

NORTHERN TERRITORY OF AUSTRALIA  
PLANNING (PARKING SPACE CONTRIBUTIONS) REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

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Regulation 1990, No. 11\*

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Regulations under the *Planning Act*

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Planning Act*.

Dated 31 May 1990.

J.H. MUIRHEAD  
Administrator

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PLANNING (PARKING SPACE CONTRIBUTIONS) REGULATIONS

1. CITATION

These Regulations may be cited as the Planning (Parking Space Contributions) Regulations.

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Planning Amendment Act 1989*.

3. INTERPRETATION

In these Regulations -

"parking space shortfall", in relation to the consent of a consent authority, means the number of car parks or parking spaces for which a monetary contribution under section 65A of the Act is payable in lieu of the provision thereof;

"policy area" means an area in a municipality specified by resolution of the council of the municipality, being a discrete area having identifiable parking problems and in respect of which the council has, by resolution, adopted a plan to mitigate or solve those problems and in relation to which money will be applied pursuant to section 65A(3) of the Act.

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\* Notified in the *Northern Territory Government Gazette* on 1 June 1990.

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4. POLICY AREAS AND CALCULATION OF CONTRIBUTIONS

(1) The council of a municipality may, by resolution, specify policy areas within the municipality.

(2) The council of a municipality shall, by resolution, determine in respect of each policy area the method of calculating the amount of monetary contribution payable under section 65A of the Act for each parking space shortfall in the policy area.

(3) In determining a method of calculation under subregulation (2), a council shall have regard to -

- (a) the average land value of an off-street car park or parking space in the policy area;
- (b) the estimated cost of construction of a ground level car park or parking space on the land referred to in paragraph (a); and
- (c) the nature of the parking problems in the policy area compared to the nature of the parking problems in other policy areas.

5. PAYMENT OF MONETARY CONTRIBUTIONS

(1) Where, under section 65A(1) of the Act, a consent authority has made it a condition to its consent to a use or development or proposed use or development of land that the applicant pay a monetary contribution to the municipality within which the land is situated in lieu of the provision of car parks or parking spaces, the applicant shall, subject to section 64A(4) of the Act and if the land is in a policy area, pay to the council of the municipality pursuant to subregulation (2) the amount for each parking space shortfall appropriate for that policy area calculated in accordance with the method determined under regulation 4 at the values and costs applying at the date the consent authority granted its consent.

(2) Payment of an amount under subregulation (1) is due and payable -

- (a) at the completion of the development or, where the parking space shortfall is attributed to the use or change of use of the land, the commencement of that use;
- (b) where the development is constructed in stages, at the completion of each stage in such proportion as each stage contributes to the parking space shortfall; or
- (c) notwithstanding paragraph (a) or (b), at such other time and manner as is agreed between the council and the applicant.

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6. DISCOUNTS

The council of a municipality may, by resolution, declare that a discount shall be given for the prompt payment or the payment in advance of a monetary contribution payable to the council under these Regulations, at such rate or rates of discount and in such circumstances as are specified in the resolution.

7. INTEREST

(1) The council of a municipality may, by resolution, specify a rate of interest payable on a monetary contribution or any part of it under these Regulations paid late.

(2) The rate of interest specified pursuant to subregulation (1) shall not exceed the lowest general rate that would be charged to the council if it was in overdraft with its bankers.

(3) Interest under this regulation shall be calculated on a monthly basis from the date that a monetary contribution was due and payable until the date payment in full is made.

8. REMISSION

The council of a municipality may, by resolution, in the special circumstances of a particular case, remit or refund the whole or part of a monetary contribution, or any interest accrued thereon, paid or payable to the council under these Regulations.

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