

South Australia

**Statutes Amendment (Location of Gaming Venues)
Bill 2008**

A BILL FOR

An Act to amend the *Development Act 1993*; and the *Gaming Machines Act 1992*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Development Act 1993*

- 3 Insertion of section 37B
37B Proposed development adjacent to gaming venue

Part 3—Amendment of *Gaming Machines Act 1992*

- 4 Amendment of section 15A—Special provisions relating to location of gaming venues
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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 *Statutes Amendment (Location of Gaming Venues) 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 *Development Act 1993*

3—Insertion of section 37B

10 After section 37A insert:

37B—Proposed development adjacent to gaming venue

- 15 (1) Despite any other provision of this Act, development authorisation may not be granted in relation to a prescribed development proposed to be undertaken on land that is adjacent land in relation to a gaming venue.
- (2) Subsection (1) applies only in respect of an application for consent made after the commencement of that subsection (and any development authorisation granted in relation to such an application will be taken to be void and of no effect).

20 (3) In this section—

gaming venue means licensed premises under the *Gaming Machines Act 1992*;

prescribed development means—

- (a) a school, preschool or childcare centre; or

(b) a shopping complex;

shop means a shop at which goods are sold to the public by retail;

shopping centre means a cluster of premises where—

(a) at least 1 of the premises is a shop; and

(b) the premises are located in the 1 building or in 2 or more buildings that are adjoining or are separated only by the grounds of the centre; and

(c) the cluster of premises is likely to be promoted as, or likely to be generally regarded as constituting, a shopping centre, shopping mall, shopping court or shopping arcade;

shopping complex means a shop, or shopping centre, together with all parking and other areas adjacent and ancillary to, and intended primarily for the use of persons attending, the shop or shopping centre.

Part 3—Amendment of *Gaming Machines Act 1992*

4—Amendment of section 15A—Special provisions relating to location of gaming venues

(1) Section 15A(1) and (2)—delete subsections (1) and (2) and substitute:

(1) Despite any other provision of this Act, the Commissioner cannot grant an application for a gaming machine licence in respect of licensed premises, or grant any other application under this Act in respect of licensed premises that are subject to a gaming machine licence, if to do so would result in the licensed premises, or the whole or part of a gaming area of the licensed premises, being located on land that is adjacent land in relation to a prescribed development.

(2) Subsection (1) applies only in respect of an application made after the commencement of that subsection (and any grant by the Commissioner of such an application will be taken to be void and of no effect).

(2) Section 15A(5)—before the definition of *shop* insert:

adjacent land in relation to other land, means land—

(a) that abuts on the other land; or

(b) that is no more than 60 metres from the other land and is directly separated from the other land only by—

(i) a road, street, footpath, railway or thoroughfare; or

(ii) a watercourse; or

(iii) a reserve or other similar open space;

prescribed development means—

(a) a school, preschool or childcare centre; or

(b) a shopping complex;