

House of Assembly—No 123

As laid on the table and read a first time, 13 November 2019

South Australia

**Planning, Development and Infrastructure
(Carparking Requirements) Amendment Bill 2019**

A BILL FOR

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

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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 (Carparking Requirements) Amendment Act 2019*.

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 94—Relevant authority—Commission

Section 94(1)(b)—after "by" insert:

this Act or

4—Amendment of section 108—Categorisation

- 15 (1) Section 108(1)(a)—after "classified by" insert:

this Act or

- (2) Section 108—after subsection (1) insert:

(1a) In accordance with subsection (1)(a), if a proposed development on a site involving the construction of a new dwelling does not—

- 20 (a) in the case of a 1 bedroom dwelling—provide for at least 1 carpark on the site or on a site within 100 metres of the dwelling; or

- (b) in the case of a dwelling with 2 or more bedrooms—provide for at least 2 carpark on the site or on a site within 100 metres of the dwelling (or a combination of both),

the development is classified as restricted development.

5 **5—Amendment of section 110—Restricted development**

Section 110(10)—delete subsection (10) and substitute:

- (10) If the Commission makes an assessment under this section in relation to restricted development, the Commission must—

- 10 (a) in the case of a proposed development on a site involving the construction of a new dwelling classified as restricted development under section 108(1a), ensure that—
 - (i) in the case of a 1 bedroom dwelling—provision is made for at least 1 carpark on the site or on a site within 100 metres of the dwelling; or
 - 15 (ii) in the case of a dwelling with 2 or more bedrooms—provision is made for at least 2 carpark on the site or on a site within 100 metres of the dwelling (or a combination of both); and
- 20 (b) in any case—take into account the relevant provisions of the Planning and Design Code (but is not bound by those provisions).

6—Amendment of section 128—Variation of authorisation

Section 128(2)(c)—after "classified by" insert:

this Act or

25 **7—Amendment of section 202—Rights of review and appeal**

Section 202(1)(d)—after "by" insert:

this Act or