

10.16.Parking Meters Fees - response to Council Resolution

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ATTACHMENTS	1. CONFIDENTIAL - Legal Advice in relation to parking service fees [10.16.1 - 4 pages]
CSP LINK	2. Our Built Infrastructure 2.4 Efficient traffic mobility and parking

PURPOSE:

This report responds to a resolution of the Council meeting held 12 May 2025 in relation to on-street parking meters.

EXECUTIVE SUMMARY:

- At its meeting of 12 May 2025, Council resolved that staff report back to Council regarding the legality of fee collection via Council's on-street parking meters, following matters raised by a member of the public.
- Council has received legal advice which advises that Council's pay parking network is compliant with the relevant mandatory provisions of Road Transport (General) Regulation 2021 (NSW) (Regs) and Transport for NSW's (TfNSW) Pay Parking and Controlled Loading Zone Guidelines (Guidelines).

RECOMMENDATION:

1. THAT the meeting be closed to public in accordance with the Local Government Act 1993 Section 10A (2):

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege and because consideration of the matter in open Council would be, on balance, contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the community.

2. THAT Council notes the contents of the report and the attached legal advice in relation to legality of fee collection and compliance of Council's on-street metered parking network.

3. THAT the confidential report and related attachments be treated as confidential and remain confidential unless Council resolves otherwise.

Background

At its meeting on the 12 May 2025 Council resolved as follows:

- 1. THAT Council notes the proposed changes to the Pay Parking and Controlled Loading Zone Guidelines (PPCLZG), expected to be released mid-2025, which will require Council to absorb the service fee of 8.25% currently charged directly to users.*
- 2. THAT Council incorporates the additional cost into the 2025/26 budget through the September 2025 Quarterly budget review process.*
- 3. THAT the Draft Fees and Charges for 2025/26 as outlined in this report be endorsed and placed on public exhibition for 28 days.*
- 4. THAT a further report be prepared for Council's consideration after the submissions period to facilitate adoption of the Fees and Charges Schedule 2025/26.*
- 5. THAT Council staff produce a report on the matters raised by the Speaker regarding the legality of fee collection.*

This report responds to item 5 of the above Resolution.

The Speaker referenced in the resolution raised a question in relation to Council's compliance with Section 93(3) and 96(1) of the Road Transport (General) Regulation 2021.

Report

In accordance with the Council Resolution, staff have sought legal advice in relation to Council's compliance with the relevant provisions of the Road Transport (General) Regulation 2021 (NSW) (Regs), and TfNSW's Pay Parking and Controlled Loading Zone Guidelines (Guidelines).

The advice notes that: Council's pay parking network is compliant with the relevant mandatory provisions of the Road Transport (General) Regulation 2021 (NSW) (Regs) and TfNSW's Pay Parking and Controlled Loading Zone Guidelines (Guidelines).

A complete copy of the legal advice is attached to this report.

Consultation requirements

No community engagement has occurred to inform the recommendations of this report.

Financial/Resource Implications

There are no financial implications for Council in accepting the recommendations of this report.

Legislation

- NSW Road Transport (General) Regulation 2021
- Pay Parking and Controlled Loading Zone Guidelines 2021