
Cessnock City Council Parking Enforcement Policy

Date Adopted: **17 February 2021** Revision: **4**

1. POLICY OBJECTIVES

1.1. The objectives of this policy are:

- 1.1.1. To achieve an appropriate balance between public safety, traffic flow and equitable access in the management and regulation of vehicle parking throughout the local government area.
- 1.1.2. To make the City of Cessnock a safe place to drive, walk or cycle.
- 1.1.1. To promote effective, safe and compliant parking practices to the community.
- 1.1.2. To confirm that Cessnock City Council has a zero tolerance approach to unlawful activity.
- 1.1.3. To ensure that pedestrians may walk safely without fear of obstruction throughout the area, especially in pedestrian areas and outside of schools.
- 1.1.4. To ensure that Rangers have the necessary skills and resources to undertake parking surveillance duties in a safe, transparent, consistent and accountable manner, with appropriate training.

2. POLICY SCOPE

2.1. This policy applies to all on-street parking within the Cessnock City Council area.

3. POLICY STATEMENT

- 3.1. Council Rangers will act promptly and effectively in response to unlawful activity and exercise all of their enforcement powers in a fair, transparent and consistent manner.
 - 3.1.1. Public safety is the prime consideration in the enforcement of parking laws and must not be compromised.
 - 3.1.2. Parking offences are defined by legislation and compliance is considered to be a primary responsibility of the drivers of motor vehicles.
 - 3.1.3. Roads and regulated car parks in Cessnock City are patrolled routinely to ensure compliance with parking and traffic restrictions. Council Rangers regulate all on-street parking, including but not limited to, local roads and state roads, excluding private property.

- 3.1.4. Council Rangers have limited discretion in their enforcement of parking offences. To fail to take action in relation to an observed offence may create hazards or risks for the community. In addition, it may expose Council and the officers concerned to accusations of partiality and potential claims for damages where an unsafe situation has arisen.
 - 3.1.5. Wherever possible Rangers will obtain a digital photograph of the offence clearly showing such details as signs, registration details and vehicle position that may be relevant to the offence.
 - 3.1.6. All written representations/appeals relating to parking infringements issued by Council Rangers must be referred in the first instance to Revenue NSW for adjudication. Council uses the “premium service” offered by Revenue NSW for the administration of parking penalty notices issued in the Cessnock City Council area, as well as appeals arising. Under this commission arrangement Revenue NSW provides an assessment and review service independent of Council, reducing local administration overheads and reducing potential conflicts of interest. Revenue NSW also offers extensive advice to people who have received parking penalties and options available to them. For further information including review guidelines, see the Revenue NSW web site at www.revenue.nsw.gov.au.
 - 3.1.7. Representations referred to Council by the Revenue NSW for comment will be adjudicated in accordance with Appendix A - of Council’s Compliance and Enforcement Policy.
 - 3.1.8. Council’s Charter and Values are committed to serving the community with integrity, efficiency, fairness, impartiality and the encouragement of mutual respect. With the core values of respect, ethics, quality and communication applying to all actions taken under this policy.
 - 3.1.9. Priority will be given to education programs to help the community better understand their legislative requirements and the importance of acting in accordance with the law.
- 3.2.** Education programs will utilise a variety of media and publication resources such as but not limited to; Council’s website, social media, local newspapers and information brochures. Education programs are developed and resources allocated in accordance with Council’s adopted yearly budget.

4. PRINCIPLES/BODY

4.1. Background

- 4.1.1. The Commissioner of Police on 19 July 2002 gave the authority for all Councils to enforce the provisions of the Australian Road Rules, effective 22 July 2002.
- 4.1.2. Councils have a regulatory obligation to enforce parking related legislation to manage public safety, traffic management and providing equitable access to available parking spaces.
- 4.1.3. Councils have no power to set or amend parking fine penalties. Parking fines are set by legislation administered by the NSW Roads and Maritime Services.

4.2. Relevant Legislation

- 4.2.1. A range of legislation applies to the regulation of public parking in New South Wales. Council officers must comply with relevant statutes and regulations in administering local parking controls. Parking rules are designed to stop vehicles from parking where it would be dangerous or inconvenient for others.
- 4.2.2. For on street parking, statutes include the Road Rules 2014, the Road Transport Act 2013, Roads Act 1993 and the Road Transport (General) Regulation 2013. Legislation is regularly updated from time to time and it is not the purpose of this policy to re-state this material in detail. However, further information can be obtained from the Police, Roads and Maritime Services and via the NSW Legislation website: www.legislation.nsw.gov.au.

4.3. Enforcement Activity

- 4.3.1. Council Rangers carry out regular patrols of public parking areas and roads in the local government area. They also respond to community complaints regarding illegally parked vehicles.
- 4.3.2. Priorities include:
 - a) Patrolling on street parking around schools;
 - b) Patrols of illegal stopping and or parking e.g. stop on/or near pedestrian crossing, disobey no stopping signs and parking where pedestrian access is compromised (stopping on paths/strips in a built up area);
 - c) Surveillance to ensure correct use of bus, taxi and loading zones as well as no stopping zones;
 - d) Patrols of on-street parking restrictions and time limits within the local government area.
 - e) Advice to drivers of their obligations under the Road Rules.
- 4.3.3. Roads, regulated car parks and on-street parking in Cessnock are patrolled routinely to ensure compliance with parking and traffic regulations. Patrols also provide the opportunity to observe any other activity of relevance for local government law enforcement and to report any damaged or unclear signs/markings for repairs/replacements.

4.4. Parking within School Zones

- 4.4.1. The NSW government prioritises traffic and parking safety around schools. This is reflected in the significance of penalties for parking offences if committed within a school zones compared to elsewhere.
- 4.4.2. Council will co-operate with the NSW Police in enforcement of parking on roads and in school safety zones. School safety zones are monitored on a rotating roster by Council Rangers for breaches of parking restrictions.
- 4.4.3. Common school zone offences include, but not limited to:
 - f) Stopping within a Bus Zone

- g) Parking in a No Parking area
- h) Stopping in a No Stopping area
- i) Parking not in accordance with sign posted requirements, eg rear to kerb
- j) Parking within 20 metres of a children's crossing or within 10 metres after the crossing
- k) Parking on the nature strip or footpath

4.4.4. School zone enforcement are conducted by Council Rangers in an ethical and consistent manner. While performing enforcement activities, Rangers are to ensure they are visible to all users of the area, including students, staff and parents.

4.5. Footway Parking

4.5.1. Footway parking represents a public safety issue especially where parking of vehicles on the nature strip or within a driveway obstructs other road users, emergency vehicles or pedestrians.

4.5.2. Many streets and roads throughout the Local Government Area do not have a clear delineation between where the road ends and the nature strip or footway starts. It is not the purpose of this policy to describe or explain parking requirements for every possible street configuration, however it remains the responsibility of the vehicle operator to comply with the Road Rules.

4.5.3. Council routinely conduct parking patrols and will enforce the requirements of the Road Rules for footway parking.

4.5.4. Common footway parking offences include, but not limited to:

- a) Parking on the nature strip or footpath between the road and the property boundary in a built-up area
- b) Parking within the section of driveway located outside the property boundary within a built up-area
- c) Parking not in the direction of travel, e.g. the vehicle is parked facing the oncoming traffic
- d) Parking within a "No Parking" area (for longer than 2 minutes or located further than 3m from the vehicle)
- e) Parking within a "No Stopping" or Bus Zone

4.5.5. Council's Compliance and Enforcement Policy sets out the methods and standards Council will use in parking enforcement.

5. RESPONSIBILITIES

5.1. Compliance, monitoring and review

- 5.1.1. Council's Principal Ranger is responsible for monitoring the implementation of this Policy including the relevant delegations and authorisations, to ensure it remains consistent with government policy and relevant legislation and that as far as practicable, its objectives are achieved.

5.2. Records Management

- 5.2.1. Staff must maintain all records relevant to administering this Policy in accordance with Council's Records Management Policy.

6. POLICY DEFINITIONS

Transparent	To ensure all actions and procedures are understood, auditable and open for critique as necessary
Unlawful Activity	Is any action that has been or is being carried out contrary to a legislative provision regulating parking within New South Wales
Council Rangers	Includes Rangers employed under permanent, part-time, casual or contractual arrangement who undertakes enforcement action on behalf of Cessnock City Council
Built-up Area	Built-up area, in relation to a length of road, means an area in which either of the following is present for a distance of at least 500 metres or, if the length of road is shorter than 500 metres, for the whole road – (a) buildings, not over 100 metres apart, on land next to the road, (b) street lights not over 100 metres apart

7. POLICY ADMINISTRATION

Business Group	Planning and Environment
Responsible Officer	Health and Building Manager
Policy Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2020/153971
Relevant Legislation (reference specific sections)	<ul style="list-style-type: none"> • Road Rules 2014 • Road Transport Act 2013 • Road Transport (General) Regulation 2013 • Local Government Act 1993 • Roads Act 1993
Relevant desired outcome or objectives as per Council's Delivery Program	<i>Objective 1.3: Promoting safe communities</i>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Records Management Policy (DOC2019/038769) ▪ Compliance and Enforcement Policy (DOC2017/083408)

8. POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
	Adjudicate representations referred to Council by the Revenue NSW for comment.	Health and Building Manager and Principle Ranger

9. POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	7 October 2009 (QS66/2009)	New policy adopted
2	18 September 2013 (PM91/2013 – 581)	Periodic review
3	21 February 2018 (PE3/2018)	Periodic review
4	21 February 2021 (PE4/2021)	Periodic review