



Wyong
Shire
Council

POLICY No: WSC130

POLICY FOR PARKING ENFORCEMENT

VALUE. CREATE. LEAD.

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CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
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1	8/4/2015	D11830377

A. POLICY SUMMARY

A1 This Policy provides a guide to officers conducting parking enforcement to ensure that parking restrictions are enforced in a manner that is fair, consistent and impartial.

The policy covers how enforcement is conducted, the area of jurisdiction, how penalty notices are given, caution guidelines under The Fines Act and seeking a penalty infringement review.

B. POLICY BACKGROUND

B1 Council is the primary responsible regulatory authority for parking enforcement and is obliged to reasonably enforce the relevant legislation to facilitate pedestrian and driver safety, provide equitable access to available parking in high demand areas and manage traffic flow.

This policy has been developed to guide enforcement activities and to assist the community in understanding the role of Council in relation to parking enforcement.

C. DEFINITIONS

C1 **Council** means Wyong Shire Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.

C2 **LGA** means Local Government Area

C3 **Officer** means an authorised officer of Council

C4 **PIN** means a penalty infringement notice

C5 **SDRO** means the State Debt Recovery Office

D. POLICY STATEMENTS

D1 This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities and all activities of the Council.

D2 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the General Manager.

E. POLICY IMPLEMENTATION - PROCEDURES

E1 This policy should be read in conjunction with the Wyong Council Code of Conduct.

E2 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

E3 Associated documents

- Council Code of Conduct

- Caution guidelines under the Fines Act 1996

F. POLICY RELATIONSHIP TO LEGISLATION

F1 The legislation under which parking regulations are enforced is:

- Road Rules 2014
- The Road Transport Act 2013
- Road Transport (General) Regulation 2013
- Local Government Act 1993

G. PARKING ENFORCEMENT GENERAL

G1. Parking enforcement is undertaken by authorised officers of Council in accordance with the relevant legislation.

G2. Enforcement officers are required to conduct themselves in accordance with Councils Code of Conduct Policy and undertake enforcement that is impartial and consistent.

G3. Officers are required to be in full uniform whilst undertaking their duties and may perform high or low visibility parking enforcement which includes mobile vehicle patrols by vehicles which may be marked or unmarked.

H. ISSUING OF PENALTY INFRINGEMENT NOTICES

H1. The issue of a PIN will be at the discretion of the officer, however officers are required to maintain consistency in enforcement and in the ordinary course; a PIN will be issued in response to a breach of lawful restricted parking enforcement.

H2. A PIN may be issued by placing it on the vehicle or by sending it via the post.

I. MONITORING RESTRICTED PARKING COMPLIANCE

I1. Council will monitor compliance with restricted parking requirements by:

- Routinely patrolling restricted parking areas;
- Responding to complaints concerning illegally parked vehicles; and
- Conducting targeted programs such as school zone parking enforcement

J. SCHOOL ZONE PARKING

J1 School zone parking is routinely monitored and instances of illegal parking in school zones is viewed as a serious matter given parking restrictions in school zones are in place to facilitate the safe arrival and departure of children from school.

K. PHOTOGRAPHS

K1 Whilst photographs are not required to prove an offence, Councils enforcement officers will endeavour to take photographs when an offence is detected unless there are extenuating

circumstances.

- K2. Photographs are permitted to be taken in school zones and officers will take photos of parking offences in school zone areas.
- K3. Photographs taken are not available for public viewing and will only be provided when an infringement number is produced.

L. CAUTION GUIDELINES

- L1 Guidelines are issued by the Attorney General under Section 19a (3) of the Fines Act 1996. Officers who issue penalty notices under the Fines Act 1996 must have regard to these guidelines in deciding whether to give a person a caution for a penalty notice offence.

M. PARKING ENFORCEMENT ON PRIVATE PROPERTY

- M1. Council may undertake parking enforcement on commercially owned property such as shopping centres, where there is an agreement in place between Council and the property manager for the control of the car park.
- M2. Council has current agreements in place for:
 - Mingara Recreation Club
 - Westfield Tuggerah
 - Lake Haven Shopping Centre

N. PARKING SENSORS

- N1. There are numerous parking areas within the Wyong LGA which are subject to timed parking restrictions and Council uses sensors in designated areas to monitor timed parking. The purpose of the sensors is to negate the requirement for officers to chalk mark vehicles and to provide increased efficiency in monitoring timed parking, facilitating vehicle turnover and access to parking spaces in busy areas such as The Entrance Town Centre. Parking sensors do not automatically issue PINs to vehicles overstaying the permitted time, an officer is required to review the system which will identify spaces where vehicles have exceeded the time limit and manually issue a PIN.

O. INFRINGEMENT REVIEW PROCESS

- O1. A person in receipt of a PIN may request to have the PIN reviewed. All requests for review must be directed to the State Debt Recovery Office (SDRO) who is the independent review body for Council and the appropriate authority to action infringements. Any requests for review sent to Council will be forwarded to the SDRO.
- O2. Representations to the SDRO can be made in writing or online. Further information on how to seek a review is available at www.sdرو.nsw.gov.au/
- O3. Once a representation is received the SDRO will review the matter and may request additional information from Council to assist in the review process. The SDRO in reviewing the representation will make a decision to action the infringement notice as either:

- Caution
- Withdrawn
- Penalty to stand

O4. In the event that the appellant is not happy with the decision of the SDRO they may elect to have the matter heard in the Local Court.



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