

ORDINARY COUNCIL

LATE REPORTS

Wednesday 12 December 2018

Ordinary Council Meeting

Wednesday, 12 December 2018

Items of Business

Item	Subject	Page
12.15	NSW PARKING FINES CONCESSION SCHEME	
	Attachment : Letter from the NSW Treasurer re Parking Fine Concessions	4

4 Your Natural and Built Environment

12/12/2018

What we are trying to achieve

A connected, sustainable, accessible community and environment that is protected now and into the future.

What the result will be

We will have:

- Effective management and maintenance of essential water, waste and sewer infrastructure
- A community that is prepared for natural events and climate change
- Sustainable and environmentally sensitive development outcomes that consider the impact on the natural environment
- Accessible transport network for our communities
- Infrastructure provision and maintenance that meets community expectations and needs
- Well planned communities that are linked to encourage and manage growth
- Accessible and protected waterways, foreshores, beaches and bushlands
- An environment that is protected and conserved for future generations
- Renewable energy options that are understood and accessible by the community

How we will get there

- 4.1 Provide (appropriate) infrastructure and services including water cycle management, waste management, and sewer management
- 4.2 Aim to minimise the impact of natural events and climate change, for example, floods, bushfires and coastal erosion
- 4.3 Facilitate development that is compatible with the natural and built environment
- 4.4 Plan for integrated transport systems that help people get around and link our communities
- 4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area
- 4.6 Restore and protect natural areas
- 4.7 Provide leadership in the development of renewable energy opportunities
- 4.8 Increase awareness of issues affecting our environment, including the preservation of flora and fauna



The Hon Dominic Perrottet MP
Treasurer and Minister for Industrial Relations

Clr Peta Pinson
Mayor
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Dear Mayor,

ACT NOW TO TAKE ADVANTAGE OF PARKING FINE CONCESSIONS FOR YOUR CONSTITUENTS

In June this year the NSW Government announced plans to make parking fines fairer for residents across the state.

Parking fines play an important role in maintaining order and safety on our streets. But the penalty should not be out of proportion to the offence. At present, parking fines in NSW are much higher than in many cities in Australia and overseas, including Melbourne, Brisbane, London, and New York.

So we are taking action.

As a first step we reduced a range of State Government issued parking fines by 25 per cent.

Many Councils have noted they have no power to reduce parking fine amounts, which are set at a \$112 minimum under State legislation, and the Government has committed to providing Councils the freedom and flexibility to reduce their parking fines too.

Following broad consultation which revealed overwhelming support from the community for fine reductions, I am pleased to advise that the Government has now made the regulatory changes necessary for Councils to reduce their fines.

What are the changes?

Under the new framework, Councils can reduce their fines from \$112 to \$80. These concessions do not apply automatically. To make this change Councils must opt in, by advising me in writing by 1 January 2019. You can do this by completing the slip enclosed.

Councils that opt in by 1 January 2019 to reduce their fines will be recorded in the relevant regulation, which will be published on the NSW Government Legislation website, and will be able to charge lower fine amounts from 1 March 2019. A list of Councils who have opted in will be made public after 1 January 2019.

If you do not opt in by 1 January 2019, you will have further opportunities to opt in at later points in the next year, but the benefits to your constituents will be delayed.

The current arrangements for parking fines to be indexed annually will continue.

Grace Period

As well as reducing fines, I am pleased to advise that the Government will introduce a 10 minute grace period for paid parking of more than one hour, commencing on 31 January 2019.

The new grace period, which has also received overwhelming public support, will apply to all fining authorities, including Councils, and will be subject to certain exceptions in the interests of safety and preventing congestion (such as at the commencement of a clearway zone).

You should advise your parking inspectors of the grace period by 1 January 2019, as the grace period is required to be implemented by all parking issuing authorities from 31 January 2019.

More information about the changes to parking fines can be found in the enclosed attachments, and online at nswfinesreview.com.au. If you have any questions about the changes, please contact Claudia Solomon at NSW Treasury on 02 9228 4774 or FinesReview@treasury.nsw.gov.au.

The NSW Government's reforms to fines will make NSW a fairer place for the people who live and work here, and will reduce the financial burden on citizens across the state.

While Councils have previously been unable to reduce parking fines, there is now an opportunity to do the right thing by constituents and opt in to the new regulations.

I strongly encourage you to fill in the slip provided and return to me by 1 January 2019 so we can put the changes into effect as soon as possible.

Yours sincerely,



Dominic Perrottet MP
Treasurer
Minister for Industrial Relations

Attached:

Return Slip to Opt In to Lower Parking Fines

Attachment A – Administrative Arrangements to be listed in Schedule 5A

Attachment B – Parking offences

Attachment C – Grace period for certain parking offences

cc: General Manager of your Council

FILL IN THIS SLIP AND RETURN BY 1 JANUARY 2019

Yes, my council has agreed to opt in to charge lower parking fine amounts of \$80 instead of \$112, indexed annually as per current practices.

I understand that by advising you before 1 January 2019, the changes will take effect from 1 March 2019.

Name of Mayor _____

Name of Council: _____

Date of Council decision/resolution: _____

Signature: _____

Date: _____

RETURN TO:

The Hon. Dominic Perrottet MP
Treasurer
GPO Box 5341
SYDNEY NSW 2001

Or

office@perrottet.minister.nsw.gov.au

Administrative Arrangements to be listed in Schedule 5A**Attachment A**

As per clause 123B (2) of the Road Transport (General) Amendment (Parking Fine Flexibility and Grace Period) Regulation 2018, Councils must advise the Treasurer in writing if they wish to opt in to charge \$80 instead of \$112 for penalty notices issued by its enforcement officers in relation the relevant offences.

Those Councils who opt in will then be listed in Schedule 5A as a Council which has opted in to the lower fines. If a Council has not opted in, then they will not be listed in Schedule 5A and the higher penalty of \$112 will continue to apply.

Note that the current indexation arrangements for parking fines will continue. Thus, as annual indexation occurs, the reduction in parking fines will be from, for example, \$114 to \$82 in 2019-20 (compared with \$112 to \$80 in 2018-19).

Arrangements to opt in to Schedule 5A

Due date for written advice to Treasurer to opt in:	Implementation date for opt in:
For 2019	For 2019
1 January 2019	1 March 2019
1 April 2019	1 June 2019
1 July 2019	1 September 2019
1 October 2019	1 December 2019
From then on annually	From then on annually
1 April 2020	1 July 2020
1 April 2021	1 July 2021

Arrangements to opt out of Schedule 5A

Due date for written advice to Treasurer to opt out:	Implementation date for opt out:
On an annual basis	On an annual basis
1 April 2020	1 July 2020
1 April 2021	1 July 2021

Note that the lead time between opting in and the implementation date reflects the time needed for the NSW government to make system changes, along with the time needed for both NSW government and Councils to update relevant manuals for parking issuing authorities.

Parking Offences**Attachment B**

The NSW government reduced ten level 2 parking offence amounts from 1 July 2018 (excluding those offences which might impact road safety), when issued by NSW Government authorities. The Government will reduce a further 42 level 2 parking offences with effect from 1 January 2019.

When Councils choose to opt in to charge lower parking fines for the initial ten level 2 parking offences from 1 July 2018, they will be also opting in to charge \$80 instead of \$112 for the additional 42 level 2 parking fines from 1 January 2019.

Currently Reduced Parking Fine Offences

Item	Law	Description
	ROAD RULES 2014	
1	Rule 168-1 (1)	Stop/park in restricted parking area
2	Rule 205	Park continuously for longer than permitted
3	Rule 207-1 (6)	Park without paying meter fee
4	Rule 207-1 (11)	Park after meter expired
5	Rule 207-3 (1)	Park without current ticket displayed
6	Rule 207-3 (4)	Park after ticket expired
7	Rule 179-1 (1)	Park without current loading zone ticket
8	Rule 179-1 (5)	Park after loading zone ticket expired
	LOCAL GOV'T ACT 1993	
9	Sec 650 (1)	Stand vehicle in area longer than allowed
10	Sec 650 (4)(a)	Not stand vehicle in marked parking space

Further Reduced Parking Fine Offences

Item	Law	Description
	ROAD RULES 2014	
		ANGLE PARKING
11	Rule 210 (1)	Not park at 90° angle
120	Rule 210 (1)	Not park at 45° angle
13	Rule 210 (1)	Not park as on parking control sign/road marking
14	Rule 210 (1)	Not position vehicle correctly - front/rear (90° angle parking)
15	Rule 210 (1)	Not position rear of vehicle correctly (45° angle parking)
		PARKING BAYS
16	Rule 211 (2)	Not park wholly within parking bay
17	Rule 211 (3)	Use more parking bays than necessary
		MINIBUS ZONE
18	Rule 184 (1)	Stop in minibus zone (other)
		METER PARKING

19	Rule 207-1 (1)	Park outside metered space
20	Rule 207-1 (12)	Park for longer than allowed by metered signs
21	Rule 207-2 (a)	Park in occupied metered space
22	Rule 207-2 (b)	Park across markings of metered space
		TICKET PARKING
23	Rule 207-3 (5)	Park for longer than allowed by ticket signs
24	Rule 207-4 (a)	Park in occupied ticket space
25	Rule 207-4 (b)	Park across marking of ticket space
		COUPON PARKING
26	Rule 207-5 (1)	Park without current coupon
27	Rule 207-5 (4)	Display more than 3 coupons at a time
28	Rule 207-5 (5)	Park after coupon expired
29	Rule 207-5 (6)	Park for longer than allowed by coupon signs
30	Rule 207-6 (a)	Park in occupied coupon space
31	Rule 207-6 (b)	Park across markings of coupon space
32	Rule 207-7	Park in pay parking area or space that is closed
		PARKING IN PHONE PARKING AREAS/SPACES
33	Rule 207-8 (1)	Park in phone parking area not pay parking fee as prescribed
34	Rule 207-8 (4)	Remain parked in phone parking area paid period expired
35	Rule 207-8 (5)	Remain parked in phone parking area beyond permissible
36	Rule 207-9 (1)(a)	Park in phone parking space while other vehicle in space
37	Rule 207-9 (1)(b)	Park in phone parking space not wholly inside markings
		TICKET LOADING ZONE
38	Rule 179-1 (4)	Display more than one loading zone ticket
39	Rule 179-1 (6)	Replace expired loading zone ticket
40	Rule 179-1 (7)	Park in discontinued ticket loading zone
	LOCAL GOV'T ACT 1993	PARKING
41	Sec 650 (1)	Stand vehicle in area other than time permitted
42	Sec 650 (4)(b)	Stand vehicle in occupied marked parking space
43	Sec 650 (4)(c)	Not stand vehicle wholly in marked parking space
44	Sec 650 (5)	Fail to comply with parking direction
45	Sec 650 (5)	Fail to comply with vehicle movement direction
46	650A (1)	Park vehicle in strata parking area etc contrary to sign
47	650A (1)	Park vehicle strata parking area etc not at times permitted
48	650A (1)	Park vehicle strata parking area etc not for time permitted
49	650A (4)(a)	Park vehicle not in marked parking space
50	650A (4)(b)	Park vehicle in marked parking space with other vehicle
51	650A (4)(c)	Park vehicle not wholly in marked parking space
52	650A (5)	Not comply with direction regarding parking or movement of vehicle

Grace period for certain parking offences**Attachment C**

A grace period of ten minutes will apply to paid parking of least one hour, where a coupon or ticket is purchased for the hour immediately before the grace period commences, from 31 January 2019.

To avoid adverse impacts on road safety or congestion, the grace period will not be available in the following circumstances:

(1) shared zones within the meaning of the *Road Rules 2014*; and

(2) where a prescribed parking control sign applies to the same length of road or area as that in which the relevant vehicle is parked for a:

- bus lane
- transit lane
- no stopping
- clearway
- loading zone
- bus zone
- mail zone
- special event parking.

It should be noted that the grace period does not apply to free parking, or where paid parking is at a meter (due to the additional complexity of determining whether a full hour of paid parking occurred before the meter expired).