

**PARKING ENFORCEMENT POLICY**

Adopted: *(Current date)*

TRIM 259247.2023



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## **PARKING ENFORCEMENT POLICY**

**DIRECTORATE:** Planning and Compliance

**BUSINESS UNIT:** Community Standards

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### **1. PURPOSE/ OBJECTIVES**

1.1 The purpose of this Policy is to set out a framework for the manner in which motor vehicle parking arrangements within the Liverpool City Council local government area will be regulated under the laws relating to motor vehicle parking.

This Policy establishes clear and lawful guidelines for:

- enforcement of parking restrictions to ensure consistent application of the laws relating to motor vehicle parking
- documenting enforcement practices utilised by Rangers and Parking Service Officers to detect illegal parking offences and for the issuing of infringement notices
- processes for the consideration of representations concerning PINs issued for parking offences
- the general standards of behaviour of Council staff involved in parking enforcement.

1.2 The Policy applies to Council Officers authorised to issue parking infringements, including Council's Parking Officers and Rangers and to individuals who infringe the parking rules referred to in this Policy.

This Policy prescribes standards for the operational duties, functions and responsibilities of Council staff involved in all regulatory services associated with motor vehicle parking in the Liverpool Local Government Area, (LGA).

Council has a regulatory obligation to enforce the laws relating to motor vehicle parking and to manage public safety and traffic flow in accordance with the relevant laws;

Council also has the authority and delegation to enforce, under agreement, private roads and carparks. Council is not obliged to commit to all private parking enforcement requests, but will consider all requests relative to impacts and operational capacity.

## 2. DEFINITIONS *(where applicable)*

In this Policy, unless the context otherwise requires:

**Parking Officer/Ranger** means any member of Council staff who hold this position or any equivalent position that is responsible for the enforcement of the laws relating to motor vehicle parking.

**PIN** means a penalty infringement notice issued under the laws relating to motor vehicle parking as a result of the contravention of those laws.

**Policy** means this document

**Red Zone** means parking signs that are red with white writing or white signs with symbols. These signs are used in high risk areas and include; No Stopping No Parking and bus zones. (Further information about these signs can be found in the Road Rules 2014.)

**SEINS** means the Self Enforcing Infringement Notice System. Revenue NSW online training relevant to the use (issuing) of Penalty Infringement Notices.

**School Zone** means:

- (a) if there is a school zone sign and an end school zone sign, or a speed limit sign with a different number on the sign, on a road and there is no intersection on the length of road between the signs, that length of road; or
- (b) if there is a school zone sign on a road that ends in a dead end and there is no intersection, nor a sign mentioned in paragraph (a), on the length of road beginning at the sign and ending at the dead end, that length of road.

**Standard Operating Procedures** means the operating procedures that apply from time to time to the performance by POs and Rangers of their duties.

**Valve Stemming** means the process by which the position of a vehicles wheels is recorded by identifying and noting the valve stem position on each wheel which is

recorded on first inspection in timed parking zones. Upon returning to inspect the vehicle the position of the valve stem is inspected to determine if the wheels are still in the same position as first recorded.

**Mark Mode** means the process by which number plates are recorded in an Officers mobile device to indicate the vehicle is parked within a time limited parking area within the LGA.

**Mobile Device** means the device used to issue PIN's and cautions and record evidence related to those enforcement actions.

**Marking** means the process of applying crayon, chalk or any similar substance by Rangers and/or Parking Officers for any purpose connected with the enforcement of any of the provisions of any Act or any statutory rule made under any Act.

### 3. POLICY STATEMENT

#### 3.1 General

Council's Rangers are responsible for the administration of motor vehicles parking in the City of Liverpool Local Government Area (LGA) in accordance with the laws relating to motor vehicle parking.

Council is committed to working with its stakeholders to ensure the long term strategic management of the current, and future traffic flow within of the City of Liverpool.

Efficient and effective parking regulation relies heavily on systematic presence of Council's Parking Officers (PO) and Rangers. Consistency in enforcement is the key component in an effective service. POs are required to practice a number of methods to manage parking and the related legislation. They include: - education, warnings, cautions, issuing of PINs and submission of reports to Transport for NSW

Where a PO observes a motor vehicle parked in an illegal position, a dangerous position or both, they may issue a PIN and if possible locate the driver and instruct them to move the motor vehicle immediately. Motor vehicles parked illegally in a Red or School Zone will not be afforded any discretion if it is clear that an offence has been committed. Illegal parking in these high risk areas may place a member of the public in danger or adversely affect the flow of traffic.

A PO may not cancel a PIN if they have commenced recording details on the notice without adequate justification.

The onus to comply with current parking rules and regulations lies solely with each driver of a motor vehicle in NSW.

### **3.2 Discretion**

A PO may exercise discretion in determining whether or not to issue a PIN as a result of contravention of the laws relating motor vehicle parking. This discretion is personal to each PO based on the individual circumstances of each limited and potential illegality.

Council requires that each PO have regard to this Policy in determining how to exercise that discretion.

Appendix B to this Policy sets out guidelines to assist POs in the determining how to exercise their discretion.

### **3.3 Surveillance Types**

POs & Rangers can undertake high visibility and low visibility surveillance to ensure compliance with the laws relating to motor vehicle parking. This surveillance may take the following forms:

- 3.3.1 **Covert operations** – Covert surveillance operations will only be conducted with Council's prior approval (given by unit manager or above).
- 3.3.2 **High visibility surveillance** – This kind of surveillance involves activities where POs and Rangers are clearly visible in full uniform for all motorists and members of the public to see.

**3.3.3 Low visibility surveillance** – This kind of surveillance involves activities where POs and Rangers may not be clearly visible. All POs observing and recording illegal parking offences must be in full uniform and comply with the applicable Road Rules at all times.

### **3.4 Standard Operating Procedures**

PO and Rangers are required to observe Council's Standard Operating Procedures in the performance their duties. In addition, and for the purposes of this Policy, POs and Rangers:

- a) Are to be appropriately attired in full uniform when conducting parking patrols.
- b) Should use Mark Mode and/or Valve Stemming in the first instance to record vehicle parking positions.
- c) If operational needs require tyre markings these are to be placed on the tread of the tyre only, not on the wall of the tyre.
- d) PINs are not to be issued unless all signs are clear and visible and all motor vehicle tyres are inflated.
- e) May allow a period of 10 minutes as a courtesy in circumstances where the relevant parking time restriction is greater than 15 minutes.
- f) May allow a period of 5 minutes as a courtesy in circumstances where the relevant parking time restriction is greater than 5 minutes but not greater than 15 minutes.
- g) In areas serviced by parking ticket kiosks, POs and Rangers must ensure that the parking meter is functional and may allow a period of 10 minutes as a courtesy for expired tickets.

### **3.5 Photographs**

3.5.1 To ensure that appropriate evidence is collected, POs and Rangers are permitted to take photographs of vehicles where they intend to issue a PIN. Photographs should where possible be taken first and then the details of the offence and vehicle recorded to issue the PIN.

### **3.6 Behaviour Standards**

3.6.1 Upon their appointment each PO and Ranger is required to be trained to understand and comply with Council's Code of Conduct and the Standard Operating Procedures.

3.6.2 It is expected that POs and Rangers will:

- a) Be courteous, polite, fair and equitable, diligent and demonstrate behaviour above reproach at all times.
- b) Apply the 'benefit of the doubt' principle. This involves issuing a caution if there is any doubt as to whether an offence has been committed.
- c) Observe and obey the Road Rules at all times; except in the case of an emergency or where non-compliance was necessary in the interests of public safety.
- d) Understand that people may become upset when issued with a PIN for an illegal parking offence. POs must not verbally abuse, threaten or assault any member of the public. POs must report to their supervisor (and if they consider appropriate the Police) any verbal abuse directed to them, threats they receive or assault they suffer in accordance with Council's Incident Reporting Procedure.
- e) Act as ambassadors for our organisation and the community.

### 3.7 Parking Programs

3.7.1 POs and Rangers will undertake a range of activities to address illegal parking in addition to patrolling on street and off street parking areas. From time to time Council will conduct programs to target specific illegal parking behaviour and the methods of monitoring parking breaches. These programs include;

- a) **Mobility Parking Scheme Program** – This program seeks to manage mobility parking and to stop the misuse of permits issued to facilitate easier parking for persons with disabilities.
- b) **School Safety Program** – This program seeks to discourage illegal parking in School Zones to ensure the safety of children.
- c) **Complaint Based Program** – This program seeks to aid the investigation of parking related complaints

Further information concerning parking programs appears in Appendix A.

### 3.8 Parking Infringement Review Process

3.8.1 Representations in regard to Parking Infringement Notices issued by Council officers must be directed to Revenue NSW which is a State Government agency that undertakes the recovery of debts including parking infringements issued by Council. The postal address Revenue NSW is:

Revenue NSW  
PO Box 786  
Strawberry Hills NSW 2012

The online address is <https://www.revenue.nsw.gov.au/fines/pn/review>

3.8.2 Revenue NSW has a procedure that governs the consideration of representations made in respect of debts that Revenue NSW is recovering. Revenue NSW publishes guidelines that outline the manner in which Revenue NSW will undertake the consideration of representations and review of request received in respect of any debt



that Revenue NSW is pursuing. These guidelines can be viewed on Revenue NSW website [www.revenue.nsw.gov.au](http://www.revenue.nsw.gov.au) or by contacting Revenue NSW on 1300 138 118.

3.8.3 In general terms, Revenue NSW procedure involves:

- a) Assessment as to whether the PIN was issued lawfully.
- b) Assessment of representations against the Attorney General guidelines which to determine if the PIN is to stand or whether to issue a caution.
- c) Notification to the person making the request of its determination.
- d) If the SDRO determines that the relevant PIN was not lawfully issued, it recommends to the issuing authority that the PIN be withdrawn and notifies the person making the request of its determination.
- e) If the SDRO determines that the relevant PIN was lawfully issued, it notifies the person making the determination.
- f) Upon a determination of "Penalty to Stand" persons may elect to either:
  - i. Pay the PIN, or
  - ii. Challenge the PIN before the Court.

#### **4. RELEVANT LEGISLATIVE REQUIREMENTS** (*where applicable*)

The laws relating to motor vehicle parking include the following legislation

- Roads Act 1993
- Road Rules 2014
- The Road Transport Act 2013
- Road Transport (General) Regulations 2021
- Local Government Act 1993

#### **RELATED POLICIES & PROCEDURE REFERENCES**

- Enforcement Policy
- Code of Conduct Policy

**AUTHORISED BY**  
Council Resolution

**EFFECTIVE FROM**

*This date is the date the policy is adopted by Council resolution.*

**REVIEW DATE**

The policy must be reviewed every two years or more frequently depending on its category or if legislative or policy changes occur.

**VERSIONS**

The current and previous version of the policy should be set out in the following table.

Version	Amended by	Changes made	Date	TRIM Number
1			###	

**THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH**

*members of Council staff, management, Councillor's,, other government departments etc. You should consult with the Governance Coordinator before the policy is considered by the Chief Executive Officer or the elected Council.*

**ATTACHMENTS**

**Appendix A** – Parking Program

**Appendix B** - Guidelines for discretion, warnings and issuing of PINs

## APPENDIX A

### **Parking Programs**

#### **Mobility Parking Scheme Program.**

Mobility Parking Schemes (*MPS*) are schemes authorised by the Road Transport (Safety and Traffic Management) Regulation 1999 that involve permits being issued to persons with a disability to facilitate easier parking arrangements for them.

The aim of this program is to stamp out the misuse by certain motorists who use a permit issued under a MPS that is not their own in order to obtain long term free parking. To validate the identity of permit holders, Council officers are permitted to request to view the permit so they can ascertain it is being used correctly. If it is found that the driver is not the person to whom the permit was issued and that the person to whom the permit was issued is not in the immediate area in which the permit was being used, the Council officer may,

- Complete an RMS report of the incident.
- Issue a PIN to the person who is using the permit contrary to its terms.
- Send the completed report and a copy of the PIN to the RTA fraud unit.
- Confiscate MPS Permit where appropriate

MPS programs may be conducted at times in conjunction with the RMS.

#### **School Safety Program**

The aim of this program is to ensure that motor vehicle drivers **do not** park illegally in School Zones. Motor vehicle drivers who disregard parking regulations in School Zones can create dangerous situations for children. Illegally parked vehicles can create blind spots or obstructions to other drivers which may result in the **injury** or **death** of a child.

To demonstrate the seriousness of this issue, higher penalties and greater loss of demerit points for School Zone parking offences were introduced. In line with a State Government directive to NSW councils, Parking Officers and Rangers are required to have a zero tolerance approach to illegal parking offences in School Zones.

POs and Rangers use a combination of high and low visibility enforcement practices when patrolling School Zones.

## **Complaint Based Program**

Council initiated this program as a result of complaints received in parking infringement related matters. It is an ongoing program that involves Parking Officers and Rangers investigating all complaints and taking appropriate action that may include warnings being issued or PINs being issued.

Complaints are mainly received from residential areas and include issues such as truck and general parking issues, driveway and footpath obstructions. When a complaint is received Council staff will undertake an inspection to determine the appropriate course of action. At times they will identify other breaches occurring that they will need to investigate and enforce. A general issue that arises is the obstruction of footpath areas which is dealt with below.

## **Parking on Nature Strips in streets with Rollback Kerb and Gutter**

Under the Road Rules 2014 it is an offence for a motor vehicle to stop on a path/strip in a built up area unless there are permissible parking signs or a hard bay surface constructed for the purpose of motor vehicle parking.

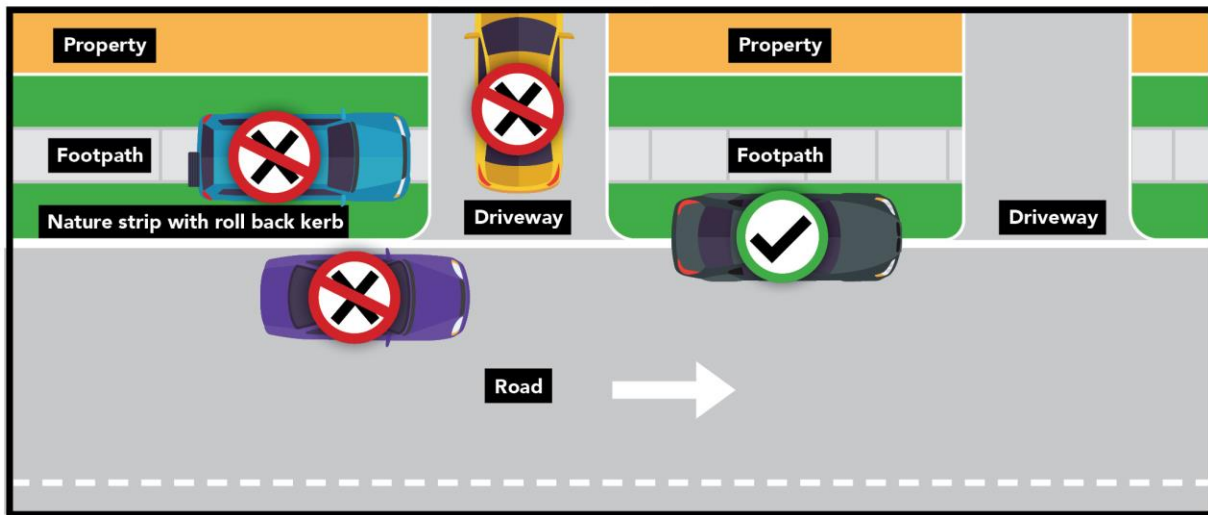
Whilst it is a requirement that motor vehicle drivers are to comply with the Road Rules 2014, consideration must also be given to the issue of the number of suburban streets within the Liverpool City LGA where the road surface has been reduced in width and additional kerbing installed such as rollback kerbs.

In Council's Parking Enforcement Policy, the enforcing of the Road Rules 2014 in these situations no action will be taken in relation to motor vehicles which park parallel to the road/kerb in the direction of travel in streets that have a nature strip area with rollback kerbing installed, unless specific parking restriction signage has been installed.

The motor vehicles must not interfere with the general use of the footpath area, obstruct sight lines for vehicles using the roadway or cause damage to Council infrastructure which includes the kerb, nature strip, footpath area and underground services.

Discretion regarding parking on footpaths is predominantly used in areas with rollback kerbs installed by Council as they clearly define areas with readily available access.

See the following diagram for examples. Where a motor vehicle is found to be parked not in the manner depicted in the diagram a PIN may be issued. (i.e. the vehicles marked with a “cross”)



## **APPENDIX B**

### **Guidelines for Exercising Discretion in Issuing PINs or Giving Warnings**

Generally, the disregard of parking restrictions and regulations by motorists (particularly in problem areas) should attract a penalty so as to operate as a deterrent. In some circumstances it may be prudent for a PO or Ranger to exercise discretion by issuing a formal caution or verbal caution and directing the driver to move on rather than issue a PIN.

It is also essential that each PO and Ranger exercises and demonstrates good judgement in regard to educating the public about parking regulations.