

Legislative Council—No 47

As received from the House of Assembly and read a first time, 28 September 2022

South Australia

Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill 2022

A BILL FOR

An Act to amend the *Private Parking Areas Act 1986*.

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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 *Private Parking Areas (Shopping Centre Parking Areas) Amendment Act 2022*.

2—Commencement

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

Part 2—Amendment of *Private Parking Areas Act 1986*

3—Amendment of section 4—Interpretation

- 10 (1) Section 4(1)—before the definition of *authorised officer* insert:
- Adelaide CBD* means the area of the City of Adelaide bounded—
- 15 (a) on the north by the northern bank of the River Torrens; and
 - (b) on the south by the northern alignment of South Terrace; and
 - (c) on the east by the western alignment of East Terrace and its
prolongation north to the northern bank of the River Torrens; and
 - (d) on the west by the eastern alignment of West Terrace and its
prolongation north to the northern bank of the River Torrens;
- (2) Section 4(1)—after the definition of *authorised officer* insert:
- 20 *chief executive officer* of a council has the same meaning as in the *Local Government Act 1999*;
- (3) Section 4(1)—after the definition of *exempt vehicle* insert:
- lease* has the same meaning as in the *Retail and Commercial Leases Act 1995*;

- (4) Section 4(1)—after the definition of *loading area* insert:

major retail shopping centre means a retail shopping centre where the total of the lettable areas of all the retail shops (whether leased or available for lease) in the retail shopping centre is 34 000 m² or more, but does not include a retail shopping centre within the Adelaide CBD;

- (5) Section 4(1), definition of "*owner*, in relation to land"—delete "or private parking area" and substitute:

, private parking area or regulated shopping centre parking area

- (6) Section 4(1), definition of *private parking area*—after "areas" insert:

or the whole or part of the area is also a regulated shopping centre parking area

- (7) Section 4(1)—after the definition of *private walkway* insert:

regulated shopping centre parking area means an area provided on land by the owner for the parking of vehicles used by persons frequenting a major retail shopping centre;

- (8) Section 4(1)—after the definition of *restricted parking area* insert:

retail shop and *retail shopping centre* have the same respective meanings as they do in the *Retail and Commercial Leases Act 1995*;

4—Insertion of section 13

After section 12 insert:

13—Regulated shopping centre parking areas

- (1) The owner of a regulated shopping centre parking area must not, without the approval of the chief executive officer of the council for the area in which the regulated shopping centre parking area is situated, charge a person a fee for the parking of a vehicle in the regulated shopping centre parking area.

Maximum penalty: \$5 000.

- (2) The chief executive officer of a council cannot grant an approval under subsection (1) unless the council has, by resolution, recommended the granting of the approval.

- (3) Before passing a resolution under subsection (2), a council must consult with the community of the council on whether passing the proposed resolution is in the community interest.