



**Parking Infringement and
Enforcement Policy**

Amendments

Date	Amendment	Reference
5 February 2013	Adopted	CS/3

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1. STATEMENT OF INTENT

- 1.1 Mosman Municipal Council has been delegated the role of managing parking within its local government area by the Commissioner of Police 19 July 2002
- 1.2 Mosman Municipal Council has entered into a Deed of Agreement with the New South Wales State Debt Recovery Office (SDRO) where Mosman Municipal Council pays a fee to SDRO to manage the processing of penalty notices issued by Council, including all representations and complaints regarding penalty notices, receive payment of penalty notices on behalf of Council and take enforcement action on those penalty notices not paid.
- 1.3 This policy aims to outline Council's philosophy and objectives in managing parking and to provide parameters for staff to consistently apply this policy when taking action to appropriately manage parking.
- 1.4 Mosman Municipal Council's core values relating to responsive and responsible regulation, and fairness and equity also apply to any action taken in accordance with this policy.

2. ELIGIBILITY

- 2.1 Implementation of this policy applies to all Mosman Municipal Council Rangers where authorised to enforce legislation pertaining to road rules and parking, local government, planning & environmental and other legislation in accordance with Council's Delegations Manual and respective delegations by the General Manager.
- 2.2 This policy applies to all persons who park motor vehicles within the Mosman Local Government Area and immediate boundaries.

3. DEFINITIONS

- 3.1 **On-Street Parking:** All public streets, roads and road related areas within the Mosman Municipal Council local government area.
- 3.2 **Off-Street Parking:** All areas under Council jurisdiction and includes Council's free car parks, allocated areas under the Local Government Act, Council and Reserve Trust parks and reserves and any private road or car park that have an approved agreement enabling enforcement by Council's Authorised Officers.
- 3.3 **Authorised Officer:** an employee of a council generally or specially authorised by the Council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used. .
- 3.4 **"Delegations Manual" and "Delegated Authority":** means the Delegations Manual adopted by Mosman Municipal Council from time to time and any Implementation of Delegations adopted by Council from time to time, in accordance with Section 377 of the Local Government Act.

4. PROVISIONS

4.1 General Principles

The principal purposes of parking management undertaken by Mosman Municipal Council Rangers are to:

- Assist in ensuring the safety of pedestrians, drivers of motor vehicles and all other road users,
- Ensure the equitable use of the very limited, available parking spaces in an environment where demand for such spaces far exceeds supply,
- Ensure effective traffic flow within the local government area, and
- Provide a general service to the community.
- Promote environmental sustainable motor vehicle use.

4.2 Parking Management Priorities

The major parking management priorities for Ranger staff are:

- Immediate response to notified or identified dangerous situations or emergencies,
- The management of prohibitive parking. This covers “No Stopping” and “No Parking” signs as well as adherence to all distance rules,
- The management and monitoring of school zones within the local government area,
- Responding to complaints,
- Managing and monitoring Clearways and Transitways,
- Reporting signage and ticket parking machine problems or failures,
- Enforcement of permissive parking signs and ticket parking areas,
- Targeted operations for particular areas or offences,
- Managing misuse of Mobility Parking Scheme permits.

5. PARKING MANAGEMENT PROCEDURES

- 5.1 Effective parking management relies on the deterrence offered by a high profile officer presence and the perception of the community that an officer will be at a particular location every day.
- 5.2 All offences that are observed by an Authorised Officer will be sanctioned as deemed appropriate by that officer with regard to the priorities listed at 4.2 above.
- 5.3 Sanctions available to the officer are cautions, direct to move or issue penalty notice.

- 5.4 All Authorised Officers are directed to show no tolerance to offences occurring in School Zones, Bus Zones and signed "No Stopping" zones.

6. PROCEDURE FOR APPEALING A PENALTY NOTICE

- 6.1 Mosman Municipal Council has a contractual arrangement with the SDRO where SDRO will process and manage the administration of penalty notices.
- 6.2 Included in that arrangement is the management and adjudication of all representations made in relation to penalty notices issued by Mosman Municipal Council.
- 6.3 All representations received by Mosman Municipal Council will be forwarded to SDRO for adjudication. Centralising this process ensures that there is a consistent approach in decision making with regard to representations and appeals on a state wide basis. The address to appeal a penalty notice at SDRO is found on the reverse side of a penalty notice or on Council's website.
- 6.4 Representations received by SDRO that have stated extenuating circumstances may be referred to Mosman Municipal Council and considered by staff or the Penalty Notice Review Panel according to the Adjudication Categories Schedule.
- 6.5 The Penalty Notice Review Panel:
1. Will meet on a needs basis and is made up of:
 - Director Corporate Services, or his delegate
 - Two independent community membersAnd is advised by the Manager Ranger Services
 2. Independent community members will be appointed for a fixed term of one (1) year by the General Manager. The terms of appointment to be determined by the General Manager.
 3. Must participate in the consideration of the representations in an impartial, professional and ethical manner. At all times they must comply with all laws relevant to the performance of their duties and all relevant Council policies.
 4. Penalty Notice Review Panel independent community members will be rotated on a regular basis in a manner that demonstrates good governance and consistency of decision making.
- 6.6 A copy of all representations received by Council will be immediately forwarded to SDRO as that agency at its discretion can suspend the processing of the penalty notice until a review is completed.
- 6.7 Council's Penalty Notice Review Panel will carry out an investigation into the circumstances of the issuing of the penalty notice and confer on the details of the representation to reach a decision of either:
- penalty to stand;
 - caution or
 - no further action
- 6.8 Council will advise the SDRO of the recommendation of the Penalty Notice Review Panel within one week of that decision being made for the SDRO to determine and to formally advise the appellant.

7. EXEMPTIONS

- 7.1 The legislation applicable to parking management and regulations at the time of compiling this policy is named Road Rules 2008.
- 7.2 Road Rules 2008, cl 307 (2) (a) and (b) states that Part 12 of Road Rules 2008 (that is the Parking Regulations) do not apply to an authorised officer in the course of their normal duty as an authorised officer as long as the driver is taking reasonable care and it is reasonable that the parking regulations should not apply.

8. RESPONSIBILITY/ACCOUNTABILITY

- 8.1 The Director of Corporate Services is responsible for monitoring the implementation of this policy
- 8.2 Council's Rangers carrying out their responsibilities in accordance with this policy
- 8.3 Council's Human Resources Co-ordinator and Manager Ranger Services will ensure staff are provided with access to training to ensure this policy is implemented.
- 8.4 The Penalty Notice Review Panel is responsible for reviewing Penalty Notices referred to it in accordance with this policy.
- 8.5 The Manager Ranger Services will review this policy every two years or as required by Council or senior management.

9. RELATED POLICIES & PROCEDURES

The Policy should be read in conjunction with the following Mosman Municipal Council Policies:

- Complaints Handling Policy
- Code of Conduct for Councillors & Staff.
- Customer Response Policy
- Compliance and Enforcement Policy
- Delegations Register
- Prevention of Fraud and Corrupt Conduct Policy
- Privacy Act

10. RELATED LEGISLATION

- Road Rules 2008
- Fines Act 1996
- Local Government Act 1993

ADJUDICATION CATEGORIES SCHEDULE

CATEGORY NUMBER	DESCRIPTION	ADJUDICATED BY		
		MRS	PNRP	SDRO
1	GENERAL			
	A Council vehicle		✓	
	B Emergency services vehicle / exemption at law			✓
	C Illness with evidence			✓
	D Vehicle breakdown with evidence			✓
	E Staff member		✓	
	F Councillor/Councillors representation/MP/MP's representation		✓	
	G Council contractor		✓	
	H General leniency / financial hardship / good record			✓
2	SIGNS			
	A Signs damaged/ unreadable / hidden by branches or other object	✓		
	B Sign missing / zone incomplete / unenforceable	✓		
	C Misread / misunderstood / didn't see			✓
3	RESIDENT PARKING PERMIT			
	A Not seen by officer	✓		
	B Purchased but not displayed (One caution issued only)	✓		
	C Entitled but not yet purchased		✓	
	D Misunderstood scheme		✓	
	E Misuse		✓	
4	MOBILITY PARKING SCHEME PERMIT			
	A Not seen by officer	✓		
	B Misunderstood entitlement			✓
	C Misuse			✓
	D Entitled but not displayed			✓
	E Fallen off / not clearly displayed			✓
5	PERMITS - OTHER			
	A Council issued permit	✓		
	B Police permit / NSW government permit / other permits			✓
6	NO PRIMA FACIE – no offence committed	✓		
7	TECHNICAL ERROR			
	A Wrong offence	✓		
	B Information is wrong	✓		
	C No match with RTA data	✓		
	D Transposition of data error	✓		
8	PARKING METER			
	A Claims paid at meter (no ticket issued)	✓		
	B Meter not working	✓		
9	NON PARKING			
	A Representations on Companion Animals (includes PN's, orders & declarations)		✓	
	B Representations on breaches of DA consent		✓	
	C Representations on POEO matters / impounding		✓	

WORKFLOW FOR PROCESSING REPRESENTATIONS

