a permit from the motor vehicle to which it is linked.
- 11.2.6** Council administration may, by notice in writing, revoke any residential parking permit(s) where:
- 11.2.6.1** The holder of a permit changes his or her place of residence in respect of which the permit was issued, or
- 11.2.6.2** In the opinion of the Council, it is no longer appropriate that the resident(s) of particular street(s) are issued with permits.

## **12. Non-Compliance with the Permit Policy**

- 12.1** If an infringement notice for parking in accordance with the permit is received, the holder of the permit is required to make a written submission to Council for the notice to be waived.
- 12.2** Failure to display a valid permit is not a reason for Council to waive expiation.
- 12.3** Permits cannot override other laws under Australian Road Rules, therefore parking in zones such as No Standing, No Parking, Bus Stops or adjacent to traffic lights, intersections, junctions or pedestrian crossings or any other parking restriction would remain prohibited.
- 12.4** The permit will not allow the vehicle displaying the permit to remain stationary in the same position for a period in excess of 24 consecutive hours.
- 12.5** Non-compliance with the conditions of permit issue and use may result in the cancellation of the permit.
- 12.6** Council administration reserves the right to change the Parking Permit conditions of issue and use.

# Parking Policy

---

## 13. Permit Costs

- 13.1 Renewal costs will be documented in the Fees and Charges Schedule which is updated annually.

## 14. Waiving of Expiations

- 14.1 Council recognises that in some instances, car parking expiations can be a result of circumstances that may warrant a request for a review.

- 14.2 Evidence will need to be provided in each of the circumstances below to substantiate any request to waive an expiation. Situations where expiations may be waived are as follow:

- **Emergency Situation** - Vehicle stopped, left etc. in circumstances that amount to a real threat to human life or property
- **Vehicle Breakdown** - Substantiated breakdown proof from a registered business/mechanic, RAA or Roadside Assist
- **Disabled Permit Holders** - permit is produced by permit holder and written confirmation by the permit holder that they were driving or a passenger in the vehicle at the time of the alleged offence
- **Residential Parking Permit** – current permit is produced by permit holder (first offence only)
- **Temporary Parking Voucher** - current permit is produced by permit holder (first offence only)
- **Stolen Vehicle - Substantiated claim** – police report number, date, etc
- **Officer or Administration Error** - Clear evidence of an error in issuing the notice
- **Compassionate Circumstances** - Where in the opinion of the Group Manager of Planning, Environment, Regulatory & Customer Services or any person acting in this capacity, subject to written appeal with appropriate evidence provided.

### 14.3 Reminder Notices

- If the customer did not receive the original notice and are willing to pay the original fee over the phone/counter at the time of the contact, removal of the late fee from the infringement may be considered at the discretion of the Regulatory Services Officer.
- Any expiation notice that is acknowledged to contain a minor error can be withdrawn and/or reissued at the discretion of the Regulatory Services Officer.

# Parking Policy

---

## 15. Grievance Process

- 15.1** Any person who is the registered owner of a vehicle that has been expiated has the opportunity to complete a Submission for Review of Expiation Notice form.
- 15.2** For the review process to commence, please ensure you have provided the following documents:
- completed and signed [Expiation Notice Request for Review Form](#)
  - completed, signed Statutory Declaration form that has been sighted, stamped and dated by a recognised authority (i.e. Justice of the Peace)
  - any supporting documentation/evidence relevant to the reviewing of the expiation (i.e. roadside assistance/tow truck invoice in the case of a mechanical breakdown)
- 15.3** Once the documents are supplied, an assessment will be made in accordance with Section 16(1) of the Expiation of Offences Act 1996 to determine whether or not the offence warrants withdrawal. Once the decision is made, the registered owner of the vehicle will be advised of the outcome.
- 15.4** Town of Walkerville allows for a second decision review process in instances where the registered owner of a vehicle that has been expiated seeks to appeal the decision. In this instance, there is an opportunity to request a second and final review of the decision, by a different officer. At this second review process, further or new evidence may be provided in support of the application.
- 15.5** Any person who is affected by the decisions made by Council, employees of the Council or other persons acting on behalf of the Council may lodge a request for an internal review. Details are provided in Council Policy - Internal Review of Council Decisions.

## 16. Undertaking the Internal Review

- 16.1** In undertaking a review the CEO or Council will review the decision in question to ensure that the original decision maker complied with the following procedural requirements and made the best possible decisions in the circumstances having regard to the following:
- The decision maker had the power to make the decision
  - The decision maker considered all matters which were relevant to the making of the decision and did not take into account matters which were not relevant, as well as any additional relevant information or material provided by the applicant
  - The decision maker did not exercise a discretion or power in bad faith or for an improper purpose
  - The decision maker endured that findings of fact were based on evidence
  - The decision was reasonable
  - The decision maker considered any relevant legislation, policies or procedures
  - The decision maker did not exercise a discretionary power at the discretion of another person
  - The applicant will be informed in writing of the outcome of the review (even where a determination is made that the original decision under review is upheld).
- 16.2** Where appropriate, the findings of the internal review will be considered in regard to how Council's existing practices can be improved.
- 16.3** A complaint may be lodged with the Ombudsman at any time including if the applicant is still dissatisfied with the outcome of an internal review.

# Parking Policy

---

## **17. Availability of Policy**

This Policy will be available for inspection at the Council Office, 66 Walkerville Terrace, Gilberton during ordinary business hours and on Council's website [www.walkerville.sa.gov.au](http://www.walkerville.sa.gov.au). Copies will be provided to interested parties upon request for the payment as per Councils Fees & Charges listing.

## **18. Review**

Council may deviate from this policy by way of Council resolution.

This Policy will be reviewed every two years or otherwise as required.

Any queries or questions regarding this Policy should be directed to Group Manager Planning, Environment and Regulatory Services by emailing [walkerville@walkerville.sa.gov.au](mailto:walkerville@walkerville.sa.gov.au)