

South Australia

# **Planning, Development and Infrastructure (Vehicle Parking) Amendment Bill 2025**

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 (Vehicle Parking) Amendment Act 2025*.

### **2—Commencement**

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

## Part 2—Amendment of *Planning, Development and Infrastructure Act 2016*

### 3—Insertion of section 127A

After section 127 insert:

#### 127A—Mandatory vehicle parking conditions

- 5
- (1) Subject to this section, a relevant authority must, in granting development authorisation for a designated development, impose the following conditions in relation to the development authorisation:
- 10
- (a) —
- (i) in the case of a designated development that involves the construction of a new dwelling—a condition that—
- 15
- (A) the dwelling have at least the minimum number of vehicle parks on the site of the dwelling that are of at least the minimum dimensions in accordance with the vehicle parking scheme; or
- 20
- (B) the applicant pay an amount calculated in accordance with the vehicle parking scheme into the vehicle parking fund established under section 200A; or
- (ii) in any other case—a condition that—
- 25
- (A) at least the minimum number of vehicle parks that are of at least the minimum dimensions be provided in relation to the designated development in accordance with the vehicle parking scheme; or
- 30
- (B) the applicant pay an amount calculated in accordance with the vehicle parking scheme into the vehicle parking fund established under section 200A;
- (b) any other condition specified by or under the vehicle parking scheme published under subsection (2).
- 35
- (2) For the purposes of subsection (1), the Minister must publish on the SA planning portal a scheme (the *vehicle parking scheme*) that relates to vehicle parking in relation to designated development, including conditions applying to development authorisations for such development.

- (3) Without limiting subsection (2), the vehicle parking scheme may provide for the following:
- (a) the designation of classes of development as designated development in accordance with paragraph (b) of the definition of designated development;
  - (b) the minimum number of vehicle parks in relation to designated development;
  - (c) the minimum dimensions for vehicle parks in relation to designated development;
  - (d) any other requirements in respect of vehicle parks in relation to designated development (for instance, whether or not parks must be covered or capable of being covered);
  - (e) any other conditions in respect of vehicle parks that apply to a development authorisation granted in relation to a designated development, including conditions relating to payment of money (in accordance with the scheme) into the vehicle parking fund established under section 200A in lieu of compliance with vehicle parking requirements;
  - (f) any other matter relating to vehicle parks in relation to designated development considered appropriate by the Minister.
- (4) The minimum number of vehicle parks specified under the vehicle parking scheme for a designated development that involves the construction of a new dwelling must be no less than—
- (a) in the case of a dwelling with 1 bedroom—1 vehicle park; or
  - (b) in the case of a dwelling with 2 or more bedrooms—2 vehicle parks.
- (5) A relevant authority cannot impose a condition of a kind referred to in subsection (1)(a)(i)(B) or (ii)(B) in relation to designated development of a class excluded from the application of 1 or both of those subsubparagraphs by the vehicle parking scheme.
- (6) The Minister may, in accordance with the vehicle parking scheme—
- (a) require a relevant authority to refer to the Minister a particular application for development authorisation in relation to a designated development and any relevant information provided by the applicant; and
  - (b) direct the relevant authority—
    - (i) to refuse the application; or
    - (ii) that the development authorisation may only be granted by the relevant authority if the relevant authority imposes conditions determined by the Minister in respect of the development authorisation,

and the relevant authority must comply with any such direction.

**Note—**

Conditions determined under paragraph (b)(ii) may, for example, include a condition relating to payment of money into the vehicle parking fund established under section 200A.

- (7) A condition imposed in accordance with subsection (6)(b)(ii) has effect despite subsections (1) and (5).
- (8) The provisions of the vehicle parking scheme may be of general, limited or varied application according to—
- (a) the class of designated development; or
  - (b) the circumstances; or
  - (c) any other specified factor,
- to which the provision is expressed to apply.
- (9) The Minister may, by notice published on the SA planning portal, exclude an area, a dwelling, or dwelling of a class, or a development, or development of a class, from the operation of this section.
- (10) A person must not contravene a condition imposed by or under this section in relation to a development authorisation.
- Maximum penalty: \$10 000.  
Default penalty: \$250.
- (11) In this section—

***designated development*** means—

- (a) a development within Greater Adelaide involving the construction of a new dwelling with 1 or more bedrooms for residential purposes; or
- (b) a development of a class specified by the vehicle parking scheme;

***dwelling*** has the same meaning as in the Planning and Design Code; ***residential purposes***, in respect of the construction of a new dwelling, does not include the construction of a hotel or motel.

#### 4—Insertion of section 200A

After section 200 insert:

##### **200A—Vehicle parking fund**

- (1) The Minister must establish and maintain a fund to be called the ***vehicle parking fund***.
- (2) The fund will consist of—
  - (a) all amounts required to be paid into the fund by or under this Act; and

- (b) any income paid into the fund under subsection (3); and
- (c) any amounts paid into the fund in accordance with subsection (5)(b).
- 5 (3) Any money in the fund that is not immediately required for the purpose of the fund may be invested by the Minister and any resultant income must be paid into the fund.
- (4) The Minister may apply any part of the fund for the purposes of—
- 10 (a) establishing, developing and maintaining public vehicle parking in areas where the Minister considers insufficient vehicle parking exists, including by acquiring land for the purposes of public vehicle parking; or
- 15 (b) maintaining or improving existing public vehicle parking facilities, including by maintaining or improving signage, road surfacing, line marking, lighting and pedestrian connectivity in respect of such facilities; or
- (c) improving public bicycle parking facilities; or
- (d) any other thing relating to vehicle parking considered appropriate by the Minister.
- 20 (5) Without limiting section 197(7) or (8), the Minister may, on or after the designated day—
- (a) wind up a scheme established under section 197 (whether by the Minister or another designated entity under that section); and
- 25 (b) determine that any amount standing to the credit of the fund established as part of the scheme be paid into the vehicle parking fund established under this section (and any such determination will have effect according to its terms).
- (6) In this section—
- 30 *designated day* means the day, being a day that is at least 18 months after the day on which this section comes into operation, designated by the Minister by notice in the Gazette.