



Parking Space Levy Amendment (Exemption) Regulation 2002

under the

Parking Space Levy Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Parking Space Levy Act 1992*.

CARL SCULLY, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to amend the *Parking Space Levy Regulation 1997*:

- (a) to exempt from the parking space levy parking spaces on certain specified premises that are provided or made available for the use of customers of, or persons employed at, a retail shop on those premises,
- (b) to state general principles that the Chief Commissioner is to have regard to in assessing for the purposes of an exemption from parking space levy whether a parking space is set aside for a purpose,
- (c) to provide that the Chief Commissioner may, in assessing whether a parking space is used exclusively for a purpose, make a determination based on such investigation, study or survey as to the use of parking spaces as the Chief Commissioner thinks fit.

This Regulation is made under the *Parking Space Levy Act 1992*, including sections 7 (3) and 31.

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Clause 1 Parking Space Levy Amendment (Exemption) Regulation 2002

**Parking Space Levy Amendment (Exemption)
Regulation 2002**

1 Name of Regulation

This Regulation is the *Parking Space Levy Amendment (Exemption) Regulation 2002*.

2 Commencement

This Regulation commences on 30 June 2002.

3 Amendment of Parking Space Levy Regulation 1997

The *Parking Space Levy Regulation 1997* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Clauses 6A and 6B

Insert after clause 6:

6A Exemptions in category 2 areas

- (1) A parking space on premises to which this clause applies is an exempt parking space if the parking space is provided or made available for the use of customers of, or persons employed at, a retail shop on those premises.
- (2) The Act applies to parking spaces on premises to which this clause applies as if this clause had taken effect on 1 July 2001.
- (3) This clause applies to premises described in the Table to this clause, as shown on the plan marked "Parking space exemptions in Category 2 areas" signed by the Minister, dated 30 June 2002 and deposited in the office of the Department of Transport in Sydney.

Table

Levy Area	Premises	Address	Bounded generally by
Parramatta	Westfield Shoppingtown	171–175 Church Street Parramatta	Argyle, O'Connell, Campbell and Church Sts
Chatswood	Chatswood Chase Shopping Centre	345 Victoria Avenue, Chatswood	Archer St, Victoria Ave and Havilah St
	Grace Bros Department Store	43–45 Albert Avenue, Chatswood	Victor St, Albert Ave, Anderson St and Victoria Ave Mall

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Schedule 1 Amendment

	Westfield Shoppingtown	392 Victoria Avenue, Chatswood	Anderson St, Albert Ave, Spring St and Victoria Ave
Bondi Junction	Westfield Shoppingtown	480–510 Oxford Street, Bondi Junction	Grafton St, Grosvenor St, Bronte Rd, Oxford St and Cook La
	Carousel Shopping Centre	530 Oxford Street, Bondi Junction	Grafton St, Cook La, Oxford St and Adelaide St
	Eastgate Shopping Centre	71–85 Spring Street, Bondi Junction	Spring St, Newland St and Ebley St
	Grace Bros Department Store	217 Oxford Street, Bondi Junction	Oxford St through to Gray St, Hollywood Av and Waverley St

6B Assessment of exemptions for parking spaces

- (1) In assessing for the purposes of section 7 of the Act whether a parking space is set aside for a purpose, the Chief Commissioner is to have regard to the following principles:
- (a) the presence of measures (such as access control measures) or other features to limit the use of a parking space to use for a particular purpose or purposes indicates that the parking space is set aside for that purpose or those purposes,
 - (b) the absence of measures or other features as described in paragraph (a) indicates that a parking space is not set aside for any particular purpose,
 - (c) a parking space in a parking area that forms part of a retail shopping centre (being a parking area that is in the same building as the shopping centre and that operates generally only at times when shops in the shopping centre are open for business) should be considered to be

set aside for the parking of a motor vehicle by customers of a retail shop, unless the parking space is a non-retail space as provided by subclause (2),

- (d) the fact that a parking space is available or permitted to be used for a purpose, or is indicated (by advertising or otherwise) to be available for use for a purpose, does not of itself indicate that the parking space is set aside for that purpose.
- (2) A parking space is a *non-retail space* for the purposes of subclause (1) (c) if it is available for the use of persons who may not be customers of a retail shop in the retail shopping centre concerned.
- (3) In assessing for the purposes of section 7 of the Act whether a parking space on premises is used exclusively for a purpose, the Chief Commissioner may make a determination based on such investigation, study or survey as to the use of parking spaces on the premises as the Chief Commissioner thinks fit.
- (4) For the purposes of the making of a determination under subclause (3), the Chief Commissioner may require the owner of premises on which there is a parking space to which the Act applies to carry out and report the results of such investigation, study or survey as to the use of parking spaces on the premises as the Chief Commissioner may from time to time direct.