

Installation of Parking Restrictions

- Delegation to Councils

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1. Introduction

Authority for approving parking restrictions can be delegated to Council officers. Experience has shown that Councils are able to quickly and effectively regulate parking and respond to the desires of ratepayers with respect to parking.

This document describes the powers that can be delegated to Council officers. It also provides some technical advice on the use of parking restrictions and identifies sources for further information.

2. Legislative background

The Traffic Act 1925, Sections 49 and 59, empowers the Transport Commission to approve traffic control devices on all Tasmanian roads – State roads and Council roads.

The Transport Act 1981, Section 10, allows the powers of the Transport Commission to be delegated. Delegations are made to a specific individual, not an organisation or a position in an organisation. This means that the delegation needs to be reissued when there are staff changes.

Authority for approving all traffic control devices on Tasmanian roads has been delegated to the Director of Traffic and Infrastructure, Department of Infrastructure, Energy and Resources (DIER). Authority for approving parking controls can be delegated to Council officers.

3. Delegations to Council officers

Council officers can be empowered by an 'Instrument of Delegation' that is subject to the following conditions:

- The delegation only applies to public streets within that particular Council area and excludes State maintained roads where the speed limit is 70 km/h or greater.
- The delegation only relates to parking controls, that is, all of the devices described in Australian Standard AS 1742.11, Manual of uniform traffic control devices, Part 11: Parking controls (1999).
- The Transport Commission retains the power to direct Council officers to arrange for the installation, modification or removal of parking controls.
- Councils must keep records detailing the parking controls that they have approved.
- Councils are responsible for the supply and maintenance of any signs, poles, fittings and markings related to parking controls for which they have authority.

4. Parking restrictions

4.1 Guiding principles

Demand for on-street parking in urban areas can exceed supply, and can be managed through the installation of parking restrictions. The general priorities in sharing the limited road space available are as follows:

- Safety of road users should be given priority – parked cars can obstruct visibility of other road users and obstruct traffic lanes.
- Bus stops, taxi stands and parking for people with disabilities should be provided where necessary to assist road users with limited transport options.
- Loading zones should be provided where there is regular demand for the loading and unloading of goods.
- In commercial areas, parking for customers and clients should take priority. The most sought after parking spaces should be made available to the greatest number of people by the graduated use of time limits. An appropriate time limit generally results in some spaces being available at any given time. Parking charges can be introduced where demand is particularly high.
- In residential areas, preference may be given to local residents by the installation of resident parking permit schemes. Guidance on resident parking permit schemes is contained in Appendix A.
- Along arterial roads, peak period parking restrictions can be installed to improve traffic flow. Where these restrictions extend for several blocks they are known as clearways.

4.2 Regulatory control

Parking restrictions operate in the following ways:

- By regulation – the Road Rules 2009 prohibit the stopping of vehicles in certain locations, for example within 20 metres of an intersection with traffic signals.
- By signs – either linear or area parking control signs. Where necessary linear parking control signs can be used to override statutory requirements.
- By pavement markings – a yellow line along the edge of the road means no stopping at any time.

5. Sources of technical advice

Detailed technical advice on the use of parking restrictions is contained in:

- Austroads Guide to Traffic Management, Part 11: Parking (2008)
- Australian Standard AS 1742.11, Manual of uniform traffic control devices, Part 11: Parking controls (1999)
- Australian Standard AS 2890.5, Parking facilities, Part 5: On-street parking (1993)
- Appendix A – Guidelines for Resident Parking Permit Schemes

Representatives from DIER attend regular traffic meetings with Councils, and any queries regarding the use of parking restrictions can be discussed at these forums.

Appendix A – Guidelines for Resident Parking Permit schemes

A.1 Introduction

In residential areas close to city centres, shopping centres and tertiary education facilities demand for on-street parking can exceed supply. Where the residential properties do not have off-street parking available, preference may be given to local residents by the installation of a Resident Parking Permit scheme.

Councils are responsible for the assessment, implementation and review of Resident Parking Permit schemes.

A.2 Objectives

The objectives of a Resident Parking Permit scheme are:

- To give local residents with no off-street parking a reasonable likelihood of parking an eligible vehicle in reasonable proximity to their home.
- In certain specific circumstances, to confer the same privilege on visitors to local residences.
- To achieve a sensible balance between the desires of local residents and other users for on-street parking, in order to achieve a high level of utilisation.

Generally, it will not be practical for the scheme to provide residents with parking directly outside their home. In some cases more permits may be issued in a street than there are spaces available. Having a permit does not guarantee a parking space.

Removal of non-resident parking should not be an objective in itself.

A.3 Operation of schemes

Resident Parking Permit schemes generally involve the introduction of time limited parking (normally 2 hour parking restrictions). Local residents with no off-street parking can apply for a permit that allows them to park an eligible vehicle for longer than the signposted time.

A 'Resident Parking Permit Area #' panel should be displayed beneath the time limited parking sign to assist residents in finding streets within the same scheme if their own street is fully parked, and to assist enforcement officers.

Residents are not exempt from any parking restrictions that have a time limit of less than 1 hour.

A.4 Assessment of proposed schemes

When assessing the introduction of a new Resident Parking Permit scheme, Councils should consider:

- the extent of the area to be treated;
- the number of properties with no off-street parking;
- the number of on-street parking spaces available; and
- the current level of utilisation.

A questionnaire survey of residents within the area of the proposed scheme should be conducted to assess their support for the change.

A.5 Implementation of schemes

Councils with Resident Parking Permit schemes are responsible for:

- supply and maintenance of any signs, poles and fittings;
- management and issue of permits;
- enforcement of the scheme; and
- collection of any fees and penalties.

A.6 Review of schemes

As discussed above, the objective of a Resident Parking Permit scheme is to give local residents with no off-street parking preferential access to the available on-street parking. It is not an objective to remove all non-residential parking.

The success of a scheme can be evaluated by surveying the number of unoccupied spaces at various times of the day. A good scheme will achieve a high level of utilisation of the available on-street parking.

A.7 Scheme administration

Councils are responsible for the administration of Resident Parking Permit schemes, including setting eligibility criteria, application processes and fees.

Some Councils have been using the following eligibility criteria:

- (i) To obtain a Resident Parking Permit for a vehicle, a person must establish that they are a resident of the street or area (or are an eligible visitor, as described below), that the vehicle belongs to that person (for example, is registered at the same address, normally driven by the person or currently driven by that person) and that there is no off-street parking space available for the vehicle, as set out below.
- (ii) A permanent or full permit may be issued once a person's residential status at an address in the street or area is established to the satisfaction of Council, for example, by a name and address on a driver licence, tenancy agreement or electoral roll.
- (iii) A temporary permit, valid for one month, may be issued when the requirements of (ii) are not met, but:
 - (a) a person is a resident, and can show prima facie evidence of the fact, such as mail addressed to them; or
 - (b) the person is a visitor who is residing at the address or is a person carrying out construction or maintenance work on the residence (but not using the address as a place of business). In these cases, application must be made on their behalf by a permanent resident at the address who meets the requirements of (ii) above.
- (iv) A transferable permit may be issued to a housebound person whose carer or visitor is required to stay for longer than the parking time limit or to the owner of a small guest house, for use by visitors, so long as the on-site parking space has been maximised.
- (v) Except for the case in (iv) above, each permit will be for a nominated vehicle. Caravans, trailers and vehicles longer than 6 metres (including any trailer or attachment) are not eligible for a permit. Vehicles that are not registered or not driveable are not eligible for a permit.

- (vi) A permit may be issued for any eligible vehicle, for which there is no provision for off-street parking. For each dwelling, a parking space may be considered to be provided even where it cannot be accessed without moving other vehicles.
- (vii) Where the nominated vehicle is a company vehicle and is usually parked at the address overnight, a statement of circumstances is to be supplied by the resident.

Permits should be fixed to the windscreen near the registration label. The permit should include: the vehicle registration, the authorised area, the permit number and the expiry date. The permit should be designed to be easily recognisable by parking enforcement officers.

It should be noted that a permit only applies in the authorised area. It does not apply to other Resident Parking Permit areas.