

# Private Parking Area (Policing) Policy



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Record number	D19/54927
Responsible Manager	Manager Community Safety
Other key internal stakeholders	Manager Community & Cultural Development
Last reviewed	16 October 2019
Adoption reference	Policy and Strategic Development Committee
Resolution number	45
Previous review dates	15/02/17, 13/08/2013, 08/06/10, 13/03/07, 25/02/03, 13/03/01
Legal requirement	
Due date next review	2022

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## PURPOSE

The purpose of this policy is to state Council's position in regards to the policing of Private Parking Areas within the City of Tea Tree Gully and to outline the minimum conditions in which Council will assist with such duties.

## POLICY

Council recognises that section 7 of the Local Government Act 1999 is one of the legally required functions of Council to promote the development of business, commerce, industry and tourism.

Council notes that its Strategic Plan provides the direction that Council should support its local economy by supporting business within its community.

By supporting private parking agreements, Council supports its business community by ensuring that car parking spaces are maximised for those that shop in the relevant centres.

This is achieved by Council policing (but not limited to):

- Disability parking
- Cars being parked across multiple parking spaces
- Time limits for parking in accordance with signage in Private Parking Areas including shopping centres etc.
- Cars being parked outside of dedicated spaces thus causing hazards or interruptions to public safety and smooth traffic flows
- General orderly parking.

Subject to workloads and availability of relevant employees, Council may provide services in relation to policing of the Private Parking Areas Act 1986 at car parks within the area, subject to the following conditions:

- That the owners of the private property or the owners agent have requested, in writing, Council to police parking on their property
- An appropriate written agreement has been entered into detailing precisely the responsibilities of both parties
- The owner of the private property install and maintain the necessary signs and line marking in accordance with the Code established under regulation 15 of the Private Parking Areas Regulations 2001
- Council is responsible for issuing expiation notices and the recovery / retention of any recoverable debt
- The appropriate delegations and authorisation are in place in order to enact any private parking agreement
- The property owner is to be responsible for the management of any Permit Parking arrangements
- The patrolling of the Private Parking Area doesn't expose Council or its employees to any unreasonable risk that can't easily be addressed
- The Private Parking Area is deemed large enough to be viable or the owner pays Council a fee for service as negotiated between Council and the owner
- Any other reasonable requirement deemed necessary by the CEO of the City of Tea Tree Gully.

In accordance with section 9 of the Private Parking Areas Act 1986, any agreement entered into by Council will set out the frequency that Council officers will inspect the relevant parking area.

Council will maintain a Register of its Private Parking Agreements and this Register will include:

- Name of property owner
- Address of property
- Date of agreement
- Expiry date of agreement
- Details (name and contact information) of the property owner's representative(s).

## LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this policy:

### [Expiation of Offences Act 1996](#)

Section 5(1) provides for certain offences to be expiated. Expiations must be issued in accordance with this act.

### [Local Government Act 1999](#)

Section 7(g) states that a function of a council is to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism.

### [Private Parking Areas Act 1986](#)

This act makes special provisions for the enforcement of provisions relating to Private Parking Areas. The Act allows Council to enter into agreement to enable Council to enforce parking conditions on private land.

### [Private Parking Areas Regulations 2001](#)

Regulation 15 allows the Minister to establish a Code to regulate the signage used for the purpose of s 7 of the *Private Parking Areas Act 1986*.

### [Code under the regulations](#)

On 2 October 2003 the Code as required by the regulations was established (This [Code](#) is available in the Government Gazette, no.94 2003, p.3688 on the South Australian Government Gazette website: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au))

## Other references

Council's document including:

- [Annual Business Plan](#)
- [Fees and Charges Register](#)
- [Strategic Plan 2020](#)

## STRATEGIC PLAN/POLICY

### Strategic Plan

Theme	Objective	Comments
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HEALTHY AND  
SAFE

*A community where people are safe in our public places and spaces.*

*A community where people have easy access to places, spaces and services that support good health.*

Our community is healthy and safe

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## Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this report are: People and Leadership; Customers and community relations; Governance; Finance and systems, Continuous improvement

## DEFINITIONS

For the purposes of this policy the following definitions apply:

### CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

### Code

The notices, signs, road markings and other devices established by the Minister under regulation 15 of the Private Parking Areas Regulations 2001.

### Private Parking Area

As per the Private Parking Areas Act 1986 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)

## POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

## ACCESSIBILITY

This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.cttg.sa.gov.au](http://www.cttg.sa.gov.au)

Hard copies, for a fee, can be provided in accordance with Council's Fees and Charges Register at Council's Civic Centre at 571 Montague Road, Modbury SA 5092.