

South Australia

**Adelaide Park Lands (Facilitation of Development  
of Victoria Park) Amendment Bill 2008**

A BILL FOR

An Act to amend the *Adelaide Park Lands Act 2005*.

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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 Park Lands (Facilitation of Development of Victoria Park) Amendment Act 2008*.

#### **5 2—Amendment provisions**

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### **Part 2—Amendment of *Adelaide Park Lands Act 2005***

#### **3—Insertion of Schedule 2**

10 After Schedule 1 insert:

### **Schedule 2—Facilitation of development of Victoria Park**

#### **1—Interpretation**

In this Schedule, unless the contrary intention appears—

15 *SAJC* means the South Australian Jockey Club Incorporated;

*SAMSB* means the South Australian Motor Sport Board;

*Victoria Park* means the area within the Adelaide Park Lands commonly known as *Victoria Park*;

20 *Victoria Park Grandstand Development* means the development approved by the Development Assessment Commission in DA/500/2007;

*Victoria Park precinct* means—

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- (a) any land within Victoria Park that at any time during the period of 12 months immediately preceding 6 December 2007 was occupied by SAMSB or SAJC (on any lawful basis and including as a lessee holding over after the expiry of a lease); and
  - (b) any other land brought within the ambit of this definition by resolution of both Houses of Parliament.

## 2—Occupation of Victoria Park precinct

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- (1) Subject to this Schedule, the Treasurer is entitled to occupy the Victoria Park precinct for a period of up to 99 years commencing on the day on which this Schedule comes into operation.
  - (2) The Treasurer may exercise this right of occupation—
    - 15 (a) by publishing a notice in the Gazette that the State Government is exercising this right for a period specified by the Treasurer and in relation to an area specified by the Treasurer; or
    - (b) by entering into a lease with the Council to occupy the whole or any part of the Victoria Park precinct for a period  
20 specified by the lease,or both (and the Treasurer may exercise this right despite any other provision of this or any other Act and the Council may grant a lease under this clause despite any other provision of this or any other Act).
  - 25 (3) Subject to any lease that the Treasurer may determine to enter into with the Council and subject to any step that the Treasurer may determine to take under this Schedule, the right of occupation is an exclusive right that prevails over all other interests (including the interest that arises by virtue of the fact that the care, control and  
30 management of the Adelaide Park Lands is vested in the Council).
  - (4) If the Treasurer does not occupy the whole of the Victoria Park precinct under subclause (2), a reference to the Victoria Park precinct in a succeeding subclause will be taken to be a reference to the area occupied by the Treasurer.
  - 35 (5) The Treasurer may, after exercising the right of occupation conferred by this clause—
    - (a) grant to SAMSB the right to conduct motor sport events on any part of the Victoria Park precinct;
    - 40 (b) grant to SAJC the right to conduct horse racing events on any part of the Victoria Park precinct;
    - (c) grant other rights to any person or body to conduct other events on any part of the Victoria Park precinct;

- (d) authorise other activities that are related to any event conducted under a preceding paragraph.
- (6) The Treasurer must, in connection with the operation of subclause (5)—
- 5 (a) take reasonable steps to consult with the Council before granting a right or authorisation under subclause (5); and
- (b) to the extent that the Victoria Park precinct is not being used or occupied for or in connection with any event or activity under subclause (5), take reasonable steps to maintain the status of the Victoria Park precinct as park lands.
- 10 (7) The Treasurer may, in taking action under subclause (5), grant a lease or sublease, or a licence, to any person or body.
- (8) The Treasurer may act under subclause (7) without the consent of the Council (and despite the fact that the care, control and management of the Adelaide Park Lands is vested in the Council).
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### **3—Development**

- (1) The Treasurer is authorised by force of this clause to carry out—
- 20 (a) the Victoria Park Grandstand Development, subject to any approval, or variation to any approval, (including as to conditions) granted by the Development Assessment Commission; and
- (b) any other development on any land that is subject to the Treasurer's right of occupation under clause 2, subject to the operation of subclauses (2) and (3).
- 25 (2) Section 49 of the *Development Act 1993* will apply to proposals by the Treasurer to undertake development under subclause (1)(b) (whether or not in partnership or joint venture with a person or body that is not a State agency).
- 30 (3) The following requirements apply in addition to the requirements of section 49 of the *Development Act 1993* in relation to any application to undertake development under subclause (1)(b):
- 35 (a) the Development Assessment Commission must ensure that the application is available for public inspection for 15 business days at the office of the Commission and must, by public advertisement, give notice of the right to inspect the application and invite interested persons to make submissions to the Commission on the application within the period of 15 days;

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- (b) the Development Assessment Commission must allow a person who has made a written submission to it within that period and who, as part of that submission, has indicated an interest in appearing before the Commission, a reasonable opportunity to appear personally or by representative before the Commission to be heard in support of his or her submission;
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- (c) the Development Assessment Commission's report to the Minister on the application must contain an assessment of the submissions made on the application by interested persons as referred to in paragraph (a) or (b);
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- (d) the Minister must, as soon as practicable after determining the application under section 49, prepare a report on the matter and cause copies of the report to be laid before both Houses of Parliament.
- (4) Expressions used in any of the paragraphs of subclause (2) have the same respective meanings as in the *Development Act 1993*.

#### 4—Authorisation of works

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- (1) The Treasurer—
- (a) may authorise a person to undertake any work or other activity for the purposes of any development under clause 3; and
- (b) may, in connection with an authorisation under paragraph (a), authorise any person—
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- (i) to enter and pass over any land;
- (ii) to bring onto any land any vehicles, plant or equipment;
- (iii) to temporarily occupy any land,
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- being land within Victoria Park or immediately adjacent to Victoria Park.
- (2) An authorisation under subclause (1) will have effect according to its terms and despite any other law.
- (3) A person must, in acting under an authorisation, insofar as is reasonably practicable, minimise any disturbance to land.
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- (4) No compensation is payable with respect to the exercise of a power under this clause.
- (5) A person must not, without reasonable excuse, hinder or obstruct a person exercising a power under this clause.
- Maximum penalty: \$25 000.

## **5—Interaction with other legislative provisions**

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- (1) To avoid doubt, the Minister may deposit an instrument in the General Registry Office under section 15 of this Act to take into account any act taken under this Schedule.
  - (2) In the event of an inconsistency between the operation or effect of a provision of this Schedule and the operation or effect of a provision of the Adelaide Park Lands Management Strategy, the operation or effect of the provision of this Schedule will prevail to the extent of the inconsistency.
  - (3) Section 21 of this Act will not apply in relation to a lease or sublease, or a licence, granted under this Schedule.
  - (4) Section 49(18) of the *Development Act 1993* does not apply to any development to be undertaken under this Schedule.
  - (5) Section 202(2) to (6) (inclusive) of the *Local Government Act 1999* does not apply in relation to a lease or sublease, or a licence, contemplated by this Schedule.
  - (6) Nothing in this Schedule derogates from the operation of the *South Australian Motor Sport Act 1984* (including as to the exercise of any powers under Part 3 of that Act).