

# Private Use of Public Parking

<b>Adoption Date:</b>	18/12/2007
<b>Amendment Date:</b>	20/1/2009, 22/10/2013, 21/02/2017, 6/06/2022
<b>Minute Number:</b>	MIN07.1801, MIN09.24, MIN13.1042, MIN17.104, MIN22.385
<b>Review Date:</b>	01/12/2024
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/110

## 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 City Services Directorate 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.



Bridge Rd, Nowra NSW 2541 | 02 4429 3111  
 Deering St, Ulladulla NSW 2539 | 02 4429 8999

Address all correspondence to:  
 The Chief Executive Officer, PO Box 42, Nowra NSW 2541 Australia  
 council@shoalhaven.nsw.gov.au | DX5323 Nowra | Fax 02 4422 1816

# Application for Private Use of Public Car Parking Spaces

## Assets and Works

Local Government Act 1993

### Guidance

Use this form to apply for Private Use of Public Car Parking Spaces

Guidance for completing this application can be found within the [Planning, Environment & Development Group HUB](#) located on Council's website.

- The checklist forms part of the application and must be completed.
- All documents submitted with this application must be listed on the [Transmittal Sheet](#).
- The application must be submitted in accordance with the Electronic Lodgement Guidelines.
- To facilitate prompt processing, all relevant information must be provided. Incomplete applications may be delayed or returned

### 1 Applicant details

Company Name (if applicable):

ABN / ACN:

Position:

Mr  Mrs  Ms  Other (specify):

First Name:

Last Name:

Email:

Note: At least one contact phone number must be supplied.

Mobile:

Home:

Business:

Postal Address Shop /Unit / Street No.:

Street Name:

Suburb / Town / Village / Locality:

State:

Postcode:

### Office use only

Related Policies: Legislative requirement

Issue Date: 1/12/2019

Review Date: 1/12/2020

Owned by (section): Assets and Works



F O R M 8 3 0

<b>2 Application Type</b>	
<input type="checkbox"/> Construction / maintenance	<input type="checkbox"/> Community group / Charity activity
<input type="checkbox"/> Government agency, utility or telecommunications service provider use (e.g. Telstra)	
<input type="checkbox"/> Private parking	<input type="checkbox"/> Other, specify:
This application is for the period inclusive from (insert date): _____ to (insert date): _____	
DA Number (if applicable): _____	
Applicant's reference number (if required): _____	
Vehicle registration numbers (if known): _____	
<b>3 Location of car parking spaces and vehicle details</b>	
Street name / car park location: _____	
Suburb: _____	Postcode: _____
Nearest cross street: _____	
Do parking restrictions apply to the site ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, <input type="checkbox"/> 1P <input type="checkbox"/> 2P <input type="checkbox"/> 3P <input type="checkbox"/> No parking <input type="checkbox"/> No stopping <input type="checkbox"/> Other: _____	
Number of spaces requested: _____	
<b>4 Public Liability Insurance</b>	
Insurance Company: _____	
Policy Number: _____	
Value: _____	
Expiry date: _____	
Notes: 1. The policy must have a minimum value of \$20 million. 2. Shoalhaven City Council must be noted on the Certificate of Currency as an interested party.	
<b>5 Checklist</b>	
The following documents are required to support your application.	
	<b>Supplied</b>
Location Diagram	<input type="checkbox"/>
Certificate of Currency	<input type="checkbox"/>
<b>6 Applicant's declaration</b>	
<p>I apply for private use of public parking.</p> <p>I declare that all the information relating to this application and identified on any associated plans or documents is, to the best of my knowledge, true and correct;</p> <p>I understand that if there is insufficient information or documentation provided at lodgement, the application may be delayed, rejected or may result in a request for additional information;</p> <p>I acknowledge that these documents may be made available to the public; appear on a public register; and/or appear on Council's website as required by law and in accordance with relevant Council policies. The land owner has been advised accordingly.</p>	

Applicant signature:

Date:

### Important information

#### Public Access to information

Pursuant to the *Government Information (Public Access) Act 2009* (GIPA Act) Council is required to make certain information publicly available, including by way of publication on public registers and on its website. Information submitted on and with this form may be made available to the public, unless there is an overriding public interest against disclosure of this information. Council is obliged to make information available on its website excluding the following:

- the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected; or
- commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

#### Privacy

The personal information that Council is collecting from you on submission of this form is personal information for the purposes of the *Privacy Act 1998*. The intended recipients of the personal information are officers within the Council and third parties for the purpose of assessing the application as well as any person wishing to inspect the application in accordance with the *Local Government Act 1993* or the GIPA Act. The personal information may also be included on a public register and displayed on Council's website. The supply of personal information by you is voluntary. However, if you cannot provide or do not wish to provide the information required, Council will be unable to process your application. You may make application for access to, or amendment of, information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the relevant legislation. Enquiries concerning this matter can be addressed to Council by telephoning (02) 4429 3111

### Lodgement details

You can lodge the completed application by

**Email:** [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) or

**In person:** Council offices at Bridge Rd, Nowra or Deering St, Ulladulla.

For further information: Contact Assets and Works on (02) 4429 3625.