

# On-Street Parking Policy

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Policy Name:	On-Street Parking Policy
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Responsible Officer:	General Manager, Community and Development
Relevant Legislation:	Road Traffic Act (1961) Australian Road Rules (1999) Local Government Act (1999) Expiation of Offences Act (1996) Disability Inclusion Act 2018
Related Policies:	By-Law 3 (Local Government Land) By-Law 4 (Roads) Road & Traffic Management Policy

## 1. Introduction

- 1.1 Local Government is charged with legislative responsibilities which protect individuals and the community. Council's jurisdiction encompasses both those on whom the law places a duty and those whom the law protects. While it is ultimately the responsibility of individuals and other bodies to comply with the law, Council staff is required to carry out activities which enforce compliance.
- 1.2 The City of Burnside Parking Policy gives guidance to the implementation and enforcement of Council's obligations to manage on-street parking under Federal and State legislation. With respect to compliance, the intention is to provide consistency and fairness in applying the resources across the City to achieve an equitable and fair use of the road reserve that protects the amenity of the neighbourhood and living and doing business in the City of Burnside.

## 2. Strategic Plan Desired Outcomes

*Principles:* 4. *Governing with Integrity*

*Themes:* *Community*

*Place*

- Goals:*
1. *A resilient, healthy and connected community*
  3. *A City of accessible and liveable precincts, open spaces, and treasured heritage*
- Priorities:*
- 1.4 *Facilities, services and programs that met our community's needs*
  - 3.3 *Attractive streets and neighbourhoods with easy access and movement and encouragement of greener transport*

### **3. Our Approach**

- 3.1 The aim of the Parking Strategy is safe and legally compliant parking practices across the City of Burnside. This will be achieved through a variety of activities including education and enforcement.
- 3.2 Manage vehicular movements to improve safety for motorists, cyclists and pedestrians.
- 3.3 Control the number and speed of vehicles using local roads to reduce the impact on neighbourhoods and the environment.
- 3.4 Monitor, maintain and expand the network of footpaths and cycle lanes.
- 3.5 Provide safe and convenient linkages to transport, shopping hubs and recreational facilities.
- 3.6 Encourage resident and business participation to maintain footpaths and verges.
- 3.7 Strengthen and support our local retail precincts.
- 3.8 Encourage community support of our local businesses.
- 3.9 Provide consistency in enforcement action in matters of non-compliance.
- 3.10 Ensure transparency, procedural fairness and natural justice principles are applied to compliance.

### **4. Legislative Requirements and Corporate Policy Context**

- 4.1 The Council regulates and enforces parking restrictions for the entire community in accordance with:
  - 4.1.1 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
  - 4.1.2 Section 35 (3) of the Road Traffic Act (1961) which empowers authorised officers to enforce the Australian Road Rules.
- 4.2 The Council makes use of the Expiation of Offences Act (1996) which enables Council to fine rather than take each offence to court.
- 4.3 This policy should be read in conjunction with the Road & Traffic Management Policy and By-Laws 3 (Local Government Land) and 4 (Roads).

### **5. Interpretation**

- 5.1 For the purpose of this policy:
- 5.1.1 “Council” means City of Burnside.
  - 5.1.2 “Authorised Officer” means a Council employee so authorised under the provisions of the Local Government Act.
  - 5.1.3 “Legislation” means all relevant State and Federal legislation and Council By-Laws.
  - 5.1.4 “Verge” means the area between the edge of road or the kerb, and the property line.
  - 5.1.5 “Narrow Street” means a public road with a carriageway width of less than 5.8 metres
  - 5.1.6 “Lane” means a public road, usually a Narrow Street that provides secondary vehicular access to properties and generally does not incorporate a defined footpath, verge or kerbs and gutters.

## 6. Policy

- 6.1 The Council manages the regulation and enforcement of parking throughout the council area in line with its obligations and associated liabilities.
- 6.2 The Council recognises safety, equity, amenity, convenience, and residential needs as fundamental to decision-making about parking restrictions. Of these, safety is the paramount principle.
- 6.3 The Council recognises the importance of parking to the amenity of neighbourhoods and the viability of businesses. Road width not required for transport purposes is available for parking where deemed to be safe.

### Implementation of Parking Controls

- 6.4 The Council will implement controls as and when it is considered necessary for the safety of all road users and to protect the transport function of the road and for the benefits of local businesses and residents.
- 6.5 The Council will manage parking in narrow streets as set out in the Road and Traffic Management Policy.
- 6.6 Management Policy.
- 6.7 The Council recognises and will implement legislated requirements including, but not limited to, statutory no stopping zones.
- 6.8 The Council will within allocated resources review parking restrictions across the council area with particular focus on those areas which are subject to high and/or conflicting demand.
- 6.9 The Council will endeavour to provide, at its facilities, car parking designated for people with a disability permit.
- 6.10 The Council will assess areas of parking conflict and other parking-related issues which are identified and reported by members of the public. Where possible, Council will address these concerns, in a manner which considers the needs of all road users, recognising that for some areas there may be no one solution that satisfies all users.
- 6.11 Changes to parking restrictions and arrangements will generally be subject to community notification and/or consultation, in line with Council’s Community Engagement Policy, except in matters of immediate safety, where directed by a statutory authority or as a natural progression of a local parking strategy.
- 6.12 Where changes to parking restrictions are subject to community consultation, in

accordance with Council practices a majority of residents' responses must agree to any proposed changes to parking controls, prior to implementation. Where there is a clear conflict between residents, Council may use its discretion to implement controls on parts of the area consulted in accordance with standard traffic management practices.

- 6.13 Parking restrictions and other arrangements will be signposted in accordance with the Manual of Legal Responsibilities & Technical Requirements for Traffic Control Devices and Australian Standard 1742.11 Manufacture of Uniform Control Devices: Parking controls or any subsequent replacement standard.

### **Enforcement**

- 6.14 Council will enforce parking restrictions as set out in the *Australian Road Rules*. This includes parking bays on private land for people with a disability permit
- 6.15 Enforcement will be undertaken on behalf of Council by nominated Authorised Officers. These Authorised officers will be trained, have a current police clearance (validated less than three years ago) and will carry identification which they will produce upon request.
- 6.16 Enforcement will be conducted according to principles of transparency and equity, and recognising that the Federal and State laws that Council administers in this area of activity are applied equally to all, subject to the need to respond to the particular nuances of certain parts of the City where parking demand is high.
- 6.17 Authorised Officers will use discretion and professional judgement in the manner in which they discharge their duties in order to achieve the desired outcomes as set out in this policy. This may include educational approaches to parking issues Council understands that there are occasions and or events whereby resident parking needs may exceed available parks and discretion will be applied to the policing of these areas as appropriate.

### **Expiation of Offences**

- 6.18 Council will offer the opportunity for the expiation of offences, in line with the *Expiation of Offences Act (1996)*. Timelines for expiation, conditions for waiver and the opportunity to elect to be prosecuted will comply with the Act.
- 6.19 Expiation fees will be as set and gazetted annually by the SA Government.
- 6.20 Council may elect to prosecute rather than expiate at any point during the process. Expiation fees that are not paid within the specified timelines will be referred to the State Government's Fines Enforcement Recovery Unit (FERU)
- 6.21 Council is unable to make arrangements for payment plans for expiation notices (being partial payments). Extensions of time to pay may be negotiated providing they do not breach Council's ability to prosecute if the expiation notice is not paid.

### **Residential Parking Permits**

- 6.22 In some areas of the City of Burnside, where there is limited available on-street parking and/or additional conflict between parking users, Council may, at its absolute discretion, give preference to local residents in order to adhere to the principles of amenity and convenience. This will be managed through the implementation of Residential Parking Permits and signposted Residential Parking Permit exempt zones.
- 6.23 To be eligible for a Residential Parking Permit, the applicant must be a resident of the City of Burnside, whose normal place of residence is subject to restrictive parking controls that provide for resident permit exemption.

- 6.24 All Residential Parking permits issued in relation to a property are transferrable;
- 6.25 Permits (other than visitor permits) will be issued for a maximum 24-month period, or part thereof.
- 6.26 Permits will be issued in respect to a specific street / suburb address. Permits are not transferable from one residential parking permit exempt zone to another.
- 6.27 All eligible applicants may apply for, and receive one (1) Transferable Residential Parking Permit (T1) per residence.
- 6.28 All eligible applicants may apply for, and receive a second transferable Residential Parking Permit (T2) per residence at a cost set out in the Schedule of Fees and Charges.
- 6.29 An eligible applicant may apply for up to one (1) further transferrable Residential Parking Permit per residence (T3).
- 6.30 An application for permits under 6.27 will be assessed against the off-street parking circumstances of the applicant, as set out in paragraphs 6.28 – 6.35.
- 6.31 If there are no off-street car parks and there are three or more registered vehicles, one T3 transferrable permit will be provided.
- 6.32 If there is one off-street car park and there are four or more registered vehicles, one T3 transferrable permit will be provided.
- 6.33 If there are two off-street car parks and five or more registered vehicles, one T3 transferrable permit will be provided.
- 6.34 To avoid all doubt, further to clauses 6.28 to 6.31, if the number of vehicles registered to a property exceeds the available off street parks by more than two, one additional T3 transferrable permit will be made available (T3).
- 6.35 A space available for a car in a garage, under a carport or in a driveway will be counted as such regardless of whether the space is free of storage of other items.
- 6.36 The first transferrable permit (T1, under 6.25) is free of charge.
- 6.37 All other permits (subject to 6.36) are subject to a fee, reviewed annually, as set out in Council's register of fees and charges.
- 6.38 Upon purchase of a T2 permit, a V1 or V2 permit (resident's choice) will be supplied free of charge. Only one free visitor permit will be supplied in conjunction with a T2 permit, although subsequent ones may be purchased.
- 6.39 An eligible applicant may apply for a fixed period visitor permit (V1).
- 6.40 A V1 permit may be issued for a maximum period of one (1) month.
- 6.41 Only one (1) V1 permit will be issued in relation to a property at any one time.
- 6.42 At the expiration of a V1 permit, a further permit may be applied for.
- 6.43 An eligible applicant may apply for a book of ten individual visitor permits (V2). These may be used separately by multiple users
- 6.44 Only one (1) V2 permit will be issued in relation to a property at any one time.
- 6.45 At the expiration of a V2 permit, a further permit may be applied for.
- 6.46 A V2 permit will have sufficient space for a resident to clearly mark the day the permit is being used.
- 6.47 The marking of the date must be done in ink.
- 6.48 Any misuse of a permit will lead to its cancellation.

- 6.49 Caravans, trailers and heavy or over length vehicles are not eligible for Residential Parking Permits.
- 6.50 Occupiers of commercial premises who do not reside on the premises will be deemed not to be “residents” for the purpose of this policy, and as such, are not eligible for a permit unless special approval is granted by the Chief Executive Officer or authorised delegate.
- 6.51 If misuse, including the sale of a Transferable Residential Permit, is discovered to have occurred the Chief Executive Officer may refuse to permit any future Transferable Residential Permits to the resident for a period up to 12 months.
- 6.52 Permits must be visibly displayed in the bottom passenger-side corner of the windscreen at all times when parked in the relevant residential parking permit exempt zone. Failure to display the permit will leave the vehicle liable to fine and/or prosecution for illegal parking.
- 6.53 Permits will be issued upon completion and receipt of the standard Resident Parking Permit Application Form, and provided compliance with the above conditions of eligibility is demonstrated.

#### **Temporary Exemption Permit**

- 6.54 Where a resident who is eligible for a Residential Parking Permit has a tradesperson or service provider who requires access to the property for the purposes of providing a service to the resident but is unable to access on-street parking, they may apply for a Temporary Exemption Permit or utilise a resident’s Transferable Residential Parking Permit.
- 6.55 These Permits must be applied for by the resident and in relation to a specific tradesperson and vehicle.
- 6.56 Permits will be issued for a specific period of time being not more than three months, and for a specific address.
- 6.57 This permit will then enable the vehicle to be parked in the Residential Parking Permit Exempt zones for the purposes of providing services to residents and their properties.

#### **Business Parking Permits**

- 6.58 At its meeting of 28 April 2020, the Council endorsed in principle, the Burnside Business Parking Permit scheme. This scheme will be managed through Business Parking Permits and signposted Business Permit zones.
- 6.59 The existing unrestricted parks in the Fullarton Road western slip lane (in the first instance) will be signed as No Parking (Business Permit Exempt) (Monday to Friday 8.30am to 5pm). Changes may be made as the need arises. There may be some future Business Permit zones on the eastern side of Fullarton Road (within the business areas only).
- 6.60 To be eligible for a Business Parking Permit, a business must be in a business area adjacent to the road in which the Permit zones are designated.
- 6.61 Business Permits will be issued in respect of a business and will be transferable within the business for its operational purposes.
- 6.62 Each business will be eligible to one permit, subject to the terms set out in 6.63.
- 6.63 Business Parking Permits are only to be used in relation to the Business Permit Area relevant to the Permit.
- 6.64 Permits will be issued for a maximum 24 month period or part thereof, and will be subject to an annual fee fixed by the Council and amended from time to time.

- 6.65 The number of Permits will not exceed the number of parking spaces allocated within a Business Permit Area. More may be issued subject to demand and subject to evidence that not all parking bays are used over a period of time under the initial 1:1 permit to space ratio.
- 6.66 If misuse, including the sale of a Permit is discovered to have occurred, the Chief Executive Officer may revoke and/or refuse to allocate any future permits to the business for a period up to 12 months.
- 6.67 Permits must be visibly displayed at all times when parked in the relevant Business Parking Permit zone. Failure to display the permit will leave the vehicle owner liable to fine (be expiated) and/or prosecution for illegal parking.
- 6.68 Permits will be issued upon completion and receipt of the standard Business Permit Application Form, and provided compliance with the conditions of eligibility is demonstrated.

### **Dispute Resolution**

- 6.69 Any person who objects to the issue of an expiation notice may apply to the Council for a review of the notice on the grounds that the offence to which it relates is trifling under *Expiation of Offences Act 1996*. The definition of trifling for these purposes is contained in section 4(2) of the Expiation of Offences Act 1996.
- 6.70 Pursuant to the Expiation of Offences Act, a decision in relation to the application for a review of an expiation notice is final and not subject to any form of appeal.
- 6.71 Alternatively, a person who wishes to contest an expiation notice or who is otherwise dissatisfied with the outcome of his/her application for review of the notice, may elect to be prosecuted for the relevant offence to which the notice relates.
- 6.72 Any other disputes and/or complaints relating to decisions made under this Policy other than a decision to issue an expiation notice may be dealt with through Council's Complaint Handling Policy which includes legislative options such as Section 270 of the Local Government Act or through electing to be prosecuted and allowing the courts to make a determination.

## **7. Review and authority**

7.1 This Policy will be reviewed every four years in line with Council's Policies and Protocols Framework.

## **8. Availability**

8.1 The Policy is available to be downloaded, free of charge, from Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au)

8.2 The Policy will be available for inspection, free of charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

8.2.1 City of Burnside Civic Centre; 401 Greenhill Road, Tasmore SA 5065  
Telephone; 8366 4200; Email; [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)  
Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)

## **9. Further Information**

9.1 For further information about this policy please contact:

City of Burnside Civic Centre; 401 Greenhill Road, Tusmore SA 5065  
Telephone; 8366 4200; Email; [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)

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