

Legislative Council—No 168

As introduced and read a first time, 27 October 2021

South Australia

**Planning, Development and Infrastructure
(Adelaide Park Lands) Amendment Bill 2021**

A BILL FOR

An Act to amend the *Planning, Development and Infrastructure Act 2016*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Planning, Development and Infrastructure Act 2016*

- 3 Amendment of section 3—Interpretation
- 4 Amendment of section 73—Preparation and amendment
- 5 Amendment of section 74—Parliamentary scrutiny
- 6 Amendment of section 75—Complying changes—Planning and Design Code
- 7 Amendment of section 76—Minor or operational amendments

Schedule 1—Transitional provision

- 1 Transitional provision
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Planning, Development and Infrastructure (Adelaide Park Lands) Amendment Act 2021*.

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 *Planning, Development and Infrastructure Act 2016*

3—Amendment of section 3—Interpretation

- (1) Section 3(1)—after the definition of *accredited professional* insert:

Adelaide Park Lands amendment means an amendment to the Planning and Design Code that—

- 15 (a) varies, or affects the operation of, a provision of the Planning and Design Code, as in force on 27 October 2021, that relates to development in the Adelaide Park Lands (within the meaning of the *Adelaide Park Lands Act 2005*); or
- 20 (b) varies a boundary of the Adelaide Park Lands Zone under the Planning and Design Code, as in force on 27 October 2021;

(2) Section 3—after subsection (1) insert:

- (1a) Regulations under paragraph (c) of the definition of *Planning Rules* in subsection (1) cannot prescribe an instrument a provision of which relates to the Adelaide Park Lands (within the meaning of the *Adelaide Park Lands Act 2005*).

4—Amendment of section 73—Preparation and amendment

(1) Section 73(10)—delete "After" and substitute:

Subject to this section, after

(2) Section 73—after subsection (10) insert:

- (10a) The Minister must not adopt an Adelaide Park Lands amendment unless the amendment (if relevant, as altered or divided under subsection (10)(d) or (e)) is approved by resolution passed by both Houses of Parliament.

- (10b) Notice of a motion for a resolution under subsection (10a) must be given at least 14 sitting days before the motion is passed.

5—Amendment of section 74—Parliamentary scrutiny

Section 74—after subsection (15) insert:

- (16) An Adelaide Park Lands amendment does not need to be referred to the ERD Committee under this Part.

6—Amendment of section 75—Complying changes—Planning and Design Code

Section 75—after subsection (1) insert:

- (1a) However, an Adelaide Park Lands amendment cannot be effected under this section.

7—Amendment of section 76—Minor or operational amendments

Section 76—after subsection (4) insert:

- (4a) However, an Adelaide Park Lands amendment cannot be effected under subsection (1)(c) or (d) or (2).

Schedule 1—Transitional provision

1—Transitional provision

The *Planning, Development and Infrastructure Act 2016* as amended by this Act applies to an amendment to the Planning and Design Code taking effect on or after the commencement of this Act (whether the process for adopting or effecting the amendment was initiated or proposed before or after that commencement).