

South Australia

North Adelaide Public Golf Course Act 2025

An Act to facilitate the development of a new North Adelaide Golf Course, to provide for its ongoing use as a championship golf course and public facility, and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *North Adelaide Public Golf Course Act 2025*.

2—Commencement

This Act comes into operation on the day on which it is assented to by, or on behalf of, the Crown.

3—Interpretation

(1) In this Act—

Adelaide City Council means The Corporation of the City of Adelaide;

approved event means an event approved by the Minister in accordance with section 19(a);

approved event support zone—see section 21(1);

designated Minister means the Minister designated by the Governor, by proclamation, as the Minister in whom the project site will vest under section 8;

GRO means the General Registry Office at Adelaide;

handover day means a day designated by the Minister by notice in the Gazette for the purposes of this Act;

LTRO means the Lands Titles Registration Office;

project means the development of a new North Adelaide Golf Course to include a championship golf course and, subject to subsection (2), other facilities as determined by the Minister;

project site—see section 5;

road has the same meaning as in the *Local Government Act 1999*;

support zone—see section 14.

(2) The definition of the *project* in subsection (1) does not extend to the development of any accommodation (whether in the form of a hotel or other temporary accommodation facilities or in the form of housing for ongoing occupation) and nothing in this Act—

(a) authorises or permits the development of any such accommodation on the project site; or

- (b) has the effect of causing such development to be taken to be classified by the Planning and Design Code as deemed-to-satisfy development for the purposes of the *Planning, Development and Infrastructure Act 2016*.

4—Effect of Act

- (1) This Act has effect despite any other Act or law of the State.
- (2) This Act applies to land notwithstanding the provisions of the *Real Property Act 1886*.
- (3) The *Land Acquisition Act 1969* does not apply to any vesting of land under this Act.

Note—

Nothing in this Act affects the operation of any Commonwealth law or authorises the Minister to affect any right, title or interest held by the Crown in right of the Commonwealth.

Part 2—Project site

5—Project site

- (1) The *project site*—
 - (a) is the area of land delineated as the project site in a plan or plans to be deposited in the GRO and identified by the Minister by notice in the Gazette for the purposes of this paragraph, being an area of land that includes—
 - (i) the area that was, immediately before the commencement of this Act, operating as the North Adelaide Golf Course; and
 - (ii) the area known as *John E Brown Park* (Park 27A); and
 - (iii) certain road reserve areas in the vicinity of the areas listed in the preceding subparagraphs; or
 - (b) if, after the commencement of this section, the Minister determines that it is necessary or desirable to include additional areas of land in the project site or to remove any areas of land from the project site—is the area or areas of land delineated in a plan or plans to be deposited in the GRO and identified by the Minister by notice in the Gazette for the purposes of this paragraph.
- (2) The Minister must not include additional areas of land in the project site under subsection (1)(b) unless the Minister has undertaken consultation (in such manner as the Minister thinks fit) with the Adelaide City Council and any other entity the Minister thinks fit.

6—Cancellation of leases and licences

- (1) All leases and licences that exist and are held in relation to the project site, as defined in section 5(1)(a), are cancelled—
 - (a) if, at any time before the handover day, the Minister, by notice in the Gazette, designates a day for the purposes of this section—on the day so designated; or
 - (b) in any other case—on the handover day.
- (2) If any land is included in the project site in accordance with section 5(1)(b), all leases and licences that exist and are held in relation to such land are cancelled on the day that the land becomes included in the project site.

7—Preparations for handover of project site

- (1) The Minister must, before designating a handover day for the purposes of this Act, undertake consultation (in such manner as the Minister thinks fit) with the Adelaide City Council in relation to the handover of the project site.
- (2) The Adelaide City Council must, on or before the handover day, vacate and handover possession and control of the project site (and all facilities situated on the project site) to the Minister, in accordance with any directions of the Minister.
- (3) A direction of the Minister under subsection (2) may include, without limitation, requirements for any of the following to occur before the handover day (or any later date approved by the Minister):
 - (a) the provision of—
 - (i) information relating to contracts and agreements in force in connection with the project site or facilities on the project site; or
 - (ii) any other specified information or specified classes of information;
 - (b) tasks to be undertaken and completed by the Adelaide City Council in relation to the project site or any operations on the project site;
 - (c) the handover (on such terms as may be specified by the Minister) of any personal property the Minister thinks necessary or desirable in connection with the project or with the ongoing care, control and management of the project site or facilities on the project site.
- (4) If the Adelaide City Council fails to comply with a direction of the Minister under subsection (2), the Minister may take any action required under the direction, or necessary for the direction to be carried out, as if the Minister were the Adelaide City Council (including action in relation to any person or any property of a third party).
- (5) No civil or criminal liability attaches to the Minister or the Crown in respect of the issuing of any direction under this section or the taking of any action under subsection (4).

8—Vesting and care, control etc of project site

- (1) On the handover day the whole of the project site (as delineated in the plan or plans deposited in the GRO in accordance with section 5(1)) is vested in the designated Minister in an estate in fee simple by operation of this section.
- (2) If the areas of land included in the project site are subsequently altered in accordance with section 5(1)(b), the areas of land delineated in the plan or plans deposited in the GRO in accordance with that provision are taken to be vested in the designated Minister in an estate in fee simple by operation of this section (and if any areas of land are removed from the project site under that provision, those areas of land may be dealt with in accordance with section 16 as if they were still within the project site).
- (3) Land that vests in the designated Minister under this section vests free from all dedications, encumbrances, estates and interests other than those indicated by the Minister in the plan or plans deposited under section 5(1)(a) or (b).
- (4) For the avoidance of doubt, any areas of road, or road reserve, that vest in the designated Minister under this section will, on that vesting, cease to be areas of road or road reserve.

- (5) The care, control, management and use of the project site (as it exists from time to time in accordance with section 5) is vested in the Minister by operation of this section and the designated Minister must comply with any directions given by the Minister for purposes connected with carrying out the project or exercising any other functions of the Minister under this Act.
- (6) Any items of personal property remaining on the project site after it vests in the designated Minister in accordance with this section are forfeited to the Crown (and may be dealt with in a manner determined by the Minister).
- (7) Nothing in this section affects any existing liability of the Adelaide City Council or any other party in respect of the project site or activities on the project site.

Part 3—Carrying out the project

9—Consultation requirements and protocol

- (1) The Minister—
 - (a) must ensure that Adelaide City Council are (whether before or after the commencement of this Act) given an opportunity to provide the Minister with a statement outlining the matters relating to the project that the Council would like to be consulted on; and
 - (b) having regard to the statement provided by the Council, must determine a consultation protocol (containing such requirements as the Minister thinks fit) and ensure that the Adelaide City Council is consulted in relation to the project at such times and in such manner as the Minister has determined in the consultation protocol.
- (2) This section applies in addition to any other provision of this Act requiring the Minister to undertake consultation (but despite other laws—see section 12).

10—Application of *Aboriginal Heritage Act 1988*

The *Aboriginal Heritage Act 1988* applies in relation to any Aboriginal sites, objects or remains (within the meaning of that Act) found on or under any land in the course of the carrying out of the project on the project site or the support zones.

11—Application of *Planning, Development and Infrastructure Act 2016* etc

- (1) Subject to this section, the following requirements of the *Planning, Development and Infrastructure Act 2016* apply to a development proposed to be undertaken, for the purposes of the project, on the project site or the support zones (to the extent that they are relevant to the particular development):
 - (a) the requirement for planning consent and building consent to be granted in respect of the development;
 - (b) the requirement for final development approval to be granted in respect of the development.
- (2) All development proposed to be undertaken, for the purposes of the project, on the project site or the support zones will be taken to be classified by the Planning and Design Code as deemed-to-satisfy development for the purposes of the *Planning, Development and Infrastructure Act 2016*.

- (3) The State Planning Commission will be taken to be the relevant authority for all purposes under the *Planning, Development and Infrastructure Act 2016* in relation to development proposed to be undertaken, for the purposes of the project, on the project site or the support zones.

12—Application of other State laws to project

- (1) Except as is specified in sections 10 and 11 or as may be determined by the Minister by notice in the Gazette, no—
- (a) assessment, decision, consent, approval, authorisation, certificate, licence, permit or permission; or
 - (b) consultation, inquiry, notification or other process or procedural step,
- is required under a law of the State in connection with the carrying out of the project (including, for the avoidance of doubt, the expenditure of money for the purposes of the project) or otherwise for the performance of functions under this Act.
- (2) No civil or criminal liability will attach to a person for an act or omission in good faith in reliance on subsection (1).

13—Requirements relating to trees

The Minister must ensure that for every tree that is removed in the course of undertaking the project not less than 3 new trees (or seedlings for not less than 3 new trees) are planted within the project site and support zones.

14—Support zones

- (1) The *support zones* are the areas of land indicated, from time to time, as support zones in a plan or plans to be deposited in the GRO and identified by the Minister by notice in the Gazette for the purposes of this section.
- (2) In this section, *support services and facilities* are any of the following:
- (a) utilities or services required in connection with the project or in connection with other support services and facilities;
- Note—**
- For example electricity and telecommunications, gas, water and sewerage.
- (b) stormwater management works;
 - (c) roads, paths, pedestrian bridges and walkways and other access facilities in connection with the project or in connection with other support services and facilities;
- Note—**
- This includes fixtures on or in the vicinity of any such facilities, such as signage, traffic control devices and lighting.
- (d) temporary amenities and facilities required while the project is being undertaken;
 - (e) works to facilitate the construction of any building or structure on the project site;
 - (f) landscaping and other works;

- (g) any other works reasonably required for the purposes of developing the new golf course and remediating the area.
- (3) The Minister may, for the purposes of any support services and facilities, do any of the following in a support zone:
- (a) enter and occupy, or otherwise make use of, the zone;
 - (b) take vehicles, machinery or equipment onto the zone;
 - (c) erect any fences or barriers and prevent access to the zone or any part of the zone;
 - (d) undertake works or activities in the zone, including (without limitation)—
 - (i) undertaking any testing, investigations or preparatory works; or
 - (ii) constructing, or realigning or otherwise altering, any roads, paths, pedestrian bridges and walkways and other access facilities; or
 - (iii) demolishing, constructing or altering any structure or facility; or
 - (iv) undertaking any earthworks; or
 - (v) any works or activities necessary or desirable for the purpose of constructing any building or structure on the project site or any other works necessary or desirable for the purposes of undertaking the project on the project site; or
 - (vi) installing, modifying, removing or relocating any utilities, services, equipment, items or facilities; or
 - (vii) clearing or otherwise dealing with any vegetation or undertaking any planting or landscaping.
- (4) The Minister may, by instrument in writing, authorise any person, or class of person, to exercise powers referred to in subsection (3) on behalf of the Minister (and if a person is authorised by the Minister to exercise a power under this subsection, the person will be taken to exercise the power pursuant to that authority to the exclusion of any other powers of the person under another Act or law).
- (5) The Minister—
- (a) is not authorised under this section to construct any building in the support zones that would remain after completion of the project; and
 - (b) must, after completion of the project and relevant support services and facilities, ensure that the public amenity of the support zones is restored by, for example, landscaping or revegetating such areas,
- (provided that nothing in this subsection affects anything constructed or installed in accordance with subsection (2)(a), (b), (c), (f) or (g)).
- (6) The Minister may, by instrument in writing, vary or extinguish any lease or licence that exists in relation to a support zone if satisfied that it is reasonably necessary for the purposes of the project or any support services and facilities (and no liability attaches to the Minister or the Crown in respect of and such variation or extinguishment).

15—Roads

- (1) The Minister may—
 - (a) by notice in the Gazette, temporarily close any road in connection with carrying out the project; or
 - (b) by lodging a plan with the Registrar-General, open or close any roads in connection with the project.
- (2) If a plan is lodged under subsection (1)(b)—
 - (a) the plan may specify that any road shown on the plan is a public road (in which case the road will be taken to have been established in accordance with the *Roads (Opening and Closing) Act 1991* and to be a public road within the meaning of section 4 of the *Local Government Act 1999*); and
 - (b) the Minister may vary the plan by subsequent plan lodged with the Registrar-General.

16—Minister may make provision in relation to vesting etc of project land, structures or property

- (1) The Minister may, in order to implement leasing or such other arrangements as may be agreed between the Minister and the Adelaide City Council or for any other purpose connected with the operation of this Act that the Minister thinks fit, by instrument in writing, make any provision for or relating to—
 - (a) the vesting, management or use of land, structures or personal property within the project site or support zones; or
 - (b) the status of any land or structures within the project site or support zones; or
 - (c) the restoration of any right or interest that was cancelled or extinguished under this Act; or
 - (d) the delineation of land within the project site or support zones.

Note—

An instrument under this section may, for example, extinguish, vary, transfer or create any interest in land, a structure or property, grant a lease over any land, provide for the reservation of land for a specified purpose, vest the care, control and management of land or a structure in any person or otherwise set out arrangements in relation to the management or use of land, a structure or property.

- (2) An instrument under this section may be conditional or unconditional.
- (3) An instrument under subsection (1) will have effect according to its terms (despite any other provision of this Act) and, subject to the regulations, any requirements of another Act relating to the action taken under this section will not apply.
- (4) If an instrument under this section relates to land, the instrument must be deposited in the GRO or lodged in the LTRO.
- (5) If the Minister deposits an instrument in the GRO or lodges an instrument in the LTRO under this section, the Minister must give public notice of that fact within 2 months after the instrument is so deposited or lodged.
- (6) A reference in subsection (1)(b) to the *status* of land includes its status under the *Crown Land Management Act 2009*.

Part 4—Operation of golf course

17—Interpretation

In this Part—

declared period for an approved event—see section 19(b);

North Adelaide Golf Course means the new North Adelaide Golf Course, as in operation following the completion of the project under this Act.

18—General operation of golf course

- (1) Subject to this Part—
 - (a) the North Adelaide Golf Course must continue to operate as a public golf course; and
 - (b) the area of land comprising the North Adelaide Golf Course must not have permanent fencing around its perimeter for the purpose of excluding members of the public from the golf course land.
- (2) The Minister must ensure that a differential price structure applies in respect of access to the public golf course such that persons who are able to produce evidence (of a kind determined by the Minister) establishing that they are resident in the State will be entitled to pay a lesser fee for that access than persons who are not able to produce such evidence.
- (3) Nothing in subsection (1) prevents the erection of fencing or other barriers in relation to particular areas forming part of the North Adelaide Golf Course where the Minister is satisfied that the erection of the fencing or barrier is necessary or desirable for reasons of public safety, the security of any property or otherwise for a good purpose.

19—Use of golf course for approved events

The Minister may, by notice in the Gazette—

- (a) approve the conduct of a specified event at the North Adelaide Golf Course (or on any part of the land comprising the North Adelaide Golf Course); and
- (b) specify a period that will be the *declared period* for the event under this Part for the purposes of—
 - (i) undertaking any works the Minister thinks fit to prepare or set up for the event; and
 - (ii) the conduct of the event; and
 - (iii) undertaking any works the Minister thinks fit after the event for the resumption of the ordinary operations of the North Adelaide Golf Course; and
- (c) temporarily close any road within or in the vicinity of the North Adelaide Golf Course.

20—Minister to have care, control etc of golf course for declared period

The care, control, management and use of the land comprising the North Adelaide Golf Course vests in the Minister (to the extent that it is not already so vested) for the declared period for an approved event and the rights or interests of any other person in or in relation to the land are suspended for the declared period.

21—Approved event support zones

(1) The *approved event support zones* are the areas of land indicated, from time to time, as approved event support zones in a plan or plans to be deposited in the GRO and identified by the Minister by notice in the Gazette for the purposes of this section.

(2) In this section, *approved event support services and facilities* are any of the following:

(a) utilities or services required in connection with the approved event;

Note—

For example electricity and telecommunications, gas, water and sewerage.

(b) roads, paths and other access requirements in connection with the approved event or in connection with other approved event support services and facilities;

Note—

This includes fixtures on such roads, paths and other access requirements, such as signage, traffic control devices and lighting.

(c) temporary amenities and facilities required in connection with the approved event;

(d) works to facilitate the construction of any building or structure for the purposes of the approved event;

(e) landscaping and other works for the purposes of the approved event;

(f) any other works reasonably required for the purposes of the conduct of the approved event.

(3) The Minister may, for the purposes of any approved event support services and facilities, do any of the following in an approved event support zone:

(a) enter and occupy, or otherwise make use of, the zone;

(b) take vehicles, machinery or equipment onto the zone;

(c) erect any fences or barriers and prevent access to the zone or any part of the zone;

(d) undertake works or activities in the zone, including (without limitation)—

(i) undertaking any testing, investigations or preparatory works; or

(ii) constructing, realigning or otherwise altering any roads or paths; or

(iii) demolishing, constructing or altering any structure; or

(iv) undertaking any earthworks; or

- (v) any works or activities necessary or desirable for the purpose of constructing any building or structure or any other works necessary or desirable for the purposes of the conduct of the approved event; or
 - (vi) installing, modifying, removing or relocating any utilities, services, equipment, items or facilities; or
 - (vii) clearing or otherwise dealing with any vegetation or undertaking any planting or landscaping.
- (4) The Minister may, by instrument in writing, authorise any person, or class of person, to exercise powers referred to in subsection (3) on behalf of the Minister (and if a person is authorised by the Minister to exercise a power under this subsection, the person will be taken to exercise the power pursuant to that authority to the exclusion of any other powers of the person under another Act or law).
- (5) The Minister—
- (a) is not authorised under this section to construct any building in the approved event support zones that would remain after the end of the declared period for the approved event; and
 - (b) must, after the end of the declared period for the approved event, ensure that the public amenity of the approved event support zones is restored by, for example, landscaping or revegetating such areas.
- (6) The Minister may, by instrument in writing, vary or extinguish any lease or licence that exists in relation to an approved event support zone if satisfied that it is reasonably necessary for the purposes of the approved event or any approved event support services and facilities (and no liability attaches to the Minister or the Crown in respect of and such variation or extinguishment).

22—Temporary fencing of land by Minister

- (1) The whole or any part of the land comprising the North Adelaide Golf Course or an approved event support zone may be fenced or cordoned off by the Minister for the whole or any part of the declared period for an approved event.
- (2) The Minister may, if satisfied that it is reasonably necessary or desirable for, or incidental to, the performance of functions under this Part or otherwise for purposes related to the conduct of an approved event, fence or cordon off a part of the land comprising the North Adelaide Golf Course for any other periods (whether or not falling within the declared period for the event).
- (3) Any land comprising the North Adelaide Golf Course or an approved event support zone that is fenced or cordoned off by the Minister will, while it is so fenced or cordoned off, be taken to be in the lawful occupation of the Minister.

23—Application of *Major Events Act 2013*

The regulations may modify the application of the *Major Events Act 2013* in respect of any specified approved event.

24—Application of certain laws to events and activities

- (1) The following Acts or laws do not apply to, or in relation to, the land comprising the North Adelaide Golf Course during the declared period for an approved event:
 - (a) the *Environment Protection Act 1993*;
 - (b) any regulations or by-laws made under the *Local Government Act 1934* or the *Local Government Act 1999*.
- (2) No activity carried on by or with the permission of the Minister on land comprising the North Adelaide Golf Course will constitute a nuisance under any Act or law or a local nuisance under the *Local Nuisance and Litter Control Act 2016*.

25—Application of *Planning, Development and Infrastructure Act 2016*

- (1) Subject to subsection (2), all development proposed to be undertaken by or with the permission of the Minister on land comprising the North Adelaide Golf Course will be taken to be classified by the Planning and Design Code as deemed-to-satisfy development for the purposes of the *Planning, Development and Infrastructure Act 2016*.
- (2) If the Minister certifies that particular works to be undertaken on land comprising the North Adelaide Golf Course or an approved event support zone are necessary or desirable in connection with the conduct of an approved event, the provisions of the *Planning, Development and Infrastructure Act 2016* do not apply to or in relation to the works.

Part 5—Miscellaneous

26—Other actions to give effect to Act etc

- (1) An entity responsible for the preparation or maintenance of any instrument under an Act must, at the request of the Minister, make any alterations to the instrument that are, in the opinion of the Minister, necessary or desirable to give effect to this Act or for the ongoing operation of any facilities on the project site or support zones.

Note—

See also section 4(1).

- (2) An entity responsible for the grant of any consent, approval, authorisation, certificate, licence, permit or permission under an Act (a **statutory authorisation**) must, at the request of the Minister, grant any statutory authorisation that is, in the opinion of the Minister, necessary or desirable to give effect to this Act, for the ongoing operation of any facilities on the project site or in connection with an approved event (whether on the project site or an approved event support zone).
- (3) If a request is made by the Minister under this section for alteration of an instrument made under an Act or for the grant of any statutory authorisation, the alteration must be made, or the statutory authorisation must be granted, in accordance with the directions of the Minister and any procedural or other requirements of that Act relating to the making of such instruments, or alterations to such instruments, or to the grant of such statutory authorisations, do not apply.

27—Delegation

- (1) The Minister may delegate any of the Minister's functions under this Act—
 - (a) to a particular person or body; or
 - (b) to the person for the time being occupying a particular office or position.
- (2) A delegation—
 - (a) must be made by instrument in writing; and
 - (b) may be made subject to conditions or limitations specified in the instrument of delegation; and
 - (c) if the instrument of delegation so provides, may be further delegated by the delegate; and
 - (d) is revocable at will and does not derogate from the power of the delegator to act in any matter.

28—Duties of Registrar-General

- (1) The Registrar-General will, on application by the Minister, take such action as may be required by the Minister for or in connection with—
 - (a) the issue, alteration, correction or cancellation of certificates or other documents of title; or
 - (b) the making, recording, alteration, correction or cancellation of entries or endorsements in the Crown land register or in the Register Book, as may be necessary or desirable for the purposes of this Act; or
 - (c) the deposit of any plan in the Lands Titles Registration Office or in the GRO.
- (2) If the Minister makes an application under subsection (1) requiring the Registrar-General to take action to give effect to a determination or action of the Minister under this Act, the Minister will, if required by the Registrar-General—
 - (a) furnish the Registrar-General with any map or plan required by the Registrar-General to give effect to the determination or action; or
 - (b) furnish the Registrar-General with any document required by the Registrar-General in relation to the determination or action.

29—Evidentiary provision

In any proceedings, a certificate apparently signed by the Minister and certifying as to—

- (a) any permission or authorisation of the Minister under this Act; or
 - (b) any other matter relating to the exercise of a function under this Act,
- is proof, in the absence of proof to the contrary of the matter so certified.

30—Certain fees etc not payable

No fees or charges are payable to Adelaide City Council in respect of the exercise of functions under this Act.

31—Regulations

- (1) The Governor may make such regulations as are contemplated by, or necessary or desirable for the purposes of, this Act.
- (2) The regulations may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the matters or circumstances to which they are expressed to apply; and
 - (c) make provisions of a saving or transitional nature consequent on the enactment of this Act or on the commencement of specified provisions of this Act or on the making of regulations under this Act; and
 - (d) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or any other specified entity.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act

Year	No	Title	Assent	Commencement
2025	30	<i>North Adelaide Public Golf Course Act 2025</i>	3.7.2025	3.7.2025: s 2