

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1984, No. 36 *

Regulations under the *Local Government Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Local Government Act*.

Dated this 14th day of June, 1984.

E. E. JOHNSTON
Administrator

By His Honour's Command

D. W. MANZIE

Minister for Community Development

AMENDMENTS OF LOCAL GOVERNMENT (DARWIN
PARKING LOCAL RATES) REGULATIONS

1. PRINCIPAL REGULATIONS

The Local Government (Darwin Car Parking Local Rates) Regulations are in these Regulations referred to as the Principal Regulations.

2. CITATION

Regulation 1 of the Principal Regulations is amended by omitting "Car".

3. NEW REGULATION

The Principal Regulations are amended by inserting after regulation 1 the following:

"1A. PURPOSE

These Regulations are made for the purposes of section 160 of the Act."

* Notified in the *Northern Territory Government Gazette* on 27 JUN 1984.

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4. DEFINITIONS

Regulation 2 of the Principal Regulations is amended -

- (a) by omitting the definition of "local rates" and substituting the following:

"'local rate' means a local rate declared under section 160(2) of the Act as a local rate to which these Regulations apply;"

- (b) by omitting the definition of "parking usage Schedule" and substituting the following:

"'parking usage schedule' means the parking usage schedule prepared under regulation 4 and includes a parking usage schedule in relation to a particular parcel of land prepared under regulation 9(2);

"'shortfall', in relation to a parcel of land, means the number by which the number of parking spaces referred to in regulation 4(g) in respect of the parcel of land falls short of the number referred to in regulation 4(f) in respect of that parcel;" and

- (c) by omitting the definition of "vehicle" and substituting the following:

"'vehicle' means a motor vehicle as defined in the *Motor Vehicles Act*."

5. PARKING USAGE SCHEDULE

Regulation 4 of the Principal Regulations is amended -

- (a) by omitting "in the form set out in Schedule 2";

- (b) by omitting from paragraph (f) "car-parking spaces" and substituting "parking spaces";

- (c) by omitting from paragraph (g) -

(i) "car-parking spaces complying" and substituting "parking spaces calculated in accordance"; and

(ii) "motor cars" and substituting "vehicles"; and

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- (d) by omitting from paragraph (h) ", the date on which it was prepared" and substituting ", in relation to a change or event referred to in regulation 9(1)(a), (b) or (c), the date on which the change or event occurred".

6. APPEALS

Regulation 7 of the Principal Regulations is amended -

- (a) by omitting from sub-regulation (1) "an inspector appeal against an entry in the parking usage schedule on one of the following grounds:" and substituting "an inspector, appeal against an entry in the parking usage schedule on the grounds -";
- (b) by omitting from sub-regulation (1)(b) "car-parking space which should be provided on the land; and" and substituting "parking spaces which should be provided on the land;";
- (c) by omitting from sub-regulation (1)(c) "parking usage schedule." and substituting "parking usage schedule; or";
- (d) by adding at the end of sub-regulation (1) the following:
 - "(d) that the parking usage schedule otherwise contains an error which affects the calculation of the local rate payable.";
- (e) by omitting from sub-regulation (2) "council" (twice occurring) and substituting "clerk"; and
- (f) by omitting from sub-regulation (3) "council" (twice occurring) and substituting "clerk".

7. CALCULATION OF LOCAL RATES

Regulation 8 of the Principal Regulations is amended -

- (a) by omitting from sub-regulation (2) -
 - (i) "The payment made by each person" and substituting "Subject to regulation 9, the payment to be made by persons";
 - (ii) "car parking space" and substituting "parking space"; and
 - (iii) "the total of the numbers" and substituting "the number";

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(b) by inserting in sub-regulation (4) after "regulation 4(g)" the words "equals or"; and

(c) by omitting sub-regulation 4(a) and substituting the following:

"(a) no amount shall be payable in accordance with sub-regulation (2);".

8. NEW REGULATION

The Principal Regulations are amended by inserting after regulation 8 the following:

"8A. LEVYING OF LOCAL RATE

"A local rate shall be levied by the clerk serving a rate notice on the persons liable to pay the local rate.

"8B. PAYMENT OF AMOUNTS IN ADVANCE

"(1) The council may, in its discretion, enter into an agreement with a person liable to pay local rates in respect of a parcel of land to the intent that the person, instead of paying the local rate annually, pays to the council in advance an amount arrived at by multiplying the amount determined by the council as appropriate to the term of the agreement by the shortfall.

"(2) The Council shall not determine for the purposes of sub-regulation (1) an amount that discriminates between persons liable to pay local rates."

9. PAYMENT OF LOCAL RATES WHERE USE OF LAND CHANGED DURING YEAR

Regulation 9 of the Principal Regulations is amended -

(a) by omitting from sub-regulation (1) "The owner" and substituting "The person liable to pay local rates in respect";

(b) by omitting from sub-regulation (1)(c) "under regulation 7 of the Building Regulations" and substituting "under the *Building Act*";

(c) by omitting "the parcel" and substituting "the land"; and

(d) by omitting sub-regulations (2), (3) and (4) and substituting the following:

"(2) Where the clerk considers that a change or event referred to in sub-regulation (1) necessitates the preparation of a parking usage schedule for the parcel of land, he shall, within 28 days after the time that he first became aware of that change or event, whether as a result of the notification under that sub-regulation or

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otherwise, prepare a parking usage schedule for that parcel of land in which shall be entered the information required by regulation 4(a) to (h) inclusive and, as soon as practicable, serve on the persons liable to pay local rates in respect of the parcel of land by posting to them by prepaid letter addressed to the address shown in the rate book kept under section 148 of the Act a copy of the amended parking usage schedule containing the information required by regulation 6(1)(c).

"(3) Regulations 5, 6(2), 7 and 8 shall apply to and in relation to a parking usage schedule prepared under sub-regulation (2) as if it were a parking usage schedule prepared under regulation 4.

"(4) Where, in relation to a parcel of land -

- (a) a parking usage schedule has been prepared under sub-regulation (2) in respect of the change in the use of a parcel of land;
- (b) an agreement has not been entered into in accordance with regulation 8B; and
- (c) the year in respect of which a local rate applies has not expired,

the council shall adjust, from the date on which the change or event under regulation 9(1) occurred, the amount of the local rates payable by a person in respect of that land and require the person to pay an additional amount or, as the case requires, refund to that person a proportion of the local rates paid by him or reduce the amount of the local rates payable by him.

"(5) Where, in relation to a parcel of land in respect of which an agreement has been entered into in accordance with regulation 8B, a parking usage schedule has been prepared under sub-regulation (2) which increases the shortfall in respect of that parcel, the person liable to pay the local rates may -

- (a) enter into an agreement under regulation 8B in relation to his additional liability; or
- (b) pay the local rates in respect of the increased shortfall annually.

"(6) Where, in relation to a parcel of land in respect of which an agreement has been entered into in accordance with regulation 8B, a parking usage schedule has been prepared under sub-regulation (2) which decreases the shortfall in respect of that parcel, the council shall, in relation to the unexpired portion of the term of the agreement, refund to the person who entered into the agreement the amount paid by him in respect of the

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decrease in the shortfall. The method of calculating the amount of the refund shall be as set out in the agreement."

10. REBATES AND EXEMPTIONS

Regulation 10(2) of the Principal Regulations is amended by omitting all words after "a number of" and substituting "parking spaces that equals or exceeds the aggregate number listed in accordance with regulation 4(f) in the parking usage schedule for the first-mentioned parcel of land and that other parcel of land or, where that other parcel of land is not within the central business district, equals or exceeds the number listed for the first-mentioned parcel of land."

11. CAR PARKING SPACES TO BE USED AS SUCH

Regulation 11 of the Principal Regulations is amended -

- (a) by omitting sub-regulation (1) and substituting the following:

"(1) Subject to sub-regulation (3), the owner of a parcel of land in the central business district shall not, without the prior written consent of the council, use or cause or permit to be used a parking space included in the parking usage schedule for the parcel of land (or provided by him in the immediate vicinity of the parcel of land and in respect of which the local rate in relation to the parcel of land has been reduced under regulation 10(2)) for a purpose other than the parking of a vehicle so that the number of parking spaces available for the parking of vehicles is less than the number listed in accordance with regulation 4(f) in that parking usage schedule or the aggregate number for the purposes of regulation 10(2), as the case may be.

Penalty: \$100 and \$100 for each day during which the offence continues.";

- (b) by omitting from sub-regulation (2) "car-parking space" and substituting "parking space";
- (c) by inserting in sub-regulation (2)(a) after "similar use" the words "of that space";
- (d) by inserting in sub-regulation (2)(b) after "service to the land," the words "or adjacent land"; and

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(e) by adding at the end the following:

"(3) Nothing in this regulation shall prevent the parking of a bicycle or a moped in a parking space."

12. THE SCHEDULES

The Schedules to the Principal Regulations are amended -

(a) by omitting Schedule 2;

(b) by omitting from the definition of "net floor area" in clause 1 of Schedule 3 paragraphs (b), (c), (d), (e) and (f) and substituting the following:

"(b) all areas which are available for unrestricted use by members of the public who are neither occupants or owners of the parcel of land or part of it;

(c) toilets and washrooms;

(d) areas set aside as plant lift motor rooms;

(e) areas set aside for the use of service or delivery vehicles;

(f) areas set aside for parking or access thereto; and

(g) such other areas declared by the council by resolution to be excluded areas for the purposes of this definition.";

(c) by omitting from clause 2 of Schedule 3 "car-parking spaces" and substituting "parking spaces"; and

(d) by omitting clause 3 from Schedule 3 and substituting the following:

"3. The number of parking spaces referred to in regulation 4(f) shall be calculated by reference to the following Table:

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"TABLE

Column 1	Column 2
Use	Minimum No. of parking spaces required
1. Commercial (including catering businesses, drive-in take-away food outlets, general stores, indoor recreation establishments (including cinemas and theatres), licensed clubs, licensed restaurants, medical clinics, medical consulting rooms, motels and hotels (excluding guest suites and bedrooms), motor repair establishments, nurseries, offices (except where elsewhere referred to in this Table), passenger terminals, service industry establishments, service stations, shops, showrooms, taverns, transport terminals, vehicle sales yards, veterinary clinics and warehouses)	3 per 100m ² Net Floor Area
2. Institutional (including ambulance stations, courts of justice, fire stations, child care centres, community centres, education establishments, funeral parlours, group housing (transitional), institutional establishments, institutional residences, places of public worship and radio or TV installations)	2 per 100m ² Net Floor Area
3. Residential (including detached dwellings, dwelling units, guest houses and hostels, units for aged persons and guest suites and bedrooms in motels and hotels)	0.6 per Dwelling Unit

"; and

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- (e) by omitting all of Schedule 4 except the diagrams set out in clause 4(2) and substituting the following:

"SCHEDULE 4

"Regulation 4(g)

"PROVISION OF PARKING SPACES

"1. GENERAL REQUIREMENTS

"Subject to clause 4, parking spaces required to be provided in respect of a parcel of land shall -

- (a) be provided in a parking area set aside for the purpose and clearly identified as such;
- (b) be reasonably accessible for use for parking; and
- (c) have a surface reasonably suitable for the parking of vehicles during all weather conditions.

"2. ACCESS TO PARKING AREA

"Subject to clause 4, a parking area shall be so laid out or designed that vehicles can enter and leave it in a forward gear.

"3. DRIVEWAYS

"Subject to clause 4, where a vehicle driveway provides access to or egress from a parking area, it shall measure 6 metres wide for two-way traffic flows and 3.5 metres wide for one-way traffic flows and a corner or junction shall have a minimum radius of 5 metres.

"4. EXEMPTIONS

"(1) Where, in the opinion of the council, a parking area is adequate for the parking of vehicles and can safely and conveniently be used notwithstanding that it does not comply fully or at all with the requirements laid down by this Schedule, it may, by resolution, exempt the owner of the parcel of land on which it is situated from the need for the parking area to so comply and in the resolution specify the manner in which the parking area may be laid out or designed and used for the purposes of these Regulations.

"(2) The parking spaces provided in a parking area laid out or designed in accordance with a resolution referred to in sub-clause (1) shall be taken into account in the calculation of local rates.

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"5. CALCULATION OF PARKING SPACES

"Subject to clause 4, in determining the number of parking spaces that are available for use for the parking of vehicles in a parking area the clerk shall determine them as nearly as practicable in accordance with the relevant diagram in the diagrams set out below, notwithstanding the configuration actually nominated by markings or otherwise on, in or in relation to the parking area.

"PARKING SPACE SIZES".
