

House of Assembly—No 132A

As reported with amendments, report agreed to and passed remaining stages,
18 October 2005

South Australia

Local Government (Lochiel Park Lands) Amendment Bill 2005

A BILL FOR

An Act to amend the *Local Government Act 1999*; and to make a related amendment to the
Development Plan under the *Development Act 1993*.

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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 *Local Government (Lochiel Park Lands) Amendment Act 2005*.

5 2—Commencement

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

3—Amendment provisions

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

10 Part 2—Amendment of *Local Government Act 1999*

4—Amendment of Schedule 8—Provisions relating to specific land

Schedule 8, after clause 10 insert:

11—Lochiel Park Lands

- (1) In this clause—

15 *Council* means The Corporation of the City of Campbelltown;

LMC means the Land Management Corporation or, if that body ceases to exist, a person or body brought within the ambit of this definition by the regulations;

20 *Lochiel Park Lands* means the portions of the land marked "P" and "R" in the plan deposited in the General Registry Office as GRO Plan No 302/2005;

responsible Minister means the Minister to whom the Governor has from time to time, by notice in the Gazette, assigned the functions of responsible Minister for the purposes of this clause.

- 5
- (2) On the commencement of this clause, the Lochiel Park Lands will revert to the status of unalienated Crown land.
- 10
- (3) The Minister responsible for the administration of the *Crown Lands Act 1929* must, as soon as practicable after the commencement of this clause, grant a licence under the *Crown Lands Act 1929* to LMC to occupy the Lochiel Park Lands for the purpose of carrying out functions under this clause.
- 15
- (4) The Minister granting the licence may determine the terms and conditions of the licence and those terms and conditions will have effect despite any provisions of the *Crown Lands Act 1929*.
- (5) The Lochiel Park Lands must be established as park lands and held for the benefit of the community.
- (6) LMC must undertake works to establish the Lochiel Park Lands as park lands for the purposes of subclause (5).
- (7) The works must be undertaken in accordance with a scheme determined by the responsible Minister.
- 20
- (8) The responsible Minister must, in establishing the scheme, take reasonable steps to consult with the Council.
- (9) LMC must, in undertaking the works, take reasonable steps to consult with the Council on a regular basis.
- 25
- (10) LMC must continue to occupy the Lochiel Park Lands—
- (a) while it establishes the Lochiel Park Lands as park lands; and
- (b) for a period of between 24 and 30 months after practical completion (determined in accordance with subclause (11)).
- 30
- (11) Practical completion will be determined by the responsible Minister, by notice in the Gazette, after the responsible Minister is satisfied that the scheme established under subclause (7) has been completed.
- (12) The responsible Minister must take reasonable steps to consult with the Council before publishing a notice under subclause (11).
- 35
- (13) The Governor may, at any time after 24 months after practical completion, by proclamation—
- (a) cancel the licence granted to LMC in accordance with subclause (3); and
- (b) place the Lochiel Park Lands under the care, control and management of the Council.

5 (14) If the Governor does not make a proclamation under subclause (13) within 30 months after practical completion, the licence granted to LMC in accordance with subclause (3) is taken to be cancelled and the Lochiel Park Lands are taken to be placed under the care, control and management of the Council by force of this clause.

(15) When the Lochiel Park Lands are placed under the care, control and management of the Council, the Lochiel Park Lands will be taken to be classified as community land and the classification is irrevocable.

10 (16) In addition, the Council—

10 (a) must maintain access across the Lochiel Park Lands to the land associated with Lochend House; and

15 (b) must maintain and preserve any infrastructure or other facilities existing within the Lochiel Park Lands at the time that the Lochiel Park Lands are placed under the care, control and management of the Council, subject to any approval, in writing, of the responsible Minister for the alteration, replacement or removal of specified infrastructure or facilities or infrastructure or facilities of a specified class; and

20 (c) must take reasonable steps to preserve any vegetation within the Lochiel Park Lands; and

25 (d) must not develop or adapt any part of the Lochiel Park Lands for an organised sporting activity or for any other purpose that restricts free access and use of the land as park lands; and

30 (e) must not otherwise alter the nature of the use of any part of the Lochiel Park Lands without the approval of the responsible Minister (but in any event ensuring that the Lochiel Park Lands remain as park lands that provide free access to the public).

35 (17) However, the Council may (as it thinks fit) and must, at the direction of the responsible Minister, allow an authority access to the Lochiel Park Lands in order to allow the construction or maintenance of infrastructure or public services (including storm-water, electricity, gas, water, sewerage or communications infrastructure or services).

40 (18) The Council must, with the assistance of LMC, prepare a management plan for the Lochiel Park Lands in accordance with Chapter 11 Part 1 and must adopt the plan within 2 months after the Lochiel Park Lands are placed under the care, control and management of the Council.

(19) The Council must not grant a lease or licence over any part of the Lochiel Park Lands except in accordance with the management plan, or with the approval of the responsible Minister.

Schedule 1—Amendment of Development Plan

1—Interpretation

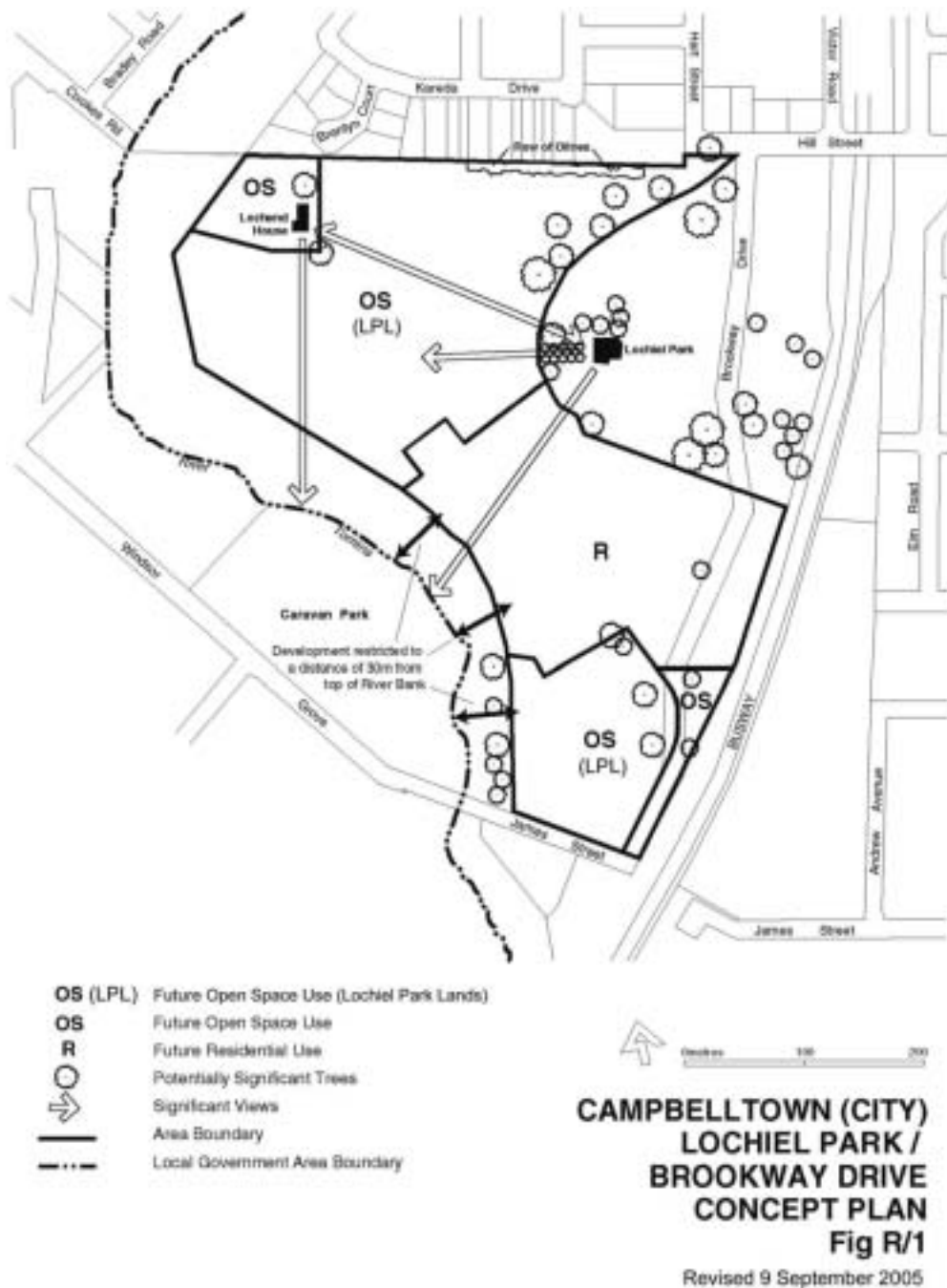
In this Schedule—

5 *Development Plan* means the Development Plan under the *Development Act 1993* that relates to Campbelltown (City), as consolidated on 10 March 2005.

2—Amendment of Development Plan

The Development Plan is amended in the following manner:

- 10 (a) page 59, under the heading "Campbelltown Desired Future Character Statement", fourth paragraph—after "and to be utilised" insert:
- , as the Lochiel Park Lands in accordance with Schedule 8 clause 11 of the *Local Government Act 1999*,
- (b) Concept Plan Figure R/1—delete Concept Plan Figure R/1 and substitute:



(c) page 63, under the heading "Lochiel Park", principle number 5—after "and to be utilised" insert:

, as the Lochiel Park Lands in accordance with Schedule 8 clause 11 of the *Local Government Act 1999*,