

House of Assembly—No 111A

As reported with amendments, report agreed to and passed remaining stages,
8 June 2011

South Australia

**Adelaide Oval Redevelopment and Management
Bill 2011**

A BILL FOR

An Act to facilitate the redevelopment of Adelaide Oval; to provide for the future care, control and management of Adelaide Oval and its precincts; and for other purposes.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Adelaide Oval Redevelopment and Management Act 2011*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Interpretation

In this Act, unless the contrary intention appears—

Adelaide Oval Core Area means any land constituting or within—

- (a) Section 1726, Hundred of Yatala; and
- (b) the Eastern Grandstand Area; and
- (c) the Southern Area; and
- (d) the Northern Area;

Adelaide Oval Licence Area means—

- (a) any land constituting or within Section 1626, Hundred of Yatala; and
- (b) the land referred to in section 11,

other than—

- (c) land within the Adelaide Oval Core Area; or
- (d) land that is laid out (on the commencement of this Act) as Light's Vision on the corner of Pennington Terrace and Montefiore Road, North Adelaide; or
- (e) land that, immediately before the commencement of this Act, is subject to a lease or licence to the Memorial Drive Tennis Club Inc., Next Generation Clubs Australia Pty Ltd or the South Australian Tennis Association Inc.;

Council means The Corporation of the City of Adelaide;

development means development within the meaning of the *Development Act 1993*;

Eastern Grandstand Area means the areas designated by the letters A, B, C, D1, D2 and D3 according to the maps set out in Schedules 1 and 2;

football means Australian Rules football;

Northern Area means the area designated by the letter F according to the maps set out in Schedules 1 and 4;

SACA means the South Australian Cricket Association Incorporated;

SANFL means the South Australian National Football League Inc.;

SMA means Adelaide Oval SMA Limited;

Southern Area means the area designated by the letter E according to the maps set out in Schedules 1 and 3.

Part 2—Adelaide Oval Core Area

4—Care, control and management of land vested in Minister

- (1) Subject to this Act, the care, control and management of the Adelaide Oval Core Area is vested in the Minister.
- (2) The Adelaide Oval Core Area must be used predominantly for the purposes of a sporting facility (including related uses and with recreational, entertainment, social and other uses being allowed on an ancillary or temporary basis from time to time).

- (3) The Minister must ensure—
- (a) that the area vested in the Minister continues to be named *Adelaide Oval*; and
 - (b) that the *Adelaide Oval Scoreboard* is maintained in good condition where it stands on the commencement of this Act; and
 - 5 (c) that at least 1 200 square metres of open space is kept at the northern end of Adelaide Oval (between the scoreboard and the western stands).
- (4) However, subsection (3)(c) does not prevent the placing of a building or other structure on any open space maintained for the purposes of that subsection—
- (a) on a temporary basis for a period not exceeding 1 month; or
 - 10 (b) on a temporary basis for the purposes of a special event or activity prescribed by the regulations for the purposes of this paragraph.
- (5) The vesting under this section occurs by force of this section, without the need for any consent on the part of the Council, and despite any provision of any other Act.
- (6) On the vesting of the Adelaide Oval Core Area under this section, any lease between
15 the Council and SACA that relates to any part of the Adelaide Oval Core Area is extinguished (without giving rise to an entitlement to compensation or relief on the part of the Council or SACA by virtue of the operation of this section).
- (7) Except to the extent provided by this section and section 5, the Minister is authorised
20 to manage any part of the Adelaide Oval Core Area in such manner as the Minister thinks fit.

5—Lease to SMA

- (1) The Minister is authorised to grant a lease over any part of the Adelaide Oval Core Area to SMA.
- (2) A lease granted to SMA under this section may be for any term up to 80 years
25 (including any right to an extension or renewal).
- (3) A lease under this section must be subject to the rights of SACA and the SANFL set out in licences granted by the Minister that provide certain rights to unrestricted and exclusive use of Adelaide Oval—
- 30 (a) in the case of SACA—for purposes associated with the playing of cricket at Adelaide Oval during designated periods of the year; and
 - (b) in the case of the SANFL—for purposes associated with the playing of football during designated periods of the year.
- (4) Subject to subsection (3), a lease under this section may make such provision as the Minister thinks fit with respect to the use or management of the Adelaide Oval Core Area and may allow for any sublease or licence over any part of the area (subject to
35 the consent of the Minister and subject to the other provisions of this Act).
- (5) The Minister must, within 6 sitting days after a lease is granted to SMA under this section, cause copies of the lease to be laid before both Houses of Parliament.
- (6) The Minister must, within 6 sitting days after a licence is granted for the purposes of
40 subsection (3), cause copies of the licence to be laid before both Houses of Parliament.

- (7) For the purposes of this section, the designated periods are as follows:
- (a) in relation to SACA—a period commencing on 8 October in each year and expiring on 14 March in the next year (both dates inclusive);
 - (b) in relation to the SANFL—a period commencing on 15 March in each year and expiring on 7 October in the same year (both dates inclusive),
- or such other periods as may be agreed between SACA and the SANFL.

6—Development authorisation

- (1) Any development undertaken within the Adelaide Oval Core Area associated (directly or indirectly) with the redevelopment of Adelaide Oval, its stands and other facilities is, by force of this section, authorised.
- (2) An authorisation under subsection (1) is subject to any conditions as the Minister may from time to time specify by notice in the Gazette.
- (3) The Minister must—
- (a) take reasonable steps to consult with the Council before specifying conditions under subsection (2); and
 - (b) within 6 sitting days after a notice is so published under subsection (2), cause copies of the notice to be laid before both Houses of Parliament.
- (4) An authorisation under this section will have effect as if it were a development authorisation under the *Development Act 1993* (without the need for any other consent, approval or other authorisation or certificate and subject to any conditions specified under this section).
- (5) Any development within the Adelaide Oval Core Area certified by the Minister by written instrument under this subsection will be conclusively presumed to be associated with the redevelopment of Adelaide Oval.
- (6) This section will expire on 31 December 2015.
- (7) The expiry of this section does not affect—
- (a) any development completed before the expiration; or
 - (b) any development commenced before the expiration,
- and the Minister may, despite the expiration, vary any conditions applying to an authorisation under this section by notice in the Gazette.

Part 3—Adelaide Oval Licence Area

7—Licence to Minister

- (1) The Council must, at the request of the Minister, grant a licence to the Minister over all of the Adelaide Oval Licence Area, or any part of that area specified by the Minister.
- (2) A licence under this section—
- (a) must be for a term specified by the Minister (being a term of up to 80 years, including any right to an extension or renewal); and

- (b) may be subject to such terms and conditions as the Minister may specify after consultation with the Council.
- (3) A licence under this section authorises the Minister (or the holder of a sub-licence under this section) to use the land subject to the licence (or sub-licence) for the purposes of—
- 5 (a) providing car parking; or
- (b) providing access (including vehicular access) to any part of the Adelaide Oval Core Area; or
- 10 (c) other activities that are ancillary to the redevelopment or use of Adelaide Oval; or
- (d) providing facilities for playing sport; or
- (e) any other activity prescribed by the regulations for the purposes of this paragraph.
- (4) The Minister may, after consultation with the Council, grant a sub-licence over any land that is subject to a licence between the Minister and the Council under this section.
- 15 (5) Public car parking provided under subsection (3)(a) must be limited to the area designated by the letter G according to the map set out in Schedule 5.
- (6) In connection with a licence under this section, the Minister, or a person authorised by the Minister, may carry out works on land subject to the licence (including by undertaking excavations, changing the form of any land, and forming paths or access roads).
- 20 (7) Without limiting any other power of the Minister under a sub-licence, the Minister may cancel a sub-licence if the Minister considers that the holder of the sub-licence is not managing any land in a manner consistent with maintaining park lands for the use and enjoyment of members of the public.
- 25 (8) A licence under this section (and any use of land under a licence) is not subject to Chapter 11 of the *Local Government Act 1999* or section 21 of the *Adelaide Park Lands Act 2005*.
- 30 (9) The Minister must, within 6 sitting days after a licence or sub-licence is granted under this section, cause copies of the licence or sub-licence to be laid before both Houses of Parliament.

8—Development authorisations

- (1) Any development—
- 35 (a) undertaken within the Adelaide Oval Licence Area associated (directly or indirectly) with development within the ambit of section 6; or
- (b) undertaken within the Adelaide Oval Licence Area in connection with a licence or sub-licence,
- being development undertaken by, or with the consent of, the Minister is, by force of this section, authorised.
- 40 (2) However, subsection (1) does not extend to development that provides for the construction of a permanent building.

- (3) Subsection (2)—
- (a) does not apply in relation to development associated with constructing a grandstand, or other facilities associated with playing sport, on or in the immediate vicinity of *Adelaide Oval No 2*; and
- 5 (b) does not limit the ability of a person authorised by the Minister to place a site office, workshop or other building on any part of the Adelaide Oval Licence Area in connection with undertaking the redevelopment of Adelaide Oval.
- (4) A consent under subsection (1) is subject to any conditions as the Minister may from time to time specify by notice in the Gazette.
- 10 (5) The Minister must take reasonable steps to consult with the Council—
- (a) before undertaking development, or consenting to development, under subsection (1); or
- (b) before specifying conditions under subsection (4).
- 15 (6) An authorisation under this section will have effect as if it were a development authorisation under the *Development Act 1993* (without the need for any other consent, approval or other authorisation or certificate and subject to any conditions specified under this section).
- (7) This section will expire on 31 December 2015.
- (8) The expiry of this section does not affect—
- 20 (a) any development completed before the expiration; or
- (b) any development commenced before the expiration,
- and the Minister may, despite the expiration, vary any conditions applying to an authorisation under this section by notice in the Gazette.

Part 4—Miscellaneous

25 9—Interaction with other Acts

- (1) The *Adelaide Parklands Management Strategy* under the *Adelaide Park Lands Act 2005* will not apply to land within the Adelaide Oval Core Area or to land within the Adelaide Oval Licence Area that is subject to a licence under this Act.
- 30 (2) The conferral or exercise of a right to occupy any land under a lease or licence under this Act will not constitute the division of any land for the purposes of the *Development Act 1993*.
- (3) A management plan under Chapter 11 of the *Local Government Act 1999* will not apply to land within the Adelaide Oval Core Area or within the Adelaide Oval Licence Area.
- 35 (4) Any designated land is exempt from council rates under the *Local Government Act 1999*.
- (5) In subsection (4)—
- designated land* means—
- (a) any land within the Adelaide Oval Core Area; or

- (b) any land within the Adelaide Oval Licence Area that is subject to a licence under this Act.

10—Status of land as park lands

5 Except to the extent that is reasonably required in connection with the operation of Parts 2 and 3, the Minister should, in managing any part of the Adelaide Oval Licence Area, seek to protect and enhance the area as park lands for the use and enjoyment of members of the public.

11—Victor Richardson Road

On the commencement of this section—

- 10 (a) Victor Richardson Road, North Adelaide, is closed; and
(b) the land comprised in the road will become part of the Adelaide Park Lands and the care, control and management of the land vests in the Council but subject to any right, lease or licence under this Act.

12—Identification of land

- 15 (1) The Minister may, by instrument deposited in the GRO, identify or delineate any land in connection with the operation of this Act.
(2) An instrument under subsection (1) will have effect according to its terms.

13—Duties of Registrar-General and other persons

20 If a plan or instrument is deposited in the Lands Titles Registration Office or in the GRO under or for the purposes of this Act—

- 25 (a) the Registrar-General must amend, cancel or replace any document of title affected and make any entry in or amendment of the Register Book or the Register of Crown leases as required in consequence of the plan or instrument; and
(b) any other person required or authorised under an Act or law to record instruments or transactions relating to land must take any action necessary to give effect to the plan or instrument.

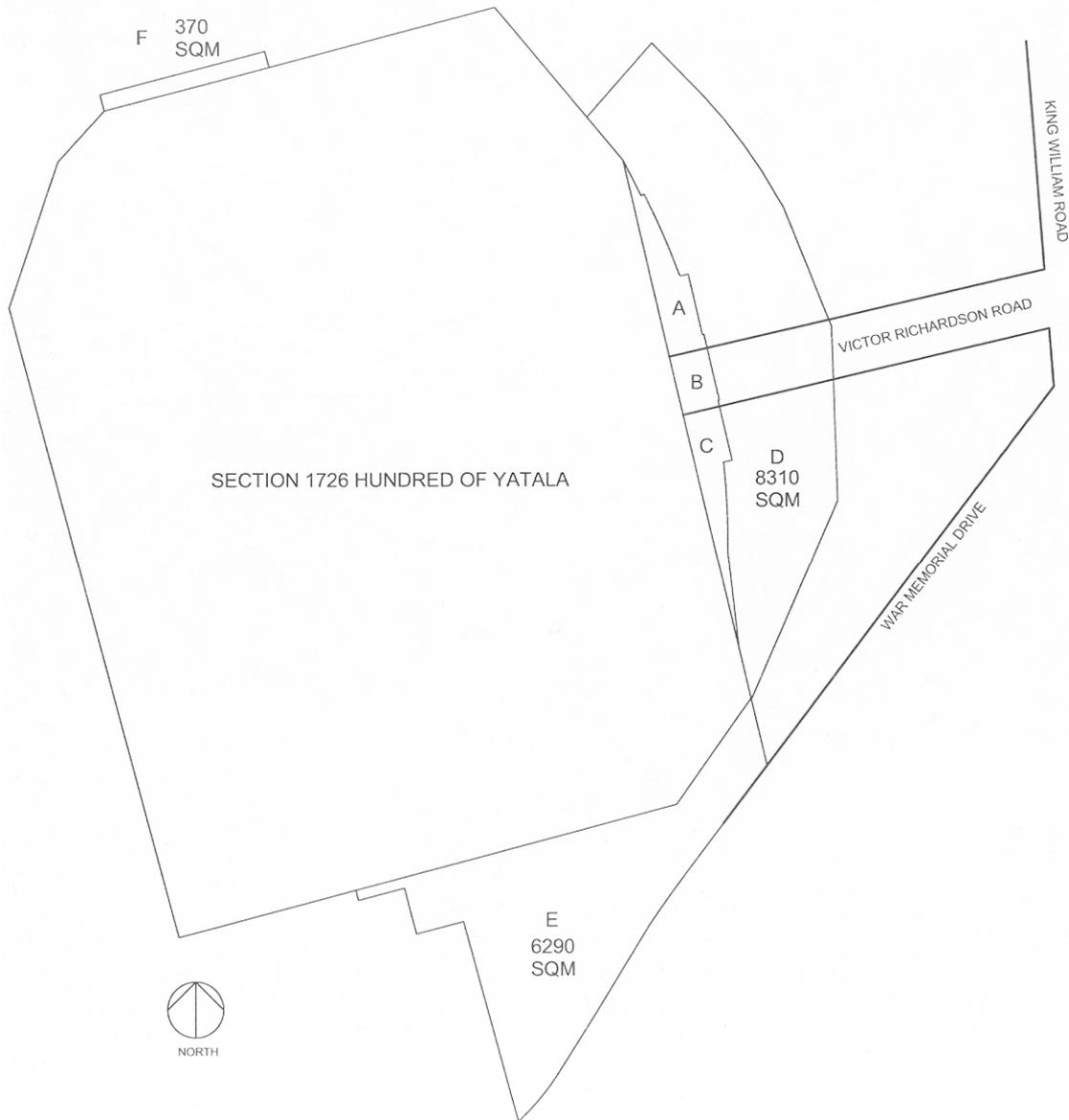
14—Interim occupation of core area

30 Until the Minister grants a lease to SMA under section 5, SACA is authorised to continue to occupy and manage the whole or any part of the Adelaide Oval Core Area on such terms and conditions as the Minister may determine from time to time after consultation with SACA.

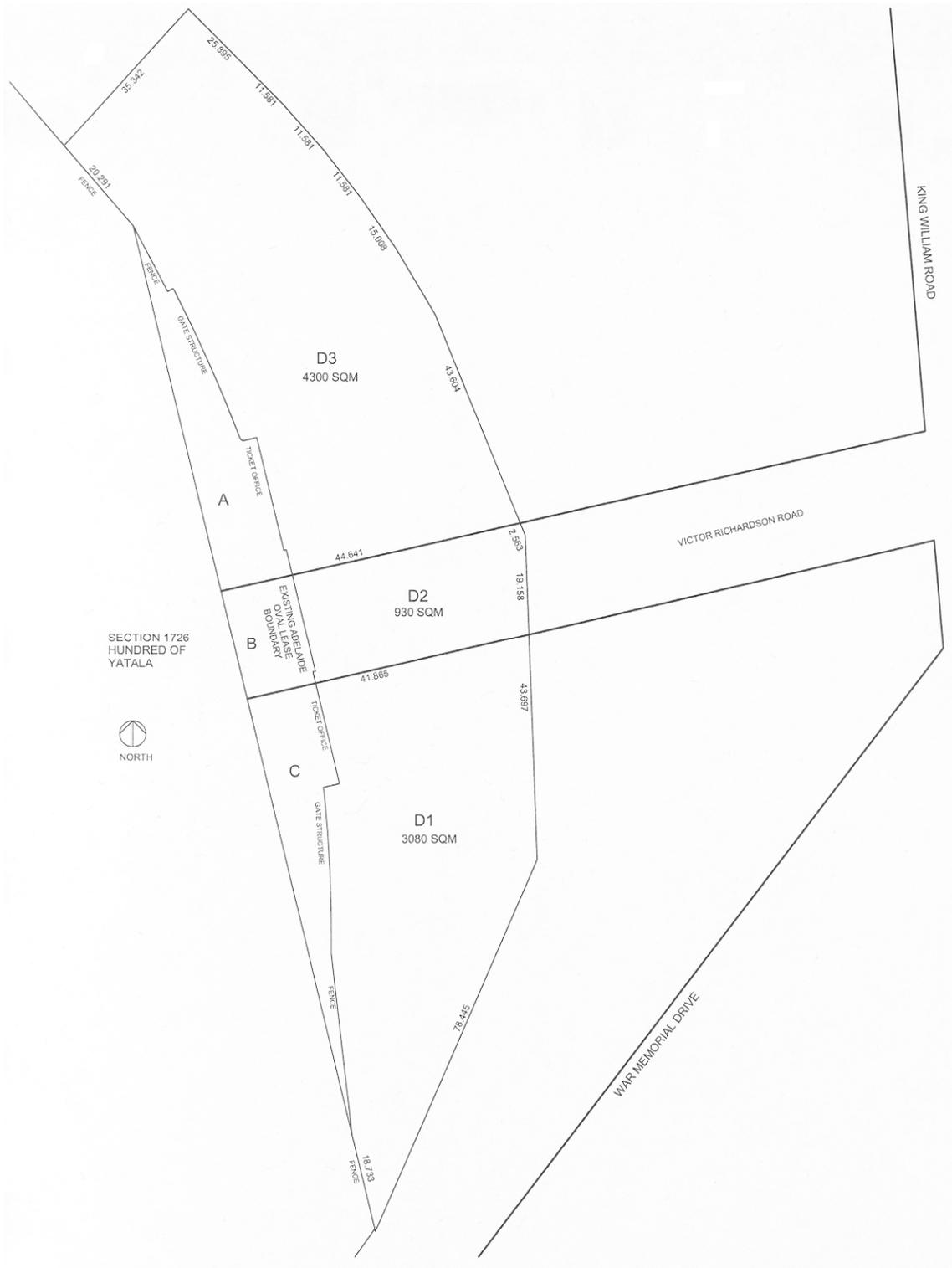
15—Regulations

35 The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

Schedule 1—Adelaide Oval Core Area—Overall plan



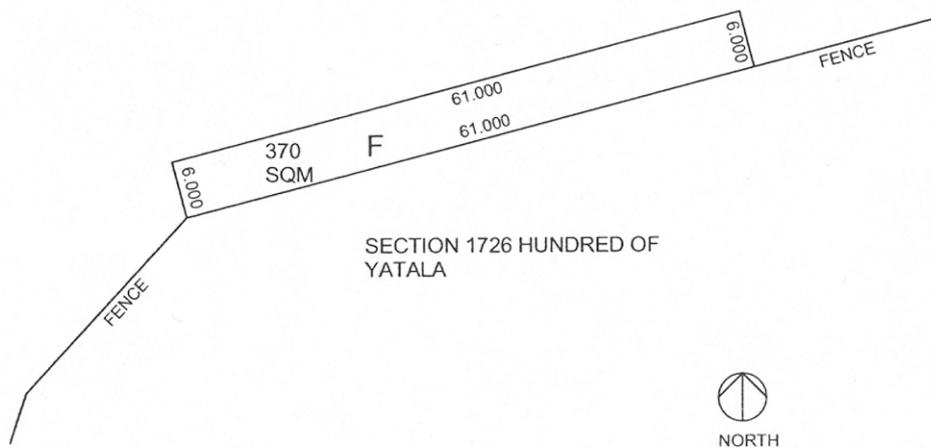
Schedule 2—Eastern Grandstand Area



Schedule 3—Southern Area



Schedule 4—Northern Area



Schedule 5—Car parking area

