
PRIVATE USE OF PUBLIC PARKING

Policy Number: POL16/154 • **Adopted:** 18/12/2007 • **Amended:** 20/1/2009, 22/10/2013, 21/02/2017 • **Minute Number:** MIN07.1801, MIN09.24, MIN13.1042, MIN17.104 • **File:** 17432E • **Produced By:** Assets and Works Group • **Review Date:** 1/12/2020

1. PURPOSE

The purpose of this Policy is to:

- a. set the guidelines for the private use of public parking
- b. set the guidelines for the basis for fees charged under section 608 of the Local Government Act 1993
- c. preserve the availability of public car parking, by applying Fees and Charges for the private use of public parking.

2. STATEMENT

Council provides a combination of timed (restricted) and untimed (unrestricted) public parking spaces on public roads and within car parks for use by the community. This document sets guidelines for the exclusive private use of public car parking spaces as well as the basis for setting fees and charges for any private use.

3. EXEMPTION CIRCUMSTANCES

The details of exemptions that may or may not be provided are

- a) No exemptions shall be granted for the Application Fee, or for the process in general
- b) A Parking Usage Fee exemption shall apply:
 - i) in all areas where parking is unrestricted.
 - ii) for all Shoalhaven City Council operations.

Note the Parking Usage Fee shall apply to all other government and public utilities authorities.

- c) 'Not for Profit' organisations may apply for a reduction or an exemption of the Parking Usage Fee.
- d) The Signage Installation and Restoration Fee shall apply for all approvals for periods of four weeks or more. There are no exemptions to this fee.

4. CRITERIA FOR DETERMINATION OF AN APPLICATION

- 4.1. All applications shall be received on the Application Form (Appendix 1).
- 4.2. No application will be considered until such time as payment of the Application Fee (as detailed in Council's current Fees and Charges) has been paid.
- 4.3. This Policy applies only to Council owned and controlled car parking spaces.
- 4.4. Private use of Public Parking shall only be approved for:
 - a) temporary development construction purposes,
 - b) private maintenance purposes,
 - c) public utility maintenance / construction purposes
 - d) short –term use by government departments for public information purposes eg mobile health checks'
 - e) community group activity purposes use
 - f) use by charitable organisations.
- 4.5. Private use of Public Parking shall not be approved for any ongoing use not listed in 4.4 above. (ie Exclusive use of space to provide parking of vehicle close to business or residential premises).
- 4.6. To limit the impact on the availability of parking spaces for the public, generally, no more than two spaces will be approved at any one time.

5. FEES AND CHARGES

- 5.1. Application Fee – as detailed in Council's Annual Fees and Charges shall be charged for all applications.
- 5.2. Parking Usage Fee, as detailed in Council's Annual Fees and Charges, shall apply in all areas where there are timed parking restrictions. Where pavement marking does not delineate individual parking spaces, a maximum of 6m in kerb length is permitted for parallel parking and 3.4m of kerb for angle parking. Payment of the Car Parking Usage Fee is required in advance of the use of the parking space/s.

If requested, the Parking Usage Fee may be reduced or waived for not for profit organisations.

- 5.3. Signage Installation and Restoration Fee shall apply for all approvals of four weeks or more. This fee is detailed in Council's Annual Fees and Charges shall be charged for each zone installed.

6. PROVISIONS

- 6.1. In areas where there are timed parking restrictions, a Parking Usage Fee will apply for each week (or part thereof) to each parking space approved.
- 6.2. The Parking Usage Fee shall apply for use by Government authorities (except Shoalhaven City Council) and public utilities.

Period of Use

- 6.3. Requests for exclusive use of public car parking spaces for periods of less than four weeks shall be referred to the General Manager (Director, relevant group) for determination.
- 6.4. All approvals for periods of four weeks or more shall require the installation of regulatory Work zone signage to delineate the zone. Accordingly, these requests shall be referred to the Shoalhaven Traffic Committee for consideration.

Delineation of parking space/s

- 6.5. Where approval is granted for a period of less than four weeks, the applicant is to identify the affected space/s by use of traffic cones or bollards together with the approval notice clearly displayed on the dashboard of the approved vehicle. Parking spaces will not be reserved or delineated by any signage.
- 6.6. Where approval is granted for a period of four weeks or more, the applicant is to bear the full cost of installation (and subsequent removal) of 'Work zone' signage as deemed necessary by Shoalhaven Traffic Committee. The Signage Installation and Restoration Fee will be in addition to the Application Fee and Car Parking Usage Fee.

Refund of unused portion of Parking Usage Fee

- 6.7. No portion of the Parking Usage Fee will be refunded for use not required, where the approval is for less than four weeks.
- 6.8. A pro-rata refund of the Parking Usage Fee for periods in excess of four weeks may be provided where:
 - a. the applicant no longer requires the parking spaces, and
 - b. Provides two weeks notice to Council for the removal of the Work zone and the re-instatement of the timed parking restrictions signage.
 - c. the refund will only apply to full weeks of non use (after the two week notification period, or last date of required use – whichever is the latter).

Extension of period

- 6.9. Sequential applications and/or applications for an extension of the agreed period must be submitted 6 weeks prior to the expiry of the current approval period.

Penalty

- 6.10. A penalty shall apply for all unauthorised exclusive use of public parking. The details on this penalty are provided under Section 138 of the Roads Act.

7. INSURANCE

- 7.1. Public Liability insurance in an amount of \$20 million is to be maintained for the period of private use, noting Shoalhaven City Council as an interested party. Written evidence of a current policy is to accompany the application.

8. REPAIRS AND MAINTENANCE TO INFRASTRUCTURE

- 8.1. It is to be the applicant's responsibility to report, repair and / or pay for any damage to Council infrastructure, such as pavement damage, damage to signage or other infrastructure, etc.

9. OTHER MATTERS

Implementation

The Assets and Works Group has the responsibility for implementing this Policy by reviews of requests and reporting to Council for individual determination.

Review

In accordance with S 165 (4) of the Local government Act 1993, this policy will be reviewed within one year of the election of every new Council.

Application of ESD Principles

Social Integrity - the policy aims to minimise the degradation of parking facilities, particularly in areas of high parking demand, while recognising the benefit to the community via:

- a. Development and maintenance of commercial premises within these areas
- b. Provision of ad-hoc community health and other information services via mobile services.



Application for Private use of public car parking spaces

Assets & Works Group

City Administrative Centre Bridge Road, Nowra, NSW, Australia, 2541

Address all correspondence to: The General Manager, PO Box 42, Nowra, NSW, Australia, 2541 | DX 5323 Nowra
council@shoalhaven.nsw.gov.au | www.shoalhaven.nsw.gov.au | Phone: (02) 4429 3111 | Fax: (02) 4422 1816

1 Applicant

Mr / Ms / Mrs/ Other: _____
 Family/Company Name: _____
 First Name: _____
 Flat/ Street No: _____
 Street Name: _____
 Town or Locality: _____
 State: _____ Postcode: _____
 Phone: _____ Mobile: _____
 Email: _____

 Vehicle Registration No.: _____
 Applicant's Reference: _____

2 Location of car parking spaces

Type or parking required: On Street / Car park
 Street Name / Car park Location: _____

 Town or Locality: _____
 Are there current Parking Restrictions? Yes / No
 If Yes: 1P / 2P / 3P / No Parking / No Stopping / Other
 (Circle the current parking restriction signage)
 Other - Details: _____

 No. of Spaces Requested: _____
 Attach a location diagram.

3 Parking Use

Tick appropriate use of car parking
 Construction / Maintenance
 DA Reference: (if applicable) _____
 Government Use
 Community Group / Charity Activity
 This application is for the period:
 from _____
 to _____
 (Date)

4 Public Liability Insurance

Insurance Policy Company: _____

 Policy No.: _____
 Value: _____ Expiry Date: _____
 Please attach a copy of your Certificate of Currency
 noting Shoalhaven City Council as an interested party

5 Declaration

Copy of Insurance Certificate attached
 Location diagram attached
 I/We hereby apply for the Private Use of Public Parking
 as described above.
 Signed: _____
 Date: _____

Privacy Notification: The information will be used solely by Council staff for the purpose mentioned or a directly related purpose. The applicant understands that this information is provided on voluntary basis and they may apply to Council for access or amendment of the information at any time.

This form may be published on Council's website in accordance with Government Information (Public Access) Act 2009

OFFICE USE ONLY

Fee: _____ Receipt: _____ File no.: _____
 Date: _____ Ledger: _____

Form Number: 830	Issue Date: 09/2013
Version Number 1	Next Review date: 09/2015



Advice to Applicant's for Private Use of Public Parking

There is regular demand for the use of public car parking spaces for development construction / maintenance purposes, and / or parking of mobile public health purposes. Requests can apply to on street parking as well as within public car parks.

1. An application fee shall apply to all requests. Payment of the application fee does not guarantee approval of the request.
2. Payment of the application fee is required at the time of lodgement.
3. This application applies only to Council owned and controlled car parking spaces.
4. Council will only permit the use for development /construction purpose or short-term government use e.g - mobile health checks.
5. Requests for periods of four weeks or more require the installation of 'Work Zones' (as defined in Australian Road Rules 2008). Installation of these zone/s require referral to the Shoalhaven Traffic Committee.
6. In addition to the Application Fee the following fees and charges shall apply if the application is approved:
 - a. Parking Usage Fee - as detailed in Council's fees and charges shall apply to each space per week or part thereof, where timed parking restrictions apply.
 - b. Signage Installation/Restoration Fee - as detailed in Council's fees and charges shall apply to each work zone.
7. Sequential applications and/or applications for an extension of the agreed period must be submitted 6 weeks prior to the expiry of the current approval period.
8. It is the applicant's responsibility to report, repair and / or pay for any damage to Council facilities such as pavement damage.
9. Public liability insurance in an amount of \$20 million noting that Shoalhaven City Council is an interested party is to be maintained for the period of private use. Written evidence of a current policy is to be provided prior to the commencement of private use.
10. The applicant shall meet all obligations under the Work Health and Safety Act 2011, and relevant Workcover requirements including appropriate traffic controls