INSTRUMENT OF EXEMPTION FROM RULES 205 AND 207
OF THE AUSTRALIAN ROAD RULES

PARK ADELAIDE SMART DEVICE APPLICATION EXTEND STAY USERS

ROAD TRAFFIC ACT 1961 (Section 174C)

I, **Mark Goldstone, Chief Executive Officer of the Corporation of the City of Adelaide**, delegate of the Corporation of the City of Adelaide (**Council**) hereby:

A.   Exempt persons of the below specified class from compliance with Rules 205 and 207 of the *Australian Road Rules* in accordance with Section 174C(1) of the *Road Traffic Act 1961* and Regulation 63 of the *Road Traffic (Miscellaneous) Regulations 2014*:

Extend Stay Users

Users of Council's Park Adelaide smart device application (**the App**) who (from time-to-time):

- submit an application for an 'Extend Stay' using the App;

- pay the fee set by Council (or a delegate of Council) from time to time for the 'Extend Stay'; and

- comply with the conditions set by me for use of the 'Extend Stay' exemption, as specified in Attachment A to this exemption.

B.   Determine, in accordance with Section 174C(2) of the *Road Traffic Act 1961* and Regulation 63 of the *Road Traffic (Miscellaneous) Regulations 2014* that, with respect to the exemption specified in paragraph 1 of this exemption:

a.   an 'Extend Stay' Fee of $5.50 for a one-off 15 minute stay beyond the maximum time limit on-street specified by relevant parking control signs will apply and shall be included in the 2018-19 Fees and Charges Schedule; and

b.   the fee specified above may be increased or decreased by a decision of Council or a delegate of the Council from time-to-time; and

c.   the conditions specified in Attachment A to this exemption will apply.

C.   Determine to publish details of the App and this exemption on the Council's website (www.cityofadelaide.com.au).

D.   Determine that this Exemption supersedes the exemption granted by the Council on 22 May 2018.

....
Mark Goldstone
Chief Executive Officer
The Corporation of the City of Adelaide

Dated: 04 / 02 / 2019.

THE CORPORATION OF THE CITY OF ADELAIDE

INSTRUMENT OF APPROVAL OF PARK ADELAIDE SMART DEVICE APPLICATION

This approval is granted for the purposes of:

- Clause 12.1 of the Conditions of Exemption of the 'Park Adelaide Smart Device Application Extend Stay Users' exemption granted by a delegate of the Corporation of the City of Adelaide under Section 174C of the *Road Traffic Act 1961* on 4 February 2019 (**ES Exemption**).

In accordance with the Clause 12.1 of the ES Exemption, I hereby determine to approve the following smart device applications for the purposes of the ES Exemption:

- The 'Park Adelaide' application developed by Smart Parking Limited and available for download and use on smart devices utilising the iOS operating system from the Apple App Store https://apps.apple.com/au/app/park-adelaide/id1367299529 ; and

- The 'Park Adelaide' application developed by Smart Parking Limited and available for download and use on smart devices utilising the Android operating system from the Google Play Store https://play.google.com/store/apps/details?id=io.smartsys.adelaide

A User may utilise any version of these applications that operates on their smart device to submit or make an application for an ES Exemption.

Shaun Coulls
Manager, Commercial & Property Leasing
Delegate of the Corporation of the City of Adelaide

Dated: 1/07/2023

Clare Mockler
Chief Executive Officer
Delegate of the Corporation of the City of Adelaide

Dated: 07/07/2023

ATTACHMENT A

PARK ADELAIDE SMART DEVICE APPLICATION EXTEND STAY USERS

CONDITIONS OF EXEMPTION

ROAD TRAFFIC ACT 1961 (Section 174C)

1. The exemption exempts the User from the provisions of Rule 205 and 207 of the Rules for the duration of Extend Stay Period, provided:

   1.1 the User makes application to Council in accordance with paragraph 12.10.1;

   1.1 the User complies with the conditions of the exemption; and

   1.2 the Vehicle is parked in accordance with the conditions of the exemption.

2. The exemption applies to the User:

   2.1 during the Extend Stay Period only and has no effect either before the commencement of the Extend Stay Period, or after its conclusion;

   2.2 provided the User has paid the Prescribed Fee by electronic means using the App and retained a copy of the Extend Stay Confirmation; and

   2.3 while the Vehicle remains in an Approved Parking Space within an Approved Parking Zone.

3. The Vehicle must be removed from the Approved Parking Space at the conclusion of the Extend Stay Period.

4. Council must receive payment of the full amount of the Prescribed Fee before the expiry of the Permitted Period.

5. The Vehicle must otherwise be parked in accordance with the RT Act and/or the Rules.

6. The application of this exemption is not transferrable by the User to any other person or vehicle and applies only to the Vehicle that was parked in the Approved Parking Space at the commencement of the Extend Stay Period.

7. An authorised officer or employee of Council may determine that the exemption does not apply to the User if:

   7.1 the User fails to produce an electronic or hard copy of the Extend Stay Confirmation upon the request of an authorised officer; or

   7.2 the Vehicle is required to be removed from the road in accordance with Section 40N of the RT Act.

   Any determination under this paragraph will be communicated to the User, in writing.

8. The exemption ceases to apply to the User:

8.1   after the expiry of the Extend Stay Period;

8.2   if the Vehicle is removed from the Approved Parking Space;

8.3   if the User fails to comply with the conditions of this exemption or the conditions/terms of use of the App;

8.4   if an authorised officer or employee makes a determination under paragraph 7.

9.   The User must not submit a further application for an Extend Stay exemption in accordance with paragraph 12.10.1 unless:

9.1   the Vehicle has been removed from the Approved Parking Space; and

9.2   the Vehicle has either been:

9.2.1   parked in another Approved Parking Space within another Approved Parking Zone; or

9.2.2   parked again in the same Approved Parking Space within the same Approved Parking Zone after having been removed from that place in accordance with paragraph 9.1.

10.   The User must comply with the conditions of the exemption.

11.   The User is not entitled to a refund of the Prescribed Fee in the event that the exemption's application to the User is voided or cancelled in accordance with these conditions.

12.   In this exemption:

12.1   **App** means Council's 'Park Adelaide' smart device application as determined by the Council's Chief Executive Officer, details of which are available on Council's website www.cityofadelaide.com.au;

12.2   **Approved Parking Space** means the length of road, or area, to which the permissive parking sign that applied to the Vehicle at the commencement of the Extend Stay, applies;

12.3   **Approved Parking Zone** means a length of road or area to which a permissive parking sign applies and information on or with the sign indicates that a fee is payable for parking by buying a ticket or putting money into a parking meter;

12.4   **Extend Stay Confirmation** means a notice sent by Council to the User by electronic means confirming receipt by Council of the Prescribed Fee and includes a notice provide to the User by way of the App;

12.5   **Extend Stay Period** means the period commencing at the conclusion of the Permitted Period and concluding after the expiry of 15 minutes;

12.6   **Permitted Period** means the period of time that the User is (but for this exemption) permitted to park the Vehicle on the length of road or area in accordance with Rules 205, 206 and 207 of the Rules;

12.7   **Prescribed Fee** means the Extend Stay fee set by Council for the purposes of this exemption;

12.8 **RT Act** means the *Road Traffic Act 1961* (SA);

12.9 **Rules** means the *Australian Road Rules* (SA);

12.10 **User** means a person who has:

12.10.1 utilised the App (in accordance with the conditions/terms of use of the App) to submit an application for an 'Extend Stay' exemption containing all of the information required by Council and/or the App;

12.10.2 paid the Prescribed Fee by electronic means using the App;

12.10.3 received the Extend Stay Confirmation; and

12.10.4 parked, allowed or caused to be parked, the Vehicle in an Approved Parking Zone;

12.11 **Vehicle** means the motor vehicle owned or driven by the User;

12.12 a reference to the **Council** means the Corporation of the City of Adelaide and includes an agent or delegate acting on the Council's behalf;

12.13 terms used in the RT Act and Rules have the same meaning in this exemption, unless the contrary intention appears.