

**PARKING SPACE LEVY ACT 1992—REGULATION**

(Parking Space Levy Regulation 1992)

NEWSOUTHWALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Parking Space Levy Act 1992, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD  
Minister for Transport.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Parking Space Levy Regulation 1992.

**Commencement**

2. This Regulation commences on 1 July 1992.

**Definition**

3. In this Regulation:

“the Act” means the Parking Space Levy Act 1992.

**PART 2—APPLICATION OF THE ACT**

**Additional area of application of the Act**

4. The following area is prescribed under section 6 of the Act as a business district for the purposes of the Act:

That part of the Municipality of North Sydney which is shown edged with a heavy broken line on the plan entitled “Parking Space Levy Act 1992—Additional Area of Application”, signed by the Minister, dated 1 July 1992 and deposited in the office of the Department of Transport in Sydney.

#### **Determination of number of parking spaces**

**5. (1)** For the purposes of the Act, the number of such parking spaces on any premises as are not individually delineated by permanently marked lines is to be assessed in accordance with this clause.

**(2)** In a case where a development consent under the Environmental Planning and Assessment Act 1979 specifies the number of parking spaces that the premises are to contain, the number of parking spaces is the number so specified.

**(3)** In any other case, the number of parking spaces is the number obtained by taking the total area occupied by the parking spaces and dividing it by 25.2 square metres and disregarding any remainder.

**(4)** For the purposes of this clause, a sign or temporary barrier purporting to indicate that a space is not a parking space is not, of itself, evidence that the space is not a parking space.

#### **Period when casual parking space is not a parking space**

**6. (1)** For the purposes of the Act, the length of time in any financial year for which a parking space is not a parking space to which the Act applies is the number of days during that year on which, in the opinion of the Chief Commissioner, the parking space was set aside for use as a casual parking space but not used for the parking of a motor vehicle.

**(2)** For the purposes of this clause, a “**casual parking space**” is a parking space which in the opinion of the Chief Commissioner is set aside solely for casual parking.

**(3)** In forming an opinion under subclause (2) that a parking space is a casual parking space, the Chief Commissioner is to have regard to the following matters:

- (a) the terms of any agreement as to the use of that space;
- (b) whether the space is generally available for use by a member of the public;
- (c) whether a person may use that space as a parking space at any time when it is not actually occupied by a vehicle;
- (d) whether the space is subject to any standing arrangement (whether formal or informal) for its use or reservation.

(4) This clause has effect only in respect of a levy payable on 1 September 1992 and any levy credit allowed under clause 1 of Schedule 1 to the Act.

#### **Interest rate on unpaid levies**

7. For the purposes of section 10 of the Act and clause 2 of Schedule 1 to the Act, the prescribed rate of interest is that prescribed for the time being under section 95 (1) of the Supreme Court Act 1970.

### **PART 3—MISCELLANEOUS**

#### **Assessments**

8. (1) The Chief Commissioner may make an assessment (based on returns and any other information available to the Chief Commissioner) of the levies payable by an owner under this Act.

(2) The Chief Commissioner must make such an assessment at the request of an owner.

(3) The Chief Commissioner may amend an assessment (by alteration or addition) or make a further assessment of the levy payable by an owner.

(4) The Chief Commissioner must give notice, by post or otherwise, of an assessment and of any amended or further assessment under this clause to the owner concerned.

#### **Records**

9. (1) The owner of premises on which there is any parking space (as defined in section 4 of the Act) must maintain a record which shows which of those parking spaces is a casual parking space (within the meaning of clause 6), and details of the daily use of each such casual parking space, during the financial year commencing on 1 July 1992.

(2) The owner must retain the record for a period of 3 years after the last entry was made in the record.

#### **Annual return by property owners**

10. For the purposes of section 15 of the Act, the prescribed form of return to be furnished by an owner is Form 1 in Schedule 1.

**Public sector arrangements: person responsible**

11. (1) For the purposes of section 17 of the Act, the person to whom that section applies specified in Column 1 of the Table to this clause is to make arrangements with the person specified opposite in Column 2 of that Table.

(2) A person prescribed under this clause may nominate any other person with whom the person to whom section 17 of the Act applies is to make arrangements for the purposes of that section.

**TABLE**

Column 1	Column 2
1. A person in a position in the Chief Executive Service or Senior Executive Service under the Public Sector Management Act 1988 or in the Police Service Senior Executive Service under the Police Service Act 1990	The person with whom the person in that position has entered into a contract of employment in accordance with that Act
2. A person in a position in the Public Service	The appropriate Department Head, within the meaning of the Public Sector Management Act 1988
3. A person in a position in the Police Service	The Commissioner of Police
4. A person in a position in the Education Teaching Service	The Director-General of the Department of School Education
5. A person in a position in the service of a public authority	The chief executive of that authority
6. A person in a position in the service of Parliament	The Clerk of the Parliaments
7. A person in a statutory position	The person who made the appointment or, if made by the Governor, the Minister who made the recommendation for the appointment

**TABLE**—*continued*

Column 1	Column 2
8. A person holding the office of a member of the Legislative Council	The Clerk of the Parliaments
9. A person holding the office of a member of the Legislative Assembly	The Clerk of the Legislative Assembly
10. A person holding the office of a Minister of the Crown	The Treasurer

**Appeals**

**12.** An appeal under section 27 of the Act is to be made by notice in writing:

- (a) stating the grounds on which the appeal is made; and
- (b) served on the Minister within 60 days after the date of the notice (if any) of the decision in respect of which the appeal is made, or within such further period as the Minister may allow on any ground which the Minister considers reasonable.

**SCHEDULE 1—FORM**

(Clause 10)

Form 1

**PARKING SPACE LEVY ACT 1992  
ANNUAL RETURN**

CLIENT NUMBER: .....

NAME: .....

A.C.N.NUMBER: .....

Correspondence Address: .....

.....

1992—No. 344

Address for inspection of records: .....

Contact Name: .....

Phone No.: .....

The following information is furnished for the purposes of section 15 of the Parking Space Levy Act 1992:

(a) Total parking spaces		
(b) Less number of exempt spaces (for which attach details)		
(c) Total liable spaces (i.e. parking spaces to which the Act applies)		
(d) Levy per liable space is	\$	
(e) Total levy payable for all liable spaces		\$
(f) Less adjustments for spaces that exist for part of year etc. (for which attach details)		\$
(g) Remainder due		\$

PROPERTY DESCRIPTION

(including local government area, street name, house or building number, Strata Plan or DP number)

.....  
.....  
.....

(If insufficient space, attach annexures)

Signed: ..... Date: .....

Position or capacity: .....

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**NOTES**

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SCHEDULE 1—FORM

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**EXPLANATORY NOTE**

The purpose of this Regulation is to complement the Parking Space Levy Act 1992 with details of

- the interest rate to apply to late payments of levy
- the form for owners to use for annual returns
- the persons with whom different parts of the public sector are to arrange to pay their levy
- the time for appeals and the method of making them
- the issue of assessments by the Chief Commissioner.

The Regulation also:

- extends the area in which the Act applies to include the business district in North Sydney
  - provides the method for calculating the number of parking spaces on any premises where the spaces are unmarked
  - provides the method for calculating the length of time in any year during which a casual parking space is not a parking space
  - requires records of casual parking spaces to be kept
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