South Australia

# New Women's and Children's Hospital Act 2022

An Act to facilitate the development of the new Women's and Children's Hospital and for other purposes.

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Schedule 1—Project site and support zones

Legislative history

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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 *New Women's and Children's Hospital Act 2022*.

## 2—Commencement

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

## 3—Interpretation

(1) In this Act—

***development*** has the same meaning as in the *Planning, Development and Infrastructure Act 2016*;

***GRO*** means the General Registry Office at Adelaide;

***project*** means the new Women's and Children's Hospital to be developed in accordance with this Act;

***project site***—see section 5;

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

***support zone***—see section 7.

(2) In this Act, a reference—

(a) to the opening of a road extends to the widening of a road;

(b) to closure of a road extends to the narrowing of a road.

## 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—The project site

## 5—Project site

The ***project site*** is—

(a) the area of land indicated as the project site in the plan set out in Schedule 1 (being more particularly 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 provision); or

(b) if the Minister at any time determines that not all of the land referred to in paragraph (a) is required as the project site—any part of that area 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 provision.

### 6—Vesting of project site

(1) The Minister may, by notice in the Gazette, vest the whole or any part of the project site in the Minister in an estate in fee simple.

(2) The Minister must delineate the land that vests in the Minister under this section in a plan or plans to be deposited in the GRO and identified by the Minister by notice in the Gazette.

(3) Land that vests in the 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 subsection (2).

**Note—**

Once the land is vested in the Minister under this section, the Minister will have powers in relation to the land as the holder of the fee simple.

## Part 3—The support zones

### 7—Support zones

(1) The ***support zones*** are—

(a) in relation to any utilities or services required in connection with the development on the project site that are to be installed underground or any stormwater management works—any land within 800 metres of the boundary of the project site; or

(b) in relation to any other support services and facilities—

(i) the areas of land indicated as support zones in the plan set out in Schedule 1 (being more particularly 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 provision); or

(ii) if the Minister at any time determines that not all of the land referred to in subparagraph (i) is required as the support zones—any part of that area 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 provision.

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

(a) utilities or services required in connection with the development on the project site;

**Note—**

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

(b) stormwater management works;

(c) roads, paths, bridges, tramways, railways and other access requirements in connection with the development on the project site;

**Note—**

This includes fixtures on such roads, paths, bridges, tramways, railways and other access requirements, such as signage, lighting and public transport platforms and shelters.

(d) temporary amenities and facilities required while the project is being undertaken;

(e) any works in the areas immediately adjacent to the project site (the ***construction zone***) to facilitate the construction of any building or structure on the project site;

(f) construction of parks and playgrounds and other works for the purposes of subsection (4)(b).

(3) In exercising powers under this section in relation to any areas within the Adelaide Park Lands, the Minister must have regard to the statutory principles specified in section 4 of the *Adelaide Park Lands Act 2005*.

(4) 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 support services and facilities, ensure that the public amenity of the support zones is restored by, for example, landscaping or revegetating such areas or constructing parks, playgrounds or recreational areas,

(provided that nothing in this subsection affects anything constructed or installed in accordance with subsection (2)(a), (b), (c) or (f)).

(5) 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, realigning or otherwise altering any roads, paths, bridges, tramways or railways; or

(iii) constructing or altering any structure; or

(iv) constructing any temporary building or structure required while the project is being undertaken; or

(v) in the case of the construction zone—constructing any building or structure on the project site or any other any works necessary 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.

**Note—**

See also subsection (4)

(6) The Minister may, by instrument in writing, authorise any person, or class of person, to exercise powers referred to in subsection (5) 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).

# Part 4—Carrying out the project

## 8—Development assessment 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 under this Act 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 under this Act 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 under this Act on the project site or the support zones.

(4) Except as is specified in this section or as may be prescribed by the regulations, no—

(a) assessment, decision, consent, approval, authorisation, certificate, licence, permit or permission; or

(b) consultation, notification or other procedural step,

is required under a law of the State in connection with any action taken under this Act or the performance of functions under this Act.

## 9—Roads

(1) The Minister may—

(a) by notice in the Gazette, temporarily close any road in connection with the development on the project site; or

(b) by lodging a plan with the Registrar-General, open or close any roads in connection with the development on the project site.

(2) A plan lodged under subsection (1)(b) 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*).

(3) The Minister may—

(a) by subsequent notice in the Gazette, vary or revoke a notice under subsection (1)(a); and

(b) by subsequent plan lodged with the Registrar-General, vary any plan lodged with the Registrar-General under subsection (1)(b).

# Part 5—Miscellaneous

## 10—Relocation of certain SA Police facilities

(1) The Minister may, by notice in the Gazette, vest a prescribed area within the Adelaide Park Lands in the relevant Minister in an estate in fee simple.

(2) Land that vests in the relevant Minister by notice under this section vests free from all dedications, encumbrances, estates and interests other than those indicated in the plan or plans identified in the notice.

(3) The relevant Minister must ensure that the land that vests under this section is used by SA Police for the purposes of its Mounted Operations Unit.

(4) If a prescribed area vests in the relevant Minister under this section, section 8 applies in relation to any development proposed to be undertaken on the prescribed area as if it were development proposed to be undertaken on the project site.

(5) No compensation is payable by the Minister, the relevant Minister or the Crown in connection with the operation of this section.

(6) In this section—

***prescribed area***, in relation to a notice under subsection (1), means an area of land delineated in a plan or plans to be deposited in the GRO and identified by the Minister in the notice;

***relevant Minister*** means the Minister responsible for the administration of the *Police Act 1998*.

**Note—**

Once the land is vested in the relevant Minister under this section, the relevant Minister will have powers in relation to the land as the holder of the fee simple.

## 11—Minister may make provision in relation to land or structures

(1) The Minister may, in connection with the operation of this Act, by instrument deposited in the GRO, make provision relating to the status, vesting or management of land or structures or the delineation of land as the Minister thinks fit (and such an instrument will have effect according to its terms).

**Note—**

An instrument under this section may, for example, extinguish, vary, transfer or create any interest in land or a structure, provide for the reservation of land for a specified purpose or vest the care, control and management of land or a structure in any person or body.

(2) If the Minister deposits an instrument in the GRO under this section, the Minister must give public notice of that fact within 2 months after the instrument is deposited.

## 12—Duties of Registrar-General

(1) The Registrar-General will, at the direction of 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 Books, as may be necessary or expedient for the purposes of this Act; or

(c) the deposit of any plan in the Lands Titles Registration Office.

(2) If the Minister directs the Registrar-General to take action under this Act to give effect to a determination or action of the Minister, 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.

## 13—Other actions etc necessary to give effect to Act

(1) The Minister responsible for the administration of the *Planning, Development and Infrastructure Act 2016* will, at the request of the Minister under this Act, make any alterations to the Planning and Design Code under that Act, or any other instruments under that Act, that are, in the opinion of the Minister, necessary to give effect to this Act or as a result of the project (and any requirements of that Act relating to the making of such alterations do not apply).

(2) On the commencement of this subsection—

(a) any State Heritage Place within the project site is taken to cease being a State Heritage Place; and

(b) any State Heritage Area within the project site is taken to cease being a State Heritage Area,

and all such places and areas within the project site are taken to have been removed from the South Australian Heritage Register.

(3) In this section—

***South Australian Heritage Register*** means the Register under the *Heritage Places Act 1993*;

***State Heritage Area*** has the same meaning as in the *Heritage Places Act 1993*;

***State Heritage Place*** has the same meaning as in the *Heritage Places Act 1993*.

## 14—Certain fees etc not payable

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

## 15—Regulations

(1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

(2) The regulations may—

(a) modify or exclude the application of any Act (or a provision of an Act) or law in connection with the project or any functions exercised under this Act; and

(b) be of general or limited application; and

(c) make different provision according to the matters or circumstances to which they are expressed to apply; and

(d) 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

(e) 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 person or body.

# Schedule 1—Project site and support zones

# 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 |
|---|---|---|---|---|
| 2022 | 19 | *New Women's and Children's Hospital Act 2022* | 24.11.2022 | uncommenced |