

Policy Name	Private Parking Areas
Policy Number	CD40
Responsible Section	Community & Environmental Health
Responsible Department	Community Development
Date Last Adopted	8 February 2022
Date of Next Review	February 2025
Applicable Legislation	Expiation of Offences Act 1996 Local Government Act 1999 Private Parking Areas Act 1986 Road Traffic Act 1961 AS1742.11 Manual of Uniform Traffic Control Devices part 11: Parking Controls (2016) AS 1743 Road signs - Specifications AS/NZS 2890.1 Parking facilities - Off-street car parking (2004) AS/NZS 2890.5 Parking facilities - On-street car parking (1993) AS/NZS 2890.6 Parking facilities - Off-street parking for people with disabilities (2002)
Related Governance Documents	Parking Control Guidelines Council Administration Policy - Enforcement
City Plan Theme	Community Placemaking Leadership

1. PURPOSE/OBJECTIVE

The purpose of this Policy is to establish the framework for entering into private parking agreements with owners of private parking areas. The Policy ensures that prior to entering into an agreement, consideration is given to the needs of the owner of private parking areas, the community and Council in managing parking in the area.

2. SCOPE

This Policy applies to owners of private parking areas that want to enter into private parking agreements with the City of Port Adelaide Enfield.

3. POLICY

Owners of private parking areas have limited enforcement options to regulate the use by the public of private carparks, unless they enter into a private parking agreement with a relevant authority, such as Council, under the Private Parking Areas Act 1986 (the Act).

The Act provides owners the ability to enter into an agreement with a council, where the council through its authorised officers, has the ability to undertake enforcement action for parking offences occurring within the area.

Agreements will only be considered where there is a broader community benefit through managing the carpark, which assists in achieving strategic objectives including the equitable and accessible car parking for both private and public car park users.

The agreement should be mutually beneficial for the owner, Council and the broader community.

3.1 Application

The private car park owner may make an application to Council to enter into an agreement for the enforcement by the council of Part 3 of the Private Parking Areas Act 1986 in relation to that private parking area.

The application must include information that will enable Council to make an informed decision on the need for an agreement with consideration given to balancing the needs of the owner of the private parking area, the community, and the Council.

The following information must be provided with an application:

- reason for the application;
- total number of car spaces included in the private parking area;
- any current parking restrictions and/or proposed parking restrictions including, but not limited to:
 - disability parking areas
 - time limit areas
 - permit zones
 - loading Zones
 - no standing areas

As part of the application, the owner of the private parking area may be required to undertake further assessment of the car parking usage and consideration of the broader carparking requirements of both public and private capacity and demand.

An application for an agreement does not bind Council into entering into an agreement and Council reserves the right to reject applications.

The decision to enter into an agreement with an owner of the private parking area will be made by the Chief Executive Officer or subdelegate.

3.2 Responsibilities

Council will be responsible for:

- assessing the benefits and outcomes of the proposed agreement;
- preparing the Private Parking Agreement;
- giving notice to the owner of any concerns regarding the installation of signs, lines and traffic devices;



- issuing expiation notices including any costs incurred with enforcement action taken in accordance with Council's obligations under the Expiation of Offences Act 1996.

The owner will be responsible for:

- the installation of signage at or near each entrance to the private parking area setting out such time limits on the parking of vehicles in the parking area in accordance with the Act;
- where any part of the private parking area is set aside for disabled persons parking, loading area, no standing area, restricted parking area or a permit parking area, the owners will ensure the signs and lines are marked out in accordance with the Road Traffic Act, Private Parking Areas Act and Regulations and in accordance with the Code;
- ensuring all signs, lines and traffic devices are installed in accordance with the Acts, Regulations and Codes and will ensure they are always maintained to the satisfaction of the Council;
- where permits have been issued for permit zones within the private parking area, the owner is responsible for issuing and maintaining a record of all permits issued and must be presented upon request of an authorised officer;
- ensuring no interference with Council enforcement of expiation notice and that decisions are within the absolute discretion of the Council.

3.3 Enforcement

Enforcement of the private parking area will only be carried out by authorised officers in a transparent manner without prejudice and will be consistent with Councils Administrative Enforcement Policy.

Council Authorised Officers will undertake enforcement at times and frequencies as determined by council subject to the availability of Authorised Officers and other priorities at the time.

4. ROLES AND RESPONSIBILITIES

Manager Community & Environmental Health is responsible for the implementation and management of the policy.

5. DEFINITIONS

Act means the Private Parking Areas Act 1986.

Authorised Officer means a person who is an authorised person for the purposes of the Local Government Act 1999.

Code means the Code established by the Minister pursuant to Regulation 14 of the Regulations.

Council means the City of Port Adelaide Enfield.

Owner means the owner of the private parking area.

Regulations means the Private Parking Areas Regulations 2014.

