



Private Parking Areas Act - Private Parking Agreements

Policy Type:	Policy		
Approved By:	Council	Decision No:	2012/1260, 2014/0050, 2017/1730, 0097/2019, 0849/2021
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Department:	City Development	Division:	Environmental Health & Safety
Function:	20 - Traffic	Responsible Officer:	Manager, Environmental Health & Safety

A - PREAMBLE

1. The Private Parking Areas Act 1986 regulates, restricts or prohibits the use by the public of private access roads, private walkways, and private parking areas, and makes special provision for the enforcement of provisions relating to private parking areas.

B - SCOPE

1. This Policy applies to Private Parking Areas that are within the City of Salisbury
2. This Policy applies to all Private Parking Areas that are within the City of Salisbury that are subject to a Private Parking Agreement

C – POLICY PURPOSE/OBJECTIVES

1. The objectives of this policy are to:
 - a. Ensure that Private Parking Area Agreements give consideration to the broader community benefit of managing car parking, so as to assist in achieving strategic objectives associated with equitable and accessible car parking within City Centre Precincts and the areas surrounding the private car parking area.
 - b. Establish and clarify the role and obligations of both Council and the owners of Private Parking Areas when applying for an agreement and when an agreement has been entered into.
 - c. Clarify the enforcement responsibilities of both Council and non-council authorised staff in relation to Private Parking Areas.
 - d. Ensure that the enforcement of Private Parking Areas is undertaken in line with the enforcement principles as established in Councils enforcement policy

D - DEFINITIONS

The 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* and includes a member of the police force;

council means a council as defined in the *Local Government Act 1999*;

council area means the area in relation to which a council is constituted;

owner, in relation to land, means—

- (a) the holder of an estate in fee simple in that land;
- (b) where the land is subject to a registered estate or interest conferring a right to possession—the proprietor of that estate or interest;
- (c) where the land consists of a registered easement or right of way—the proprietor of the easement or right of way;
- (d) where the land is not alienated from the Crown—the Minister or instrumentality of the Crown that has the care, control and management of the land,

private parking area means an area—

- (a) provided on land by the owner for the parking of vehicles used by persons frequenting premises of the owner; and
- (b) marked by a notice denoting it as a private parking area,

(and an area is capable of constituting a private parking area notwithstanding that certain parts of that area are no standing areas);

Enforcement policy means City of Salisbury Enforcement Policy as approved by the City of Salisbury

Non-council authorised officer means a person who is not an employee of Council, but is nominated by the owner of the Private Parking Area to be an authorised person for the purposes of enforcing the provisions of the Private Parking Area Act as it relates to their private parking area. The non-council authorised officers are required to be authorised by the City of Salisbury under the *Local Government Act 1999*.

E - POLICY STATEMENT

Restrictions

1. Under Part 3 of the Act the owner of a private parking area may by a notice or notices exhibited at or near each entrance to the private parking area impose time limits on the parking of vehicles in the private parking area.
2. The owner of a private parking area may set aside any part of the private parking area as—
 - a. a disabled persons parking area (accessible car parking spaces);
 - b. a loading area;
 - c. a no standing area;
 - d. a restricted parking area;
 - e. a permit parking area.
3. The owner of a private parking area must also comply with the requirements of the Building Code of Australia and Disability Discrimination Act in relation to accessible car parking spaces.

Application for Agreement

4. The owner of a private parking area and the Council for the area in which the private parking area is situated may make an agreement for the enforcement of the provisions of Part 3 of the Act in relation to that private parking area by council authorised staff.
5. An application for an agreement shall be made to Council in the manner specified by Council on the Application form and may include a fee for the application as determined by Council.
6. The application shall include information that will enable Council to make an informed decision on the need for an agreement and the benefits of an agreement to the owner of the private parking area and to the community, including, (but not limited to) the following:
 - a. Reason for application (including the need and benefits to be provided from the agreement)
 - b. Total number of parking spaces and number of parking spaces for people with disabilities
 - c. Time limit(s) proposed
 - d. Number of permit zones proposed and type of permit zones proposed
 - e. Other restrictions: eg Loading zones, no standing, or restricted parking
 - f. Number of spaces not subject to restrictions (for staff and other)
7. As part of the application, the applicant may be required to undertake further assessment of car parking usage and demand in the applicants parking area and in proximity to the Private Parking Area and consideration of adjoining private and public parking capacity and demand, along with traffic movements.

Enforcement

8. Enforcement of the Private Parking Areas Act agreement shall only be carried out by authorised officers.
9. Council authorised officers shall undertake enforcement at times and frequencies to be determined by Council. Enforcement shall be subject to staff availability and other priorities at the time.
10. Enforcement action will be undertaken to ensure that private parking areas are;
 - a. Effectively managed to ensure compliance with the Private Parking Areas Act (giving consideration to point 10 below)
 - b. Utilised by the intended users of the parking area, namely shoppers, employees and other members of the community as identified
11. Enforcement action will give consideration to Council's Enforcement Policy, including, (but not limited to) the following:
 - a. the car park capacity at the time of the patrol (are there sufficient vacancies at the time of the patrol)
 - b. Car parks with 50 or more spaces, that have approximately 25% vacancy throughout the day or at the time of the patrol should not warrant enforcement action, unless the area is a;
 - i. no standing or loading zone,
 - ii. Disabled persons parking area, or
 - iii. permit parking area
 - c. Adequate notification and information has been provided to staff to utilise the appropriate areas
 - d. Adequate notification and information has been provided to the general community to utilise the appropriate areas
12. Non-Council authorised officers shall apply the above principles to enforcement.

Non-Council Authorised Officers

13. Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action.

14. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties.
15. Officers will be issued with an authority card and identification.
16. Officers are required to show their authorisations on demand.
17. Non-Council authorised officers that are deemed to require further training shall be required to attend additional training as required by Council or the relevant Council staff.
18. Non-Council authorised officers that are deemed to be issuing expiations that are not in accordance with the enforcement principles above shall have their authorisations revoked and any expiation issued will be subject to review.
19. Any requirements for further training may include a fee as determined by Council.

Agreements

20. An application for an agreement and the provision of all relevant information does not bind Council into entering into an agreement.
21. Council reserves the right to reject applications and or offer alternative parking restrictions for consideration.

F - LEGISLATION

1. Private Parking Areas Act 1986
2. Private Parking Areas Regulations 2014
3. Expiation of Offences Act 1996
4. Building Code of Australia
5. Disability Discrimination Act

G - REFERENCES

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H - ASSOCIATED PROCEDURES

1. Private Parking Areas Act Application Form
2. Private Parking Areas Act Agreement
3. Authorised Officers Awareness Training – Local Government Act 1999

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