



**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

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ADELAIDE, THURSDAY, 17 AUGUST 2006

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**GOVERNMENT GAZETTE NOTICES**

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Department of the Premier and Cabinet  
Adelaide, 17 August 2006

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Supported Residential Facilities Advisory Committee, pursuant to the provisions of the Supported Residential Facilities Act 1992:

Member: (from 17 August 2006 until 28 June 2008)

Phillip Beddall  
Michael Livori

Deputy Member: (from 17 August 2006 until 28 June 2008)

Alison Creaser (Deputy to Livori)

By command,

P. CAICA, for Premier

MFC CS/06/021

Department of the Premier and Cabinet  
Adelaide, 17 August 2006

HER Excellency the Governor in Executive Council has been pleased to appoint the Honourable Jennifer Mary Rankine, MP, Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs and Minister Assisting in Early Childhood Development to be also Acting Minister for Education and Children's Services, Acting Minister for Tourism and Acting Minister for the City of Adelaide for the period 25 August 2006 to 28 August 2006 inclusive, during the absence of the Honourable Jane Diane Lomax-Smith, MP.

By command,

P. CAICA, for Premier

MECS 06/011CS

#### AUTHORISED BETTING OPERATIONS ACT 2000

##### Section 4 (1) (b)

##### *Notice of Approval of Contingencies*

NO. 6 OF 2006

INDEPENDENT GAMBLING AUTHORITY, by this notice, approves contingencies relating to sporting or other events within or outside Australia for the purposes of betting operations conducted under the major betting operations licence:

##### 1. Citation

- (1) This notice may be cited as the Approved Contingencies (Additional Fixed Odds—SA TAB) Notice 2006.
- (2) This notice amends the notice dated 11 December 2001 published in the *Government Gazette* on 13 December 2001 at page 5549, in this notice called 'the Principal Notice'.

##### 2. Insertion of additional approved sports

Annexure A to the Principal Notice is amended by inserting below the title 'Netball'—

'World Championships

Australian National Netball Championships

Australian National League Games

Other matches sanctioned by International Federation of Netball Associations (IFNA) or Netball Australia'

##### 3. Insertion of contingencies

In Item 3 of the Table in Division 1 of Part 2 of the Principal Notice, insert—

3.	Tennis	Number of Aces
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#### 4. Definitions

- (1) Insert, in the appropriate alphabetical sequence in the Principal Notice, the following definition—

'Number of Aces' means the contingency that a specified player or Entrant will score a specified number of aces in a set, match or tournament (or a discrete part thereof) or will score a number of aces falling within a specified range.

- (2) For the definition of 'Final 8', substitute—

'Final 8' means the contingency that a specified Entrant or no more than 8 specified Entrants in an Event being a competition (with more than 8 Entrants) will finish the home and away season of that competition ranked no worse than eighth (8th).

Dated 15 August 2006.

R. C. J. CHAPPELL, Secretary to the  
Independent Gambling Authority

#### BUILDING WORK CONTRACTORS ACT 1995

##### *Exemption*

TAKE notice that, pursuant to section 45 of the Building Work Contractors Act 1995, I, Mark Bodycoat, Commissioner for Consumer Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

##### SCHEDULE 1

David Hill, BLD 169163.

##### SCHEDULE 2

Construction of a single-storey extension consisting of a bedroom, carport and a steel-framed garage, performed by the licensee at the property described as Lot 118, St Johns Terrace, Willunga South, S.A.

##### SCHEDULE 3

1. This exemption is limited to the domestic building work personally performed by the licensee for the construction of a single-storey extension consisting of a bedroom, carpet and a steel-framed garage, situated at Lot 118, St Johns Terrace, Willunga South, S.A. ('the property').

2. This exemption does not apply to any domestic building work on the property that the licensee contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.

3. The licensee does not transfer his interest in the property prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of the Commissioner for Consumer Affairs. Before giving such authorisation, the Commissioner for Consumer Affairs may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:

- providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
- providing evidence of an independent expert inspection of the building work the subject of this exemption;
- making an independent expert report available to prospective purchasers of the property; and
- giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated 10 August 2006.

M. BODYCOAT, Commissioner for Consumer Affairs,  
Office of Consumer and Business Affairs,  
Delegate of the Minister for Consumer Affairs

Ref.: 610/06-000024

## CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I, GAIL GAGO, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY dedicate the Crown Land defined in The Schedule as a Drainage Reserve and declare that such land shall be under the care, control and management of The District Council of Tumby Bay.

**The Schedule**

Section 190, Hundred of Dixon, County of Jervois, exclusive of all necessary roads, being the whole of the land comprised in Crown Record Volume 5768, Folio 555.

Dated 17 August 2006.

GAIL GAGO, Minister for  
Environment and Conservation

DENR 08/0846

DEVELOPMENT ACT 1993, SECTION 48: DECISION BY  
THE DEVELOPMENT ASSESSMENT COMMISSION AS  
DELEGATE OF THE GOVERNOR

*Preamble*

1. The decision of the Governor under section 48 of the Development Act 1993, to approve the development of the Mildara Blass Winery located on the Sturt Highway, 2 km north-east of Nuriootpa in 10 stages was published in the *Gazette* on 7 October 1999.

2. Amendments to the development approval were subsequently considered and approved by the Development Assessment Commission and published in the *Gazette* on 8 June 2000, 31 August 2000, 11 December 2003 and 14 October 2004.

3. Application has now been made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993, for the approval of a further amended development.

4. The proposed amendment is for an extension to the administration building and extension to the car park adjacent to the administration building.

5. The amendments to the development are contained in:

- (a) the letter and Planning Report from Nolan Rumsby Planners to the Development Assessment Commission dated 7 June 2006; and
- (b) the plan numbered 1398-P01B dated April 2006, Fosters Wine Estates, Wolf Blass Winery Administration Building—Stages 3 and 4, Sturt Highway, Nuriootpa, Floor Plan, Site Plan and Elevations.

6. The Development Assessment Commission has, in considering the application, had regard to all relevant matters under section 48 (5) of the Development Act 1993.

7. The Development Assessment Commission is satisfied that the amendments do not require the preparation of a further or amended Development Report.

*Decision*

PURSUANT to section 48 of the Development Act 1993, the Development Assessment Commission, as delegate of the Governor, grants development approval to the amended Development in 10 stages of the Mildara Blass Winery located on the Sturt Highway, 2 km north-east of Nuriootpa, as described in the application dated 2 December 1998 (amended by the Development Report dated May 1999 and letters dated 9 July 1999 and 28 September 1999), and subsequently amended by the letters dated 20 March 2000, 5 May 2000, 27 June 2000, 18 July 2000 and 27 July 2000, submitted on behalf of Mildara Blass Limited, and the letters dated 22 October 2003, 27 November 2003, the application dated 12 July 2004 and the letter dated 7 June 2006, submitted on behalf of Beringer Blass Wine Estates Limited (formerly Mildara Blass Limited), subject to conditions.

## CONDITIONS OF APPROVAL:

1. No works may be commenced on a particular stage of the proposal on the site unless and until:

- (a) a building certifier or The Barossa Council has certified to the Development Assessment Commission that any work for that stage that constitutes building work under the Development Act 1993, complies with the Building Rules; and
- (b) an Environmental Management Plan has been produced and approved by the Development Assessment Commission for each construction stage. The Environmental Management Plan shall detail the final overall management of the facility and include:
  - wastewater treatment including the proposed wetlands; and
  - solid waste treatment or disposal.

2. The amended development hereby approved must be undertaken in accordance with:

- (a) the following plans comprising part of the application:
  - Bilyara Site Stage V10 Sheet 2 of 3, Drawing Number: BYA-1999-0012 E, dated July 2000;
  - Elevations and Sections, dated 11 March 1999;
  - Elevations and Detail, Drawing Number: BYA-1999-00013 A;
  - Perspective of the open fermenter building—Amendment Plan 1, dated 27 July 2000;
  - Elevation from Light Pass Road—Amendment Plan 2, dated 27 July 2000,

unless varied by the following:

- (b) Beringer Blass Wine Estates, Wolf Blass Winery Administration Building—Stage 2, 97 Sturt Highway, Nuriootpa, Floor Plan, Site Plan and Elevations, Plan Number: 1321-P01B, dated November 2003;
- (c) the letters from Nolan Rumsby Planners to the Development Assessment Commission dated 20 March 2000 and 5 May 2000, except as amended by the letters from Nolan Rumsby Planners to the Development Assessment Commission dated 27 June 2000, 18 July 2000, 27 July 2000, 22 October 2003 and 27 November 2003;
- (d) the letter and Planning Report from Nolan Rumsby Planners to the Development Assessment Commission dated 12 July 2004 and incorporating the plan from Perks Design Partners, referenced WB-Sign 2.EPS dated 16 April 2004;
- (e) the letter submitted by Nolan Rumsby Planners dated 7 June 2006 and the plan titled, 'Fosters Wine Estates, Wolf Blass Winery, Administration Building—Stages 3 and 4, 97 Sturt Highway, Nuriootpa, Floor Plan, Site Plan and Elevations, 1398-P01B, dated April 2006'.

3. Mature trees must be planted to reduce impacts of the proposal at the earliest stage.

4. Lighting for monitoring purposes must be switched off at all times when tasks are not being undertaken in that particular area.

5. All lights must be directed and shielded in such a way as to prevent glare from the site.

6. The proponent must comply with the design and noise attenuation measures recommended on pages 3, 4 and 5 of the Environmental Noise Assessment Report prepared by Bassett Acoustics on 13 May 1999, for the proposed 75 000 tonne crush Mildara Blass Ltd Bilyara Winery.

7. The proponent must not discharge winery effluent into the existing wetland system unless the effluent meets the following minimum quality criteria: pH 6.5-8; Total Dissolved Solids less than 2 500 mg/L; Biochemical Oxygen Demand less than 600 mg/L; Suspended Solids less than 100 mg/L.

8. No trucks or heavy vehicles are to access the site from the portion of Light Pass Road south of the access point.

## NOTES TO THE APPLICANT:

1. No approval is hereby granted for the development of any car parking in the area marked 'future 126 spaces' on the plan numbered BYA-1999-0012E dated 4 July 2000. Any such car parking will require approval of an amendment to the development hereby approved.

2. The preparation of a Management Plan for the wastewater treatment system must be prepared in accordance with the South Australian Health Commission Code—'Standards for Construction, Installation and Operation of Septic Tank Systems in South Australia'.

3. The removal of native trees along the road reserve requires the approval of The Barossa Council.

Dated 17 August 2006.

R. BARUA, Secretary, Development Assessment Commission

DEVELOPMENT ACT 1993, SECTION 48: DECISION BY THE DEVELOPMENT ASSESSMENT COMMISSION AS DELEGATE OF THE GOVERNOR

*Preamble*

1. A proposal from the Cape Jaffa Development Company (hereafter 'the applicant') to develop a multi-component residential marina at Cape Jaffa, in the South East has been under consideration under Division 2 of Part 4 of the Development Act 1993.

2. The proposal has been the subject of an Environmental Impact Statement and an Assessment Report under sections 46 and 46B of the Development Act 1993 and is hereafter referred to as the 'proposed Major Development'.

3. The proposed Major Development was the subject of a development application lodged on 20 February 2003, by the applicant. The said application has been amended and expanded upon by the applicant's Environmental Impact Statement, dated April 2005, the applicant's Response to Submissions, dated September 2005 and additional correspondence dated 4 November 2005, 10 November 2005 and 18 April 2006.

4. Reserved matters of (a) the proposed use of the future development site on Figure 3.6 in the EIS and (b) proposed use and extent of the wetland vegetation on the eastern side of the development was granted approval by the Development Assessment Commission as delegate of the Governor on 11 May 2006.

5. Application has now been made to the Development Assessment Commission as delegate of the Governor, for a decision regarding the division of land for the proposed development.

6. The Development Assessment Commission has, in considering the application, had regard to all relevant matters under section 48 (5) of the Development Act 1993.

7. The Development Assessment Commission is satisfied that there is no requirement to prepare a further or amended Environmental Impact Statement.

*Decision*

PURSUANT to section 48 of the Development Act 1993, the Development Assessment Commission as delegate of the Governor:

- (a) grant a provisional development authorisation in relation to the proposed major development, subject to the Conditions and Notes to the Applicant below;
- (b) pursuant to section 48 (6) and Regulation 64 (1) reserve a decision on the following matters:
  - (i) compliance with the Building Rules in relation to all aspects of the proposed major development (refer to Conditions and Notes to the Applicant below);
  - (ii) specify all matters relating to the provisional development authorisation as matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached;
  - (iii) specify for the purposes of section 48 (11) (b) the period of two years from the date hereof as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation.

*Conditions of Approval*

1. Except where minor amendments may be required by other legislation, or by conditions imposed herein, the proposed major development shall be undertaken in strict accordance with:

- (a) the following drawings contained in the letter from Simon Tonkin on behalf of the Cape Jaffa Development Company to Planning SA dated 11 November 2005, outlining the final amended application:

- Drawing Titled: 'Figure 3.3—Locality'; February 2005;
- Drawing Titled: 'Figure 3.7—Breakwater Typical Cross section'; February 2005;
- Drawing Titled: 'Figure 3.9—Central Facilities'; August 2004, 9399;
- Drawing Titled: 'Figure 3.10—Boat Ramp'; February 2005;
- Drawing Titled: 'Figure 3.11—Waterway and Wharf Edge Treatment'; August 2004, 9399;
- Drawing Titled: 'Figure 3.12—Reserves and Open Space'; August 2004, 9399-10-a;
- Drawing Titled: 'Figure 3.13—Landscape Concept'; February 2005;
- Drawing Titled: 'Figure 3.14—Landscape Buffers'; February 2005;
- Drawing Titled: 'Figure 3.15—Storm Water Management Concept'; August 2004, 9399-10-a;
- Drawing Titled: 'Figure 3.16—Land Division Plan'; December 2004, 9399-a;
- Drawing Titled: 'Figure 3.17—Main Basin looking South'; February 2005;
- Drawing Titled: 'Figure 3.18—Waterway View looking West'; February 2005;
- Drawing Titled: 'Figure 3.19—Beach Reserve View into the Main Basin'; February 2005;
- Drawing Titled: 'Figure 3.20—Aerial View looking South-East'; February 2005;
- Drawing Titled: 'Figure 3.21—Aerial View looking East'; February 2005;
- Drawing Titled: 'Figure 3.22—Typical Cross Section and Allotment Plan'; August 2004, 9399-02-a;
- Drawing Titled: 'Figure 3.23—Coastal Reserve Walkway'; August 2004, 9399;
- Drawing Titled: 'Figure 3.24—Staging Plan'; August 2004, 9399-10-a;
- Drawing Titled: 'Figure 3.25—Management Structure'; August 2005;
- Drawing Titled: 'Figure 5.12—Irrigation and Storage Site'; August 2004, 9399-01-b;
- Drawing Titled: 'Figure 5.35—Coastal Reserves and Buffers'; August 2004, 9399-01-b; and
- Drawing Titled: 'Figure 5.59—Cape Jaffa Proposed Zones'; February 2005,

or as amended by the following drawings from the Response Document:

- Drawing Titled: 'Figure R1—Concept Plan'; August 2004, 9399-01-b;
- Drawing Titled: 'Figure R2—Infrastructure Area Concept'; July 2005, 9399; and
- Drawing Titled: 'Figure R3—Site Camp Concept'; August 2005, 9399.

In addition, the following drawings in the additional information letter from Masterplan (Simon Tonkin) on 4 November 2005 and appended to the Assessment Report:

- Drawing Titled: 'Figure 1—Water Supply'; October 2005; and
- Drawing Titled: 'Figure 2—Vegetation Area B, Buffer and Fencing Plan'; October 2005.

and

(b) the following documents:

- Development application, 'Cape Jaffa Anchorage Marina Development' prepared by Simon Tonkin (Masterplan) on behalf of the Cape Jaffa Development Company dated 20 February 2003, (except to the extent that it may be varied by a subsequent document in this paragraph).
- Environmental Impact Statement, Cape Jaffa Anchorage Marina prepared by the Cape Jaffa Development Company dated February 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Response to Submissions document, Cape Jaffa Anchorage Marina Development prepared by the Cape Jaffa Development Company dated 19 September 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Assessment Report prepared by the Minister for Urban Development and Planning dated December 2005 including an appended report from Simon Tonkin of Masterplan dated 4 November 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Letter from Simon Tonkin of Masterplan dated 11 November 2005, outlining the final amended application and listing appropriate plans.
- Letter from Simon Tonkin of Masterplan dated 18 April 2006, concerning reserved matters (b) (ii) and (b) (iii) from Governor's decision on 12 January 2006.
- Final Land division application 640/D004/06 lodged electronically on EDALA with the Development Assessment Commission on 1 August 2006.

2. The applicant shall submit further information and application(s) in relation to the matter that has been reserved.

3. Subject to Condition 4, no building works on any part of the development may commence until a favourable decision has been notified to the applicant by the Governor or the Governor's delegate in respect of the reserved matter referred to in subparagraph (i), in paragraph (b) of the Decision section above.

4. The applicant may commence a stage of building works before receiving the Governor's decision concerning building rules compliance for other stages (refer matter (i) in paragraph (b) of the Decision section above). No building works shall commence on a stage of the development until a favourable decision in relation to building rules compliance in respect of that stage has been notified in writing to the applicant by the Governor or the Governor's delegate.

5. A decision on building rules compliance (refer reserved matter (i) in paragraph (b) of the Decision section above) will only be made after a Building Rules assessment and certification has been undertaken and issued by the Kingston Council or a private certifier, in accordance with the provisions of the Development Act 1993 and after the Minister for Urban Development and Planning receives a copy of all relevant certification documentation, as outlined in Regulation 64 of the Development Regulations 1993 (refer to 'Notes to the Applicant' below for further information).

6. A Management, Maintenance and Monitoring (MMM) Agreement between the Kingston District Council and the Cape Jaffa Anchorage Marina Development Company shall be drafted and finalised, prior to being submitted to the Governor or her delegate (refer to Conditions and Notes below).

7. Before any works commence, a Construction Environmental Management and Monitoring Plan (CEMP) to cover the pre-construction and construction phases shall be prepared in consultation with and approved by the Environment Protection Authority and Planning SA, to address management issues during construction.

8. An Operational Environmental Management and Monitoring Plan (OEMMP) for the operational phase of the development shall be prepared to the reasonable satisfaction of the Environment Protection Authority, other government agencies and the Kingston District Council, prior to it being submitted to the Governor or her delegate (refer to Conditions and Notes to the Applicant below).

9. All works and site activities shall be undertaken in accordance with the approved Construction Environmental Management and Monitoring Plan.

10. Stockpiled soils shall be suitably managed to control dust emissions, erosion and weed infestation.

11. Armour rock used for breakwaters and revetments shall not be contaminated by fine sediment.

12. The wastewater collection and treatment system shall be designed to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2003 are met, and to ensure that effluent does not overflow or escape from drains, pipes, sumps, tanks, storage/treatment basins into any watercourse, or into stormwater drains which do not drain into the effluent collection, treatment and disposal system, except where the effluent complies with criteria in the above policy, or escapes to or is infiltrated from saline groundwater.

13. The proponent shall provide underground power supply, public lighting, a sustainable water supply and telephone supply to each allotment in accordance with and to engineering design standard plans approved by the electricity, mains water and telephone public utility authorities.

14. The applicant shall ensure that there is no discharge of stormwater into the marina basins, waterways or marine environment for rainfall less than and including, 1:20 year ARI events.

15. The land to be used for land-based allotments shall be formed to prevent stormwater flows entering into the waterways.

16. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and reuse.

17. Undeveloped allotments shall be left in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.

18. Roads, drainage, footpath and intersection designs (i.e. engineering construction plans) shall be finalised in accordance with the requirements of the Department for Transport, Energy and Infrastructure and the Kingston Council, prior to construction commencing. Road and drainage designs shall include water table levels, drainage inverts and pavement details. The roads and drainage works shall be built according to these designs.

19. Road designs shall not affect existing natural drainage lines in such a way as to cause flooding.

20. The applicant shall bear all costs with providing a Type BAR Treatment (sealed shoulder widening to provide a right turn treatment on the Southern Ports Highway) at the intersection of the Southern Ports Highway/Cape Jaffa Road as shown in the Austroads 'Guide to Traffic Engineering Practice, Part 5—Intersections at Grade' to a standard suitable to the Department of Transport, Energy and Infrastructure before the issue of title occurs for allotment number 170 on the attached plan of division.

21. Appropriate navigational aids shall be erected in prominent locations, in consultation with the Department for Transport, Energy and Infrastructure, prior to use of the facility for boating purposes.

22. Further engineering designs for breakwaters, edge treatments and other waterway related structures, commercial and recreational moorings, public boat ramp (including associated car parking and access), hardstand, wash-down, boat refuelling facility and marine toilet pump-out/treatment facility shall be prepared and independently certified by a registered engineer, to the reasonable satisfaction of the Department for Transport, Energy and Infrastructure. A certificate as to the structural soundness of the proposed structures shall be submitted to the Development Assessment Commission, prior to the commencement of their construction.

23. Access systems for all floating boat moorings shall be capable of adjustment or be readily adaptable to projected long-term sea level rise and all marina mooring structures shall be designed in accordance with the Australian Standard AS 3962-2001 Guidelines for Design of Marinas.

24. The public boat ramp facility shall be designed in accordance with the South Australian Boating Advisory Committee's Guidelines for Planning, Design and Construction of Boat Launching Facilities.

25. Vehicular access to the beach shall not be provided, apart from Emergency vehicles, once the boat ramp is constructed and operational in the marina (as this relates to the Major Developments declared area).

26. The boat refuelling area and marine toilet pump-out facility shall be designed to meet the requirements of the Environment Protection Authority, the Department for Transport, Energy and Infrastructure and the Country Fire Service (CFS) respectively and shall be in place prior to commencement of operation of the marina.

27. The water contained in the marina basin shall be kept to a quality appropriate for secondary contact recreation, public amenity and the maintenance of marine aquatic ecosystems, as stipulated from time to time by the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters.

28. Normal operating hours for construction activities and truck movements to and from the site shall be from 7 a.m. to 7 p.m., Monday to Saturday inclusive. If it is considered necessary for construction to be undertaken on Sundays, construction hours shall be from 9 a.m. to 6 p.m. on Sundays (refer to Notes to the Applicant relating to Environment Protection Authority noise emission policies).

29. Landscaping and streetscaping of the site with locally endemic plant species shall commence prior to the issuing of Certificates of Title for each stage of the land division and when established must be maintained in good health and condition at all times. A plant must be replaced if or when it dies or becomes seriously diseased within the first growing season after the plant dies or becomes seriously diseased. A weed control program shall also be implemented.

30. The Kingston Council shall be given seven days notice, prior to the commencement of works, and be provided with the name and contact facilities for the person responsible for co-ordinating site works by this approval.

### 31. Road Construction/Design:

#### (a) Seal

Streets shall be surfaced with a two coat bitumen seal of 14 mm seal overlay with a 7 mm seal, with a total seal width in accordance with clause (e) below.

#### (b) Pavement Construction—Base

The following minimum standards shall apply:

- To comply with standard APRG 21 for residential areas.
- Commercial roads will be developed and designed to the reasonable satisfaction of the Kingston District Council.
- To be compacted to 98% dry density ratio (AS1289.5.2.1).
- Minimum soak CBR at above compaction to be 80.
- Minimum thickness of 200 mm.
- Level tolerance on completed course -10 mm, +10 mm.

#### (c) Seal for Intersections

At the discretion of Council all intersections associated with the development including the circular end of *cul-de-sacs* in residential areas shall be sealed with 25 mm thickness asphaltic concrete (hotmix) laid in compliance with Department for Transport, Energy and Infrastructure standard specifications, and with maximum aggregate size of 10 mm for a distance of 10 m from the inter-section or at the entrance to the *cul-de-sac*.

At the discretion of Council, all intersections associated with the development including the circular end of *cul-de-sacs* in commercial areas shall be sealed with 40 mm thickness asphaltic concrete (hotmix) laid in compliance with Department for Transport, Energy and Infrastructure standard specifications and with maximum aggregate size of 10 mm for a distance of 10 m from the inter-section or at the entrance to the *cul-de-sac*.

In the case of 'T' intersections or cross road intersections within a development, the specified seal shall be provided at the intersection and for a distance of 10 m from the intersection in each direction on each road.

#### (d) *Cul-de-sac Ends*

*Cul-de-sac* ends shall have a seal of 9 m radius to accommodate the operation of refuse collection vehicles and other larger vehicles.

#### (e) *Road Reserve and Road Width*

Council requirements for road reserves shall be as follows:

Road Reserves (Entrance to *cul-de-sacs*) 12.5 m.

Road Reserves (Other) 15 m.

*Cul-de-sac* Ends Road Reserves (circular) 25 m.

*Cul-de-sac* Ends Road Reserves (other) to be agreed with Kingston District Council.

All Other Streets (e.g. commercial) to be to the reasonable satisfaction of the Kingston District Council.

The following minimum road seal widths shall apply:

All Residential Streets 7 m.

*Cul-de-sac* (entrance) 6 m.

*Cul-de-sac* Ends (circular) 9 m radius.

*Cul-de-sac* Ends (other) to the reasonable satisfaction of the Kingston District Council.

All Other Streets (e.g. commercial) to be agreed with Kingston District Council.

#### (f) *Footpaths*

- Provide interlinking footpaths, walkways and/or bicycle tracks within the development area that shall allow safe passage of pedestrian or bicycle traffic to the reasonable satisfaction of the Kingston District Council.
- Footpaths, walkways and/or bicycle tracks shall have a minimum 3 m width where the track will be used as a dual bicycle and walking thoroughfare and be designed and constructed with appropriate materials to the reasonable satisfaction and approval of the Kingston District Council.

#### (g) *Water Tables and Kerbing*

- Both edges of all streets shall be protected by the provision of an extruded kerb and gutter or concrete edge beam of a cross section approved by the Kingston District Council.
- The concrete edge beam shall have top surface set flush with the finished bitumen surface as approved by the Kingston District Council.
- Generally, if raised kerbing is installed, the kerb and gutter shall have a mountable type profile approved by the Kingston District Council.
- Pram ramps complying with the requirements of AS1428-1993, Clause 5.8 shall be constructed wherever a footpath intersects a kerb line and at an opposite street corners.
- Pram ramps shall be of reinforced concrete construction at least 100 mm thick.
- Spoon drains shall be constructed with top profile approved by the Kingston District Council. Spoon drains shall have a minimum thickness at 200 mm and shall be reinforced with F82 mesh centrally placed.
- All concrete used for pram ramps, vehicle access, crossing and spoon drains will be grade 25 mpa/20 mm. Concrete in extruded kerb and gutter and medium kerbing shall have a minimum 28 day strength of 20 mpa.

#### (h) *Drainage*

- A detailed drainage design shall be provided for all of the proposed development, and if necessary, due to existing land form, include areas outside the proposed development but within the drainage catchment affecting the development.
- Design shall be in accordance with procedures in the current edition of 'Australian Rainfall and Run-off (IEA)' or to the reasonable satisfaction of the Kingston District Council.

- As a general rule return period is to be five years, but engineering discretion should be used in areas where storm damage may be more significant (i.e. shopping areas, end of *cul-de-sacs*, etc.).
  - Drainage computations are required to be prepared by a qualified and experienced Engineer and submitted with the detailed engineering drawings for the proposal.
  - All stormwater run-off attributable to the proposal shall be adequately disposed of within the development area in accordance with the development authorisation or variations thereof.
  - As a general rule, side entry pits shall be spaced at no greater than 100 m and at closer spacing if required, depending on conditions and detailed design.
  - Drainage bores and associated settlement tanks shall be constructed to meet the requirements of Council and the Department of Primary Industries and Resources. Drainage capacity of any bore shall exceed the calculated drainage discharge for the designated stormwater system and the bore is to be proved to the reasonable satisfaction of the Kingston District Council.
  - Storage basins capable of holding the run-off of the designated rainfall storm shall be provided at suitable locations if drainage bores prove to be unacceptable.
  - Spoon drains, when required at junctions, shall be constructed to maintain the pavement width of the through street and to ensure continuity of flow of all stormwater. A spoon drain shall not be constructed across a through street.
  - All stormwater storage basins shall be provided with appropriate warning signs to the reasonable satisfaction of the Kingston District Council.
  - Council requires a separate drainage reserve in land divisions of adequate area to provide stormwater treatment and retention for a one in five year storm event in residential areas and a one in 10 year storm event in other zones. Any requirements above these limits may be incorporated into the public open space calculation.
  - Swale drains shall be constructed with side slopes of three horizontal: one vertical to facilitate maintenance slashing. The longer general gradients shall be no steeper than that consistent with avoidance of scouring, have regard to soil type, vegetation cover and the design flow average velocity. Where site conditions are not consistent with this requirement, the drain shall be rock lined, or shall incorporate steps or drop structures, with appropriate protection against local scouring. Details of these provisions shall be subject to the specific approval of the Kingston District Council.
- (i) *Cross Overs*
- Paved crossing places between kerbing and allotment boundary shall be provided at all allotments. Cross overs may be located at the discretion of the proponent: one crossing place per allotment shall be installed to the approval of the Kingston District Council.
  - Crossing places for other than residential allotments shall be approved by the Kingston District Council.
  - Crossing places shall be constructed to the following standards:
    - (i) finish grades shall be consistent with the adjoining roadway and footpaths/swales (levels at the property boundaries shall be designated by Kingston District Council);
    - (ii) materials shall be reinforced concrete with a minimum thickness of 100 mm for residential allotments; or
      - (iii) materials shall be reinforced concrete with a minimum thickness of 150 mm, reinforced with two layers of reinforcing mesh F72, for commercial allotments; or
      - (iv) block work of suitable strength and design for the expected vehicle movements (full design details to be submitted with engineering drawings).
- Crossing place relocation due to inappropriate sighting for a specific building design/development shall be the responsibility of the then owner of the allotment.
- (j) *Street Lighting*
- Street lighting shall be provided throughout the subdivision. The following minimum categories (AS 1158.0-1997) will apply:
    - Roads B2.
    - The street lights and poles shall be of a type approved by the Kingston District Council.
- (k) *Street Names, Numbers and Signage*
- All naming of roads shall be in accordance with section 219 of the Local Government Act 1999.
  - All numbers assigned to allotments shall be in accordance with section 220 of the Local Government Act 1999.
  - Kingston District Council reserves the right to name all roads.
  - Street signs shall be supplied (from an approved supplier) and erected so as to indicate the appropriate streets to the reasonable satisfaction of the Kingston District Council.
- (l) *Landscaping and Tree Planting*
- All proposed landscaping and tree planting proposed as part of the development shall be provided to the reasonable satisfaction of the Kingston District Council.
- (m) *Electricity Supply*
- Electricity supply shall be under-grounded throughout the subdivision. The proponent shall make arrangements with E.T.S.A. for the provision of an adequate electricity supply to each allotment.
- (n) *Water Supply*
- Water supply services shall be installed in accordance with Australian Standard AS/NZS 3500.1.2 and any other relevant approvals and standards for the installation of a full reticulated water system, for the provision of an adequate water supply to each created allotment and in accordance with the development authorisation granted by the Governor.
- (o) *Sewer and Waste Water Disposal*
- The proponent shall be responsible for the design and construction of a suitable sewer and waste water system to service the allotments within the subdivision and in accordance with the development authorisation granted by the Governor.
  - The proponent shall provide Council with a full design and specifications for the sewer and waste water disposal system. All design specifications to meet the requirements of the Kingston District Council.
- (p) *Reserves and Easement for Stormwater Drainage and Electricity Supply*
- The requirements of the Electricity's Trust of South Australia with respect to the provision of easements shall be met.
  - Drainage reserves under the control of the Kingston District Council shall be provided over any stormwater retention basin, settling pond, gross pollution trap or like structure, not located on a road reserve.
- (q) *Open Space*
- The proponent, at the discretion of Council, may be required to provide open space associated with the development to satisfy the requirements of the Development Act provisions.

- The proponent shall provide all open space reserves as shown in the approved layout plan.
- In the event that the requirements as to the provision of open space are not satisfied, the proponent shall forward the appropriate monetary contribution for the open space requirement to Council as applicable under the Development Act or the State Government Planning and Development Fund. (All contributions received by Council will be appropriated to an open space development reserve fund).

## NOTE:

- The Council, when dealing with land division applications, seeks where appropriate to have open space reserve contributions in parcels of at least 2 000 m<sup>2</sup>. Such areas should link with other reserves where possible and practicable.
- Open space reserves in the land division area shall be developed in conjunction with and to the reasonable satisfaction of the Kingston District Council.
- In instances where screening reserves are required, the development approval and/or land management agreement, shall include a requirement for the proponent to fence the screening reserve and develop the reserve in accordance with a plan approved by Council.

*(r) Construction Record*

The proponent shall supply the Kingston District Council with complete records including:

- Compaction test reports for all bulk earthworks, service trench backfilling and base.
- Material quality test reports (base and backfill).
- As constructed design and levels for stormwater drains, base, top of kerb, etc.

*(s) Defects Liability Period*

- The proponent shall lodge with Council (unless Council is the construction contractor) a standard agreement to indemnify Council against any defects that occur in the engineering works within 12 months of the date of practical completion. The date of practical completion will be the date that Council accepts the engineering works.
- The agreement shall provide for the faults to be rectified by the applicant or to reimburse Council the full costs of all necessary works.
- Council will notify the proponent in writing of practical completion.
- The proponent is required to notify Council when the following stages of the engineering works have been achieved and will not proceed until such works have been inspected and approved (including appropriate testing if required) by Council.
  - o Base preparation prior to placement of pavement in all roads and footpaths.
  - o Kerb preparation alignment including base compaction and alignment.
  - o Prior to backfilling trenches for underground stormwater and effluent drainage.
  - o Prior to placing seal coat.

and

*(t) Nuisance*

The proponent shall control dust and noise nuisance as the project proceeds. In the most adverse climatic conditions, operations shall be suspended if necessary to reduce nuisance and to avoid undesirable environmental impacts. All operations shall be conducted in the most efficient and reasonable manner. The Environment Protection Authority requirements shall be observed.

32. Adequate provision shall be made to minimise the effects of extreme storm events on the structural stability of the retaining wall to be located along the frontage of all water front allotments.

33. A set back distance of 2 m from the top of the waterway edge treatments (for the construction of coastal protection works if required in the future) shall be provided, with respect to any building or other structures (except those for coastal protection) for residential or commercial allotments.

34. The proponent shall install the grassed swales and retention basins as outlined in the 'Cape Jaffa Anchorage Environmental Impact Statement, February 2005.'

35. The proponent shall develop and implement a maintenance schedule to ensure that the stormwater treatment device is maintained in a fully operational manner.

36. Stormwater from the site shall be managed to ensure that it does not pollute the underground aquifer.

37. The proponent shall implement the Soil Erosion and Drainage Management Plan prior to the commencement of construction of the site in accordance with the principles outlined in the Stormwater Pollution Prevention Code of Practice for Local, State and Federal Governments. The plan shall be submitted to the planning authority prior to construction commencing.

38. All building allotments shall be capable of connection to sewer.

## NOTES TO THE APPLICANT

1. Tenure arrangements for the private moorings should be negotiated with the Department for Transport, Energy and Infrastructure.

2. All construction works shall be undertaken in accordance with the approved Construction Management Plan and Soil Erosion and Drainage Management that form part of the Governor's development authorisation dated 12 January 2006.

3. Binding arrangements (to the reasonable satisfaction of the Development Assessment Commission) need to be made for the permanent management and maintenance of the approved marina proposal as part of the Governor's development authorisation dated 12 January 2006.

4. Two copies of certified survey plans, as required under the Real Property Act, should be lodged with the Development Commission for the issue of Certificate of Title, prior to titles for allotments being granted. The plans should show all easements and reserves.

5. The applicant is reminded that the new sewerage system has not been assessed as part of this development application and will require a separate development application to be submitted to the Council in accordance with Schedule 22, Part A, Item 3 (2) (b) of the Development Act 1993. Sewage Treatment Works or STEDS in a Water Protection Area with a peak loading capacity designed for more than 100 persons per day. The applicant is reminded that the sewage treatment facility and any subsequent irrigation will require an environmental authorisation under the Environment Protection Act 1993.

6. The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole of the site, including construction, do not pollute the environment in a way which causes or may cause environmental harm.

In terms of demonstrating the duty, preparation of the following is considered appropriate for construction work on this site:

A Soil Erosion and Drainage Management Plan to address control of run-off of stormwater during earthworks and construction work (to ensure water quality is not detrimentally affected) being prepared by the proponent and being independently certified as meeting the requirements of:

- the general environmental duty as defined in Part 4, section 25 (1) of the Environment Protection Act 1993;
- any relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993;
- any relevant Australian Standards or environmental Codes of Practice (such as the Stormwater Pollution Prevention Codes of Practice for the Building and Construction Industry).

Prior to earthworks and construction work commencing, and the works being undertaken in accordance with that plan.

7. The proponent's attention is drawn to the EPA Information Sheet No. 7 'Construction Noise' that provides guidance on minimising the potential for off-site impacts from noise associated with construction and building activities:

[http://www.epa.sa.gov.au/pdfs/info\\_construction.pdf](http://www.epa.sa.gov.au/pdfs/info_construction.pdf)

8. Control measures such as water sprinkling, minimising soil disturbance and discontinuing work during high winds should adequately address potential for dust problems from the construction of the land division.

9. Any information sheets, guideline documents, codes of practice, technical bulletins can be accessed on the following web-site:

<http://www.epa.sa.gov.au/pub.html>

10. Approvals will be required for all components of the development not hereby approved, including:

- The land division.
- The marina moorings and other marina facilities.
- The public boat ramp, hard stand, boat maintenance facilities and car park areas.
- The boat refuelling and boat effluent disposal facility.
- Installation of navigational aids.
- All residential, commercial, retail, tourist related and other buildings.

11. Pursuant to Development Regulation 64, the applicant is advised that the Kingston Council or private certifier conducting a Building Rules assessment must:

- (a) provide the Minister a certification in the form set out in Schedule 12A of the Development Regulations 1993, in relation to the building works in question; and
- (b) to the extent that may be relevant and appropriate:
  - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12;
  - (ii) assign a classification of the building under these regulations; and
  - (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the Development Regulations 1993, provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Urban Development and Planning.

12. The Kingston District Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this provisional development authorisation (including Conditions or Notes that apply in relation to this provisional development authorisation).

13. Should the applicant wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Environmental Impact Statement and Assessment Report referred to in this provisional development authorisation. If an application for variation involves substantial changes to the proposal, it will be processed pursuant to section 47 of the Development Act 1993.

14. The applicant should liaise with the Department of Water, Land and Biodiversity Conservation in relation to any further testing of the proposed water supply and negotiate with DWLBC for provision of the already agreed water supply.

15. Pursuant to the Harbors and Navigation Act 1993, the Council will be required to negotiate tenure arrangements with the Minister for Transport over the seabed on terms acceptable to the Minister prior to the commencement of construction.

16. The applicant's CEMMP and OEMMP should be prepared taking into consideration, and with explicit reference to, relevant Environment Protection Authority policies and guideline documents, including but not limited to the Environment

Protection (Air Quality) Policy 1994, the Environment Protection (Water Quality) Policy 2003, the Occupational Health and Safety Regulations, EPA Guidelines on Odour Assessment, using odour source modelling 2003, EPA Handbook for Pollution Avoidance on Commercial and Residential Building Sites 2004, EPA Bunding and Spill Management Guidelines 2004 and the EPA Stormwater Pollution Prevention Codes of Practice, in addition to other legislative requirements and Guidelines/Australian Standards requiring compliance.

17. The following management and monitoring plans may be incorporated into the CEMMP or OEMMP as appropriate:

- Groundwater Management and Monitoring Plan;
- Irrigation (Reclaimed Water) Monitoring and Management Plan;
- Dredging Monitoring and Management Plan;
- Marine Construction Monitoring and Management Plan;
- Vegetation Monitoring and Management Plan;
- Site Construction Monitoring and Management Plan;
- Acid Sulphate Soils Monitoring and Management Plan; and
- Stormwater Monitoring and Management Plan.

The following activities in relation to the components of the development hereby approved and/or requiring future approval will require licences under the Environment Protection Act 1993:

- Earthworks Drainage: the conduct of earthworks operations in the course of which more than 100 kilolitres of waste water containing suspended solids in a concentration exceeding 25 milligrams per litre is discharged directly or indirectly to marine waters or inland waters.
- Marinas and Boating Facilities: the conduct of:
  - (1) facilities comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide moorings or dry storage for 50 or more powered vessels at any one time; or
  - (2) works for the repair or maintenance of vessels with the capacity to handle five or more vessels at any one time or vessels 12 m or more in length.
- Dredging: removing solid matter from the bed or any marine waters by any digging or suction apparatus, but excluding works carried out for the establishment of a visual aid to navigation and any lawful fishing or recreational activity.

18. It is likely that as a condition of such licences the Environment Protection Authority will require the licensee to carry out specified environmental monitoring of water quality and to make reports of the results of such monitoring to it.

19. It is also likely that the Environment Protection Authority will require the identification to it of any vessels that visit the marina from international ports or from ports beyond Adelaide and the surrounding area, together with details of the routes travelled by such vessels (for the purpose of identifying the potential introduction of harmful marine species).

20. All works associated with the rehabilitation and remediation of the site must be undertaken in accordance with the General Environmental Duty as defined in Part 4, section 25 (1) of the Environment Protection Act 1993, the Environment Protection (Water Quality) Policy 2003 and other relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993, the ANZECC Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand, draft guideline Environmental Management of On-Site Remediation and other relevant Environment Protection and Authorisation publications and guidelines.

21. The proponent is advised of the General Environmental Duty under section 25 of the Environment Protection Act 1993, which requires that a person must not undertake any activity, which pollutes, or may pollute without taking all reasonable and practical measures to prevent or minimise harm to the environment.

22. The Management Plan for Acid Sulphate Soils should comply with Guidelines issued by the Coast Protection Board.

23. (a) The applicant is reminded of its obligations under the Aboriginal Heritage Act 1988, whereby during any works conducted, if an Aboriginal site, object or remains are found, authorisation from the Minister for Aboriginal Affairs and Reconciliation, is required to damage, disturb, interfere or remove the object, site or remains (pursuant to section 23 of the Aboriginal Heritage Act 1988).

(b) The applicant should also have regard for the section 23 authorisation (December 2004) and attendant conditions signed by the Minister for Aboriginal Affairs and Reconciliation in relation to the Cape Jaffa Anchorage proposal.

24. The applicant and all agents, employees and contractors, such as construction crews, must be conversant with the provisions of the Aboriginal Heritage Act 1988, particularly the requirement to immediately contact the Department of Aboriginal Affairs and Reconciliation in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.

25. The applicant and the Council after hand-over, must comply with the Public and Environmental Health Act 1987, in regard to the maintenance of suitable water quality within the marina basin (and any stormwater holding ponds) to protect public health and amenity.

26. The expression 'secondary contact recreation' includes activities such as wading, boating and fishing in which some human contact with the water may occur, but in which the probability of bodily immersion or the intake of significant amounts of water is minimal.

27. If foreign vessels are allowed to berth in the marina the proponent would need to consult with Department for Transport, Energy and Infrastructure (Marine Safety section) to address any requirements of the Australian Quarantine Service (AQIS) and the Australian Customs Service.

28. It is recommended that the applicant approach the Kingston District Council with a view to the Council enacting of by-laws to manage activities associated with:

- The entrance channel and waterways to ensure safe navigation and to protect water quality.
- The boat ramp, washdown, slipways and hardstand.
- Refuelling facility and marine toilet pump-out facility.
- The residential development and reserves (including storm-water management devices).

29. The Kingston District Council will need to review and amend the zoning policies in the relevant Development Plan to reflect any development approved by the Governor and for future assessment and decision-making for buildings and structures not part of this provisional development authorisation.

30. Noise generated from the non-residential components of the development should not exceed:

- (1) 52dB(A) between the hours of 7 a.m. and 10 p.m. measured and adjusted at the nearest existing residential property in accordance with the Environmental Protection (Industrial Noise) Policy 1994.
- (2) 45dB(A) between the hours of 10 p.m. and 7 a.m. measured and adjusted at the nearest residential property in accordance with the Environment Protection (Industrial Noise) Policy 1994.
- (3) A short term typical maximum noise level of 60dB(A) when measured at the nearest existing residential property.

31. In a land division, provision shall be made for a set back distance of 2 m from the top of the edge treatments (for the construction of coastal protection works if required in the future).

32. A common building scheme encumbrance or equivalent device for the purpose of ensuring compliance with design standards for residential and other buildings will be required prior to the lodgement of development applications.

33. Binding legal arrangements (e.g. easements, encumbrances, charge-back arrangements etc., as appropriate) between the proponent and allotment owners must be put in place, prior to application to the Registrar-General for the issue of new Certificates of Title, to ensure financial and management

responsibilities related to the maintenance of edge treatments, the design and appearance of structures and the installation of future coast protection works are clearly allocated. These arrangements should be to the reasonable satisfaction of the Development Assessment Commission.

34. Any further upgrading of the intersection of the Southern Ports Highway/Cape Jaffa Road shall be borne by the Department of Transport, Energy and Infrastructure and/or Council. The applicant will not be required to contribute to any further upgrading as this relates to the currently approved development.

35. The Minister has a specific power to require testing, monitoring and auditing under section 48C of the Development Act 1993.

Given under my hand at Adelaide, 10 August 2006.

R. BARUA, Secretary, Development Assessment Commission

#### DEVELOPMENT ACT 1993, SECTION 48: DECISION BY THE DEVELOPMENT ASSESSMENT COMMISSION AS DELEGATE OF THE GOVERNOR

##### Preamble

1. The decision of the Governor under section 48 of the Development Act 1993, to approve the development of Holdfast Shores Stage 2B development located adjacent to Colley Terrace, Glenelg was published in the *Gazette* on 19 February 2004.

2. On 8 June 2000 and pursuant to section 48 of the Development Act 1993, the Governor granted a development approval for the Holdfast Shores 2A development, comprising a hotel, car parking, landscaping and associated works, adjacent to Chappell Drive, Glenelg. The development was subject to a Development Report and an Assessment Report, pursuant to section 46 of the Development Act 1993. Amendments to the Holdfast Shores Stage 2A proposal relating primarily to design, car parking, land division, signage issues and Building Rules, were subsequently granted approval by the Development Assessment Commission (as the Governor's delegate) on 7 December 2000; 1 March 2001; 17 May 2001; 28 February 2002; 3 October 2002; 20 March 2003, and Stage 2B amendments dated 4 March 2004, 15 July 2004 and 26 August 2004.

3. A proposal for the development of the Holdfast Shores 2B proposal at Glenelg, comprising the construction of the Glenelg Surf Life Saving Club, demolition of the existing GSLSC building; the Magic Mountain building and the construction of a rock seawall, an apartment building, and an entertainment and retail precinct, has been considered under Division 2, Part 4 of the Development Act 1993.

4. The Governor was satisfied that an appropriate Amended Development Report and an Amended Assessment Report have been prepared in relation to the development, in accordance with the requirements of Division 2 of Part 4 of the Development Act 1993 and the proposed development was approved on 19 February 2004.

5. The Governor had, in considering the application, regard to all relevant matters under section 48 (5) of the Development Act 1993.

6. A number of amendments have been approved since the original decision date of 19 February 2004. The most recent amendments are contained in the following documents and drawings:

- Letter from Harben Design included with an e-mail dated 16 May 2006.
- Drawing Titled: 'Signage Floor Plan'; Scale 1:100, dated 16 May 2006.
- Drawing Titled: 'External Elevation 1'; Scale 1:200, dated 16 May 2006.
- Drawing Titled: 'External Elevation 2'; Scale 1:200, dated 16 May 2006.
- Drawing Titled: 'Section N'; Scale 1:100, dated 16 May 2006.
- Drawing Titled: 'Level 3—Window Section 2'; Scale 1:50, dated 16 May 2006.
- Facsimile from Harben Design dated 20 June 2006 (advising withdrawal of roof mounted signage).

- Facsimile from Galcon Developments on behalf of Souvlaki Bros dated 29 May 2006.
- Drawing Titled: 'Proposed Floor Layout'; Scale 1:100, dated 26 May 2006.
- Drawing Titled: 'Section'; Scale 1:100, dated 26 May 2006.
- Drawing Titled: 'Section at Counter'; Scale 1:50, dated 26 May 2006.
- Drawing Titled: 'Section at Equipment (Part 1)'; Scale 1:50, dated 26 May 2006.
- Drawing Titled: 'Section at Equipment (Part 2)'; Scale 1:50, dated 26 May 2006.
- Drawing Titled: 'Section through Equipment and Counter'; Scale 1:50, dated 26 May 2006.
- Drawing Titled: 'Corporate Image'; Scale 1:100, dated 26 May 2006.
- Letter from QED Pty Ltd, on behalf of Starbucks Australia dated 2 August 2006.
- Drawing Titled: 'Building Signage' included with correspondence dated 2 August 2006.

7. Application has now been made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993, to grant an approval for modifications to Level 3 of the Entertainment Building and Signage (Amendment No. 12).

8. The amendments to the development are contained in the correspondence attached to an e-mail dated 16 May 2006 and facsimile dated 20 June 2006 and accompanying plans received from Harben Design.

9. Application has also been made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993, to grant an approval for modifications to Retail Tenancy T01 on Moseley Square. (Amendment No. 13).

10. The amendments to the development are contained in the facsimile from Galcon Developments on behalf of Souvlaki Bros dated 29 May 2006 and accompanying plans.

11. Application has also been made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993, to grant an approval for further signage for Retail Tenancy T05 on Moseley Square. (Amendment No. 18).

12. The amendments to the development are contained in the letter and e-mail and accompanying plans received by QED Pty Ltd, on behalf of Starbucks Australia, dated 2 August 2006.

13. The Development Assessment Commission has in considering the application had regard to all relevant matters under section 48 (5) of the Development Act 1993.

14. The Development Assessment Commission is satisfied that the variations do not require the preparation of a further amended Development Report.

#### *Decision*

PURSUANT to section 48 of the Development Act 1993, the Development Assessment Commission as delegate of the Governor, in relation to a proposal submitted by Holdfast Shores Consortium to develop the Holdfast Shores Stage 2B at Glenelg:

- (a) grant provisional development authorisation for the Holdfast Shores Stage 2B development at Glenelg, subject to the conditions and notes to the applicant below;
- (b) grant development authorisation for Building Rules Certification for the demolition of Magic Mountain and the use of the Police Station building by the Glenelg Surf Life Saving Club;
- (c) grant development authorisation for Building Rules Certification for Early Works Package 2B of the development. These apply to bulk excavation, piling, footings, retaining walls, stormwater disposal system, rock seawall extension, base for site paving, car park entry and Hope Street entry, oil pipeline diversion around the basement car park and site utilities infrastructure;
- (d) grant development authorisation for Building Rules Certification for Packages 3 and 4 of the development. These apply to early works for the Apartment Building and for the Entertainment and Retail Building, including excavation, piling, retaining walls, columns and in-ground services;
- (e) grant development authorisation for Building Rules Certification for Packages 5 and 6 of the development, which applies to the Platinum Apartments Superstructure and parts of the Entertainment Precinct Superstructure, and for the temporary walkway;
- (f) grant development authorisation for Building Rules Certification for Package 7 of the development, which applies to the Superstructure for the Entertainment Building and Surf Life Saving Club;
- (g) grant provisional development authorisation for the variation relating to an additional underground car park in the Entertainment Building;
- (h) grant development authorisation for the variation relating to modifications to the Entertainment Building;
- (i) grant development authorisation for the variation relating to a beach observation tower for the Glenelg Surf Life Saving Club;
- (j) grant provisional development authorisation for the variation relating to modifications to the Glenelg Town Hall;
- (k) grant development authorisation for the amendment No. 4 relating to modifications to the Entertainment Building;
- (l) specify all matters relating to this development plan authorisation as matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached;
- (m) pursuant to section 48 and Regulation 64 (1) of the Development Act 1993, reserve the following matters for further decision-making at a later stage (refer 'Notes to Applicant'):
  - (i) further assessment and certification in respect of the Building Rules for components of the proposed development;
  - (ii) any external advertising signage;
- (n) approve the land division application 110/D012/04, lodged on 4 February 2004;
- (o) approve the land division application 110/D052/05, lodged electronically with the Development Assessment Commission on EDALA on 22 June 2005;
- (p) grant provisional development authorisation for the variation relating to Amendment No. 5—Modifications to the Retail Building. (Windows to the western wall);
- (q) grant provisional development authorisation for the variation relating to Amendment No. 6—Revision to retaining walls adjacent Glenelg Town Hall;
- (r) grant development authorisation for Building Rules Certification for Building Rules Certificate for Packages 3 and 4 (Platinum Apartments Basement and Entertainment Precinct Basement) to reflect modifications to the retaining wall and for Package 7 to reflect the approved modification to the Entertainment Building, (Amendment No. 4);
- (s) grant provisional development authorisation for the variation relating to—modifications to Level 3 of the Entertainment Building (Amendment No. 8);
- (t) grant provisional development authorisation for the variation relating to—modifications to and signage for the Retail Tenancy T05 on Moseley Square (Amendment No. 9);
- (u) approve the land division application 110/C053/05 in plans and associated documents uploaded electronically onto EDALA on 28 April 2006 and 15 May 2006 and a range of associated detailed documentation attached to a letter from Norman Waterhouse to the City of Holdfast Bay dated 11 May 2006;

- (v) approve the land division applications 110/C061/05 and 110/C062/05 in plans and associated documents uploaded electronically onto EDALA on 25 July 2005;
- (w) approve the land division application 110/C101/05 in plans and associated documents uploaded electronically onto EDALA on 19 December 2005;
- (x) grant provisional development authorisation for the variation relating to modifications to Level 3 and signage for the Entertainment Building (Amendment No. 12);
- (y) grant provisional development authorisation for the variation relating to modifications to Retail Tenancy T01 on Moseley Square (Amendment No. 13); and
- (z) grant provisional development authorisation for further signage for Retail Tenancy T05 on Moseley Square (Amendment No. 18).

#### *Conditions of Approval*

1. Except where minor amendments may be required by other Acts and/or legislation or by conditions imposed herein, the Holdfast Shores 2B development shall be undertaken in strict accordance with:

- (a) The following drawings contained in the Amended Development Report for Holdfast Shores Stage 2B, dated September 2003, except to the extent that they are varied by the plans described in paragraph 1 (b):
  - Drawing Titled: 'Site plan level B2'; Drawing Number: 111.
  - Drawing Titled: 'Site plan level 1'; Drawing Number: 112.
  - Drawing Titled: 'Site plan level 2'; Drawing Number: 113.
  - Drawing Titled: 'Entertainment building basement'; Drawing Number: 114.
  - Drawing Titled: 'Entertainment building level 1'; Drawing Number: 115.
  - Drawing Titled: 'Entertainment building level 2'; Drawing Number: 116.
  - Drawing Titled: 'Entertainment building levels 3 and 4'; Drawing Number: 117.
  - Drawing Titled: 'Entertainment building elevations'; Drawing Number: 118.
  - Drawing Titled: 'Entertainment building elevations'; Drawing Number: 119.
  - Drawing Titled: 'Entertainment building sections'; Drawing Number: 120.
  - Drawing Titled: 'Apartment Plans B2 and B1'; Drawing Number: 121.
  - Drawing Titled: 'Apartment Plans L1, L2, L3-4 and L5'; Drawing Number: 122.
  - Drawing Titled: 'Apartment Plans L6-8 and L9, roof plan'; Drawing Number: 123.
  - Drawing Titled: 'Apartment elevations—north and east'; Drawing Number: 124.
  - Drawing Titled: 'Apartment elevations—west and south'; Drawing Number: 125.
  - Drawing Titled: 'Apartment sections'; Drawing Number: 126.
  - Drawing Titled: 'Land use'; Drawing Number: 127.
  - Drawing Titled: 'Built form'; Drawing Number: 128.
  - Drawing Titled: 'Urban spaces'; Drawing Number: 129.
  - Drawing Titled: 'Open space/vegetation'; Drawing Number: 130.
  - Drawing Titled: 'View corridor'; Drawing Number: 131.
  - Drawing Titled: 'Climate'; Drawing Number: 132.
  - Drawing Titled: 'Microclimate'; Drawing Number: 133.

- Drawing Titled: 'Links to surrounding areas'; Drawing Number: 134.
  - Drawing Titled: 'Pedestrian movement'; Drawing Number: 135.
  - Drawing Titled: 'Vehicle movement'; Drawing Number: 136.
  - Drawing Titled: 'Concourse study—pedestrian movement'; Drawing Number: 137.
  - Drawing Titled: 'Concourse study—vehicle movement'; Drawing Number: 138.
  - Drawing Titled: 'Moseley Square study'; Drawing Number: 139.
  - Drawing Titled: 'Town Hall opportunities'; Drawing Number: 140.
  - Drawing Titled: 'Foreshore open space study'; Drawing Number: 141.
  - Drawing Titled: 'Apartment building study'; Plan Number: 142.
  - Drawing Titled: 'Entertainment precinct—east plaza study'; Drawing Number: 143.
  - Drawing Titled: 'Sun diagrams summer'; Drawing Number: 144.
  - Drawing Titled: 'Sun diagrams winter'; Drawing Number: 145.
  - Drawing Titled: 'Landscaping'; Drawing Number: 146.
  - Drawing Titled: 'Construction Stage 1'; Drawing Number: 147.
  - Drawing Titled: 'Construction Stage 2'; Drawing Number: 148.
  - Drawing Titled: 'Construction Stage 3'; Drawing Number: 149.
  - Drawing Titled: 'Construction Stage 4'; Drawing Number: 150.
- (b) The following drawings accompanying the Response by proponent to submissions, 3. City of Holdfast Bay Submission, dated 17 December 2003, as they relate to the proposal for Holdfast Shores Stage 2B, except to the extent that they are varied by the plans as described in paragraph (c):
    - Drawing Titled: 'Sun diagrams summer'; Drawing Number: 144 rev. A.
    - Drawing Titled: 'Sun diagrams winter'; Drawing Number: 145 rev. A.
    - Drawing Titled: 'Entertainment building basement supplementary plan'; Drawing Number: 151 rev. A.
    - Drawing Titled: 'Entertainment building level 1 supplementary plan'; Drawing Number: 152 rev. A.
    - Drawing Titled: 'Entertainment building level 2 supplementary plan'; Drawing Number: 153 rev. A.
    - Drawing Titled: 'Entertainment building levels 3 and 4 supplementary plan'; Drawing Number: 154.
    - Drawing Titled: 'Entertainment building levels 3 and 4 supplementary plan'; Drawing Number: 154 rev. A.
- (c) The following drawings accompanying the further information and clarification letter dated 22 January 2004, as they relate to the proposal for Holdfast Shores Stage 2B:
    - Drawing Titled: 'Car park ventilation supplementary plan'; Drawing Number: 155.
    - Drawing Titled: 'Civil stormwater supplementary plan'; Drawing Number: 156.
    - Drawing Titled: 'Civil stormwater supplementary plan' Drawing Number: 157.
    - Drawing Titled: 'Oil pipeline supplementary plan'; Drawing Number: 158.

- (d) The land division plan lodged with the Development Assessment Commission on 4 February 2004: Application number 110/D012/04.
- (e) The land division plan lodged electronically on EDALA with the Development Assessment Commission on 22 June 2005: Application number 110/D052/054.
- (f) The land division plans lodged electronically on EDALA with the Development Assessment Commission which include an amended final scheme description uploaded on 28 April 2006 and an amended final plan uploaded on 15 May 2006: Application number 110/C053/05.
- (g) The land division plans lodged electronically on EDALA with the Development Assessment Commission on 25 July 2005: Application numbers 110/D061/05 and 110/D062/05.
- (h) The land division plan lodged electronically on EDALA with the Development Assessment Commission on 19 December 2005: Application number 110/C101/05.
- (i) The following documents, except to the extent that they are varied by the plans described in paragraphs (a) and (c):
- Amended Development Report for Stage 2B, Volumes 1 and 2 by the Holdfast Shores Consortium, dated 18 September 2003 (except to the extent that it may be varied by a subsequent document in this paragraph).
  - The letter from Woodhead International to Planning SA, titled Response by proponent to submissions, 3. City of Holdfast Bay submission, dated 17 December 2003 (except to the extent that it may be varied by a subsequent document in this paragraph).
  - The Amended Assessment Report prepared by the Minister for Aboriginal Affairs and Reconciliation (as delegate Minister for the Minister for Urban Development and Planning), for the Holdfast Shores 2B development, dated February 2004 (except to the extent that it may be varied by a subsequent document in this paragraph).
  - The letter from Woodhead International to Planning SA, titled Further Information and Clarification, dated 22 January 2004.
  - The letter from Woodhead International to Planning SA, titled Packages 1 and 2A Building Rules Certification, dated 21 June 2004.
  - The letter from Woodhead International to Planning SA, titled Early Works Package 2B Building Rules Certification, dated 15 July 2004.
  - The letter from Woodhead International to Planning SA, titled Amendment No. 1 to Provisional Development Authorisation (reserved matters), dated 1 June 2004.
  - The letter from Woodhead International to Planning SA, titled Amendment No. 2 to Provisional Development Authorisation (reserved matters), dated 17 August 2004.
  - The letter from Woodhead International to Planning SA, titled Building Rules Certification for Packages 3 and 4, dated 28 September 2004.
  - The letter from Woodhead International to Planning SA, titled Amendment No. 3 to Development Authorisation—Temporary Walkway, dated 24 January 2005.
  - The letter from Woodhead International to Planning SA, Amendment No. 3 to Provisional Development Authorisation, dated 11 January 2005.
  - The letter from Woodhead International to Planning SA, titled Packages 5 and 6 Building Rules Certification, dated 4 January 2005.
  - The letter from Woodhead International to Planning SA, Amendment No. 2 of Provisional Development Authorisation, dated 27 October 2004.
  - Letter from Woodhead International to Planning SA, titled Package 7 Building Rules Certification, dated 6 May 2005.
  - Letter from Woodhead International to Planning SA, Holdfast Shores Stage 2B, Glenelg Town Hall Egress, dated 8 March 2005.
  - Letter from Alexander Symonds to Planning SA titled Holdfast Shores Stage 2B—Land Division Application 110/D052/05 and 100/C053/05, dated 11 October 2005.
  - Letter from Boulderstone Hornibrook Urban Construct Joint Venture, titled Holdfast Shores Stage 2B—Land Division, to Planning SA dated 14 December 2005.
  - Letter from Connor Holmes, titled Holdfast Shores Stage 2B—Land Division Application 110/D052/05 and 110/C053/05, to Planning SA dated 6 January 2006.
  - Letter from Norman Waterhouse to Planning SA, titled Holdfast Shores Stage 2B—Land Divisions—Glenelg Pty Ltd, dated 20 January 2006.
  - Letter from Woodhead International to Planning SA, Holdfast Shores Stage 2B, Amendment No. 5 to the Provisional Development Authorisation, dated 2 December 2005.
  - Letter from Woodhead International to Planning SA, Holdfast Shores Stage 2B, Amendments to Packages 2B and 7 Building Rules Certification, dated 21 September 2005.
  - Letter from Boulderstone Hornibrook to City of Holdfast Bay (copied to Planning SA) Holdfast Shores Stage 2B, excavation of basement, eastern side of Glenelg Town Hall, dated 7 November 2005.
  - Letter from Harben Design included with e-mail dated 8 December 2005.
  - Letter from QED Pty Ltd, on behalf of Starbucks Australia, dated 10 January 2006.
  - E-mail from QED Pty Ltd, dated 27 January 2006, titled 'Starbucks—Glenelg—Extra Information'.
  - A range of associated detailed documentation (associated with 110/C053/05) attached to a letter from Norman Waterhouse to the City of Holdfast Bay dated 11 May 2006.
  - Letter from Harben Design included with an e-mail dated 16 May 2006.
  - Facsimile from Harben Design dated 20 June 2006 (advising withdrawal of roof mounted signage).
  - Facsimile from Galcon Developments on behalf of Souvlaki Bros dated 29 May 2006.
  - Letter from QED Pty Ltd, on behalf of Starbucks Australia dated 2 August 2006.
2. A Construction Environmental Management Plan (CEMP) shall be prepared, in consultation with the Environment Protection Authority, Coast Protection Board and the City of Holdfast Bay, to address the management issues during construction. Matters to be addressed in the CEMP must include:
- traffic management during construction, including transport beyond the site;
  - control and management of construction noise;
  - dust and mud control;
  - working hours;
  - stormwater and groundwater management during construction;
  - site security and fencing;
  - disposal of building waste and refuse;
  - protection and cleaning of roads and pathways;
  - site clean-up;
  - adherence to all relevant Environment Protection Authority policies and codes of practice for construction sites;
  - identification and management of potential and actual acid sulphate soils (should these be encountered); and
  - identification and management of contaminated soils and groundwater (should these be encountered).

3. The applicant shall submit further information and application(s) in relation to the matters that have been reserved for further decision-making by the Governor (or her delegate).

4. No building works shall commence on subsequent stages of the development until a decision has been made by the Governor (or her delegate), involving matters relating to the Building Rules assessment and certification requirements and any other reserved matters that are subject to further development application.

5. No works shall commence unless, and until, legal rights to develop the Magic Mountain site have been secured.

6. The car parking areas shall be designed in accordance with Australian Standards 2890 1-1993 and line markings shall be maintained in good and substantial condition at all times.

7. Access for service deliveries and waste disposal vehicles at the Holdfast Promenade shall only be allowed between 7 a.m. and 10 a.m. daily.

8. Stormwater from the Holdfast Shores Stage 2B site shall not be disposed of by way of a pipe or similar structure that conveys the stormwater to the beach.

9. Site works, construction work and truck movements to and from the site shall only be carried out between 7 a.m. and 6 p.m., Monday to Saturday, inclusive.

10. Pedestrian access ways, from Moseley Square to the Entertainment Plaza and from Hope Street through the 'air lock', shall remain open to the public at all times.

11. Landscaping shall be provided in accordance with the authorised plans and shall be maintained and nurtured, with any diseased or dying plants being replaced.

12. The waste storage and service area at the rear of the buildings shall be kept in a neat, tidy and healthy condition at all times and the service area access door shall remain closed at all times, other than when loading or unloading is taking place.

13. Machinery, plant operating equipment, lighting or sound devices shall not impair or impinge upon the enjoyment of adjoining properties or occupiers thereof.

14. All drainage, finished floor levels, and public works associated with the development, including the disposal of stormwater, shall be carried out in accordance with accepted engineering standards and to the reasonable satisfaction of the City of Holdfast Bay.

15. The period of time for which the building (the Police Station building) shall be used as clubrooms shall be 18 months from the date of Development Authorisation of 15 July 2004, after which period the building shall be vacated.

16. The clubrooms (in the Police Station building) will not be used as a nightclub or discotheque or the like.

17. The door to the accessible male toilet (in the Police Station building) shall be handed to provide latch side clearance in accordance with Fig. 12 of AS1428.1. BCA-Part D3.2.

18. The levels of any openings to the basement car park, including ventilation outlets, inlets and the like shall be in accord with those previously proposed in section 4.1Q of the Amended Development Report for Stage 2B dated 18 September 2003.

19. The fit-out of the public toilets shall be to the reasonable satisfaction of the City of Holdfast Bay.

20. Service plant/machinery associated with the Entertainment Building shall be appropriately concealed from public view.

21. The proposed transformer located on the southern elevation of the Entertainment Building shall be appropriately screened to minimise its visual impact on the public realm.

22. The applicant shall place outdoor showers along the back of the beach to the reasonable satisfaction of the City of Holdfast Bay.

23. The southern most waterslide shall not project over the walkway space located between the Town Hall and Entertainment Building and in any event, should not be located within 5 m of the Town Hall.

24. Structures or ornaments in the mini-golf course shall be arranged and sited to ensure that:

- (a) no individual structure or ornament exceeds a height of 1.5 m within the southern section of the mini-golf course so as to obscure western and north-western views from the Town Hall; and
- (b) structures or ornaments are not grouped in a manner that creates visual bulk to the southern or western elevations of the Entertainment Building or obscures western and north-western views from the Town Hall.

25. The modifications to the Glenelg Town Hall access shall be executed with minimum intervention to the historic fabric of the building.

26. The encumbrance dated 16 February 2006, shall be registered on the five Torrens titles, facing Moseley Square as soon as practicable after the land division No. 110/D052/05 is implemented.

27. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services, for land division application Nos 110/D052/05, 110/C053/05, 110/C061/05, 110/C062/05 and 110/C101/05. (SA Water 90097/04 Water/Sewer).

28. The necessary easements shall be granted to the SA Water Corporation free of cost for land division application Nos 110/D052/05, 110/C053/05 and 110/C101/05.

29. Two copies of a certified survey plan shall be lodged for Certificate purposes for land division application Nos 110/D052/05, 110/C053/05, 110/C061/05, 110/C062/05 and 110/C101/05.

30. Vibration during construction is an issue which shall be addressed within a Construction Environmental Plan. A before and after dilapidation study of the former Glenelg Town Hall shall be prepared to note new cracking and other damage. The Plan shall also provide a maximum vibration reading during use of machinery, pile driving or other construction activities. Regular monitoring of the building shall be undertaken while work proceeds. (NOTE: a copy of this information shall be provided to Heritage SA.)

31. Heritage SA shall be consulted prior to any further development changes relating to building rules approval, for modifications to the retaining wall adjacent Glenelg Town Hall.

32. The proposed bi-fold doors and windows at the southern elevation of Retail Tenancies T05 and T01, shall be secured completely within the confines of the tenancy and not encroach onto the Council footpath/Moseley Square, when operated.

33. The signage for Retail Tenancy T05 and the Entertainment Building, (including its structure and advertising material thereon) shall be maintained in good condition.

34. The signage for Retail Tenancy T05 and the Entertainment Building shall not be of a light intensity as to cause light overspill, which results in unreasonable nuisance to adjoining land and buildings.

*Notes on Building Rules Certification (for demolition of Magic Mountain and use of the Police Station Building by GSLSC)*

The Early Fire Hazard Indices of wall, floor and ceiling linings, and air-handling ductwork shall comply with Clause C1.10 of the BCA.

*Notes on Building Rules Certification (for the Platinum Apartments Basement and Entertainment Precinct Basement)*

The application does not include the superstructure works which shall be the subject of a separate application.

This consent is issued on the understanding that the proprietary type materials and products as specified either on the architectural plans or specifications are to be selected and installed in accordance with the manufacturers' recommendations and relevant standards.

Fire precautions must be taken during construction in accordance with BCA-E1.9. The builder must also ensure, once the method of construction has been determined, that the design of the building/structure adequately accommodates the anticipated construction activity actions.

The person proposing to undertake building work on land (or who is in charge of such work) is warned of their obligation to give Council notice at stages prescribed in Regulation 74.

*Notes on Building Rules Certification (for the Platinum Apartments Superstructure and parts of the Entertainment Precinct Superstructure)*

This application does not include the Entertainment Building superstructure which shall be the subject of a separate application.

The certified drawings/documents will be issued by the Council with the notification of development approval.

The drawings are stamped 'Preliminary'. Future changes may require separate approval.

The propriety type materials and products as specified either on the architectural plans or specification are to be selected and installed in accordance with the manufacturers' recommendation and relevant standards.

Fire precautions must be taken during construction in accordance with BCA-E1.9. The builder must ensure once the method of construction has been determined, that the design of the building/structure adequately accommodates the anticipated construction activity actions.

The person proposing to undertake building work on land (or who is in charge of such work) is warned of their obligation to give the Council notice at stages prescribed in Regulation 74.

*Notes on Building Rules Certification (for the Entertainment Building Superstructure and Surf Life Saving Club)*

The certified drawings/documents will be issued by the Council with the notification of development approval.

The proprietary type materials and products as specified either on the architectural plans or specifications are to be selected and installed in accordance with the manufacturers' recommendations and relevant standards.

Fire precautions must be taken during construction in accordance with BCA-E1.9. The builder must also ensure, once the method of construction has been determined, that the design of the building/structure adequately accommodates the anticipated construction activity actions.

The person proposing to undertake building work on land (or who is in charge of such work) is warned of their obligation to give the Council notice at stages prescribed in Regulation 74.

**SCHEDULE OF ESSENTIAL SAFETY PROVISIONS:** Regulation 76 requires that the relevant authority on granting provisional building rules consent, issue a schedule that specifies the essential safety provisions for the building and the standards or requirements for the maintenance and testing in respect of each of those essential safety provisions set out in Minister's Specification SA 76. The items to be inspected or tested will be detailed on a Schedule attached to the Building Rules Consent for the superstructures.

For building work prescribed in Regulation 75, the building owner must, at least 28 days before the building work is commenced cause to be served on the owner of the affected land or premises a notice of intention to perform the building work and the nature of that work as required by section 60.

Pursuant to section 53A of the Development Act 1993, the relevant authority must form an opinion as to whether the existing building is unsafe or structurally unsound. It is considered that although there are/may be items or matters that are not in strict conformity with the Building Rules, or other matters of non-compliance that cannot be identified from the information supplied by the applicant, that the proposed upgrading measures will render the building safe.

Wet areas details including floor grades, set-downs and impervious surfaces shall comply with Minister's Specification SA F1.7 including provision of drainage flanges.

Existing glass in doors, side panels and other human impact areas shall be assessed by the glazier for compliance with section 5 of AS 1288-1994 Glass in Buildings. The applicant is advised that to comply with the Occupational Health, Safety and Welfare Act 1986, any glass that does not meet current requirements should be replaced.

**IMPORTANT:** The Building Rules Certification does not imply compliance with the Electricity Act 1996, (building within prescribed distances of adjacent power lines) or Occupational Health, Safety and Welfare Act 1986, the (State) Equal Opportunity Act 1984, or with the Commonwealth Disability Discrimination Act as amended or any of the regulations under those Acts. It is the responsibility of the owner and the person erecting the building to ensure compliance with same.

Proof of maintenance must be provided to Council each calendar year by the building owner.

**CERTIFICATE OF OCCUPANCY:** A new Certificate of Occupancy is required to be issued in relation to the proposed development. Katnich Dodd, will before granting a certificate of occupancy, require:

1. A *Statement of Compliance* from the licensed building work contractor who carried out the relevant work or who was in charge of carrying out the relevant work or if there is no such licensed building work contractor—from a registered building work supervisor or private certifier all in accordance with the *pro forma* attached to the building rules consent for Packages 5 and 6 which must also be signed by the owner of the relevant land, or by someone acting on his or her behalf.

2. A certificate of compliance for each essential provision, in the appropriate form under Schedule 16, signed by the installer of the safety provision, or where the installer is a company, signed by the manager responsible for the installation work.

3. Where a building is required by the Building Rules to be equipped with a booster assembly for use by fire-fighters or to have installed a fire alarm that transmits a signal to a fire station and facilities for fire detection, fire-fighting or the control of smoke must be installed in the building pursuant to an approval under the Act, the 'wet' and/or 'dry' report(s) from the fire authority as to whether those facilities have been installed and operate satisfactorily.

Storey	Portion	Classification	Area m <sup>2</sup>	Max. Occupants
Basement	All	7a	—	—
Level 01 (Ground)	Tenancies	5 and 6 (dual classification)	—	—
	Entertainment	9b	—	900 persons
	Boat store Gymnasium	7b 9b	—	—
Level 02 (First)	Tenancies	5 and 6 (dual classification)	—	—
	Games Functions	9b 9b	660 390	660 persons 390 persons
Level 03 (Second)	Conference Centre	9b	300	240 persons
Level 04 (Third)	Offices	5	175	18 persons
Level 05 (Fourth)	Waterslide Deck	9b	175	175 persons

For building work prescribed in Regulation 75, the building owner, must, at least 28 days before the building work is commenced cause to be served on the owner of the affected land or premises a notice of intention to perform the building work and the nature of that work, as required by section 60.

Pursuant to the Local Government Act 1999, the builder may be required to erect and maintain hoardings and platforms for the protection of the public on adjoining streets and footpaths as directed by the City of Holdfast Bay.

Wet area details including floor grades, set downs, and water resistant surfaces shall comply with Minister's Specification SA F1.7-2004 and AS3740 Waterproofing of wet areas within residential buildings including provision of drainage flanges.

A person must not fill the pool with water unless the pool is enclosed by a fence that complies with Part 3.9.3 of the BCA.

**IMPORTANT:** The Building Rules Certification for Packages 5, 6 and 7 is for compliance with the Development Act 1993 and does not imply compliance with the Swimming Pools (Safety) Act 1972, as amended, or any of the regulations under this Act. It is the responsibility of the owner and the person erecting the building/structure to ensure compliance with same.

#### NOTES TO APPLICANT

- A decision on the reserved matters relating to Building Rules assessment and certification requirements for further stages will only be made by the Governor (or her delegate) after a Building Rules assessment and certification has been undertaken and issued by the City of Holdfast Bay, or a private certifier, as required by the Development Act 1993 and after the Minister for Urban Development and Planning receives a copy of all relevant certification documentation, as outlined in Regulation 64 of the Development Regulations 1993.
  - If the Building Rules assessment process demonstrates that the Holdfast Shores Stage 2B development complies with the Building Rules pursuant to the Development Act 1993 and Development Regulations 1993, the City of Holdfast Bay, or a private certifier conducting the Building Rules assessment, must:
    - (a) provide to the Minister the certification in the form set out in Schedule 12A of the Development Regulations 1993; and
    - (b) to the extent that may be relevant and appropriate:
      - (i) issue a schedule of essential safety provisions under Division 4 of Part 12;
      - (ii) assign a classification of the building under these regulations; and
      - (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.
- Regulation 64 of the Development Regulations 1993, provides further information about the type and quantity of all building certification documentation required for referral to the Minister:
- The City of Holdfast Bay, or a private certifier undertaking the Building Rules assessment and certification for the Holdfast Shores Stage 2B development, must ensure that any assessment and certification is consistent with this provisional development authorisation (including any conditions or notes that apply in relation to this provisional development authorisation).
  - Should the applicant wish to vary the application or the staging of any reserved matters, as outlined in this provisional development authorisation, a variation to the application may be submitted, pursuant to section 48B of the Development Act 1993, provided that the development application variation remains within the ambit of the Amended Development Report and Amendment Assessment Report referred to in this provisional development authorisation.
  - The applicant is advised of the requirement to comply with the Environment Protection Authority's (EPA) 'Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry' during demolition and construction of the development.
  - Noise emissions from the Holdfast Shores Stage 2B development will be subject to the Environment Protection (Industrial Noise) Policy 1994 and the Environment Protection Authority (EPA) Guidelines and the Environment Protection Act 1993.
  - Prior to any construction, the applicant should consult with Adelaide Airport Ltd, about crane operations.
  - The Heritage Branch of the Department for Environment and Heritage, should be consulted if there is to be any physical intervention to the structures on the adjacent State Heritage place (Glenelg Town Hall). Any such work must be executed in accordance with advice arising from such consultation.
  - The proponent is reminded of the General Environmental Duty under section 25 of the Environment Protection Act 1993, which requires that a person must not undertake any activity, which pollutes, or may pollute, without taking all reasonable and practical measures to prevent or minimise harm to the environment.
  - If the Holdfast Shores 2B development is not substantially commenced within two years of the date of any reserved matter decisions, the Governor may cancel this provisional development authorisation and any subsequent decisions on reserved matters (where relevant).
  - The Minister has a specific power to require testing, monitoring and auditing under section 48C of the Development Act 1993.
  - Final details on the size and construction of the beach tower and confirmation that ownership and maintenance is to be by the Surf Life Saving Club to be provided to the satisfaction of the City of Holdfast Bay.
  - The precise location of the beach tower needs to allow for future volleyball courts and be to the satisfaction of Council's Holdfast Shores Stage 2B Project Board Steering Committee.
  - Visually attractive options, such as the incorporation of public art, should be considered for the screening of the proposed transformer located on the southern elevation of the Entertainment Building.
  - Further details shall be provided to the City of Holdfast Bay regarding the waterslides and their support structures to ensure that:
    - (a) the proposed support structures do not dominate the built form and western and south-western face of the Entertainment Building; and
    - (b) adequate visual permeability is retained between the waterslide tubes.
  - All land division documentation, including easement plans should be forwarded to Council for execution under the Real Property Act 1886.
  - Variation No. 5 to the Retail Tenancy will be subject to meeting the requirements of the Building Code of Australia, particularly in terms of fire safety.
  - External advertising and proposed colour schemes of the buildings adjacent to the former Town Hall shall be the subject of a separate approval.
  - Applicants for Retail Tenancies which sell food and beverages (including the applicant for Retail Tenancies T05 and T01) are required to lodge a formal application for the internal fitout with Council's Environmental Health Unit for assessment against the Food Act 2001 and Environmental Health Act 1987.
  - Applicants for Retail Tenancies which incorporate outdoor dining areas (including the applicant for Retail Tenancies T05 and T01) are required to lodge a separate application for an Outdoor Dining Permit with Council for any proposed Outdoor Dining areas. (NB: this will be assessed in accordance with Council's adopted Moseley Square Outdoor Dining Guidelines).
  - Following completion of the retail buildings and associated balconies that encroach over Moseley Square, an Encroachment Permit and invoice for the annual encroachment fee will be forwarded to the building owner/s by Council. (NB: the annual fee is based on a valuation of the size of the encroachment and its use).
  - The applicant for Retail Tenancy T01 is required to lodge a separate Development Application for any external signage proposed on the building.

Dated 17 August 2006.

R. BARUA, Secretary, Development Assessment Commission

## FISHERIES ACT 1982: SECTION 59

TAKE note that the notice made under section 59 of the Fisheries Act 1982 and published in the *South Australian Government Gazette* on page number 2579, dated 3 August 2006, being the first notice on that page, referring to Peter Brierley and being for the exemption to collect European Mussel spat, is hereby revoked.

Dated 15 August 2006.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Peter Brierley of Flinders Seafoods Pty Ltd, P.O. Box 481, Nelson, New Zealand, (the 'exemption holder') or a person acting as his agent, is exempt from the provisions of section 41 of the Fisheries Act 1982, insofar as they may engage in the collection of spat of the species European mussels (*Mytilus edulis*) (the 'exempted activity') from the waters described in Schedule 1, using the gear specified in Schedule 2, subject to the conditions set out in Schedule 3, from 1 September 2006 until 28 February 2007, unless varied or revoked earlier.

## SCHEDULE 1

The exempted activity may be undertaken within the following area:

- An area within Proper Bay (Mid point latitude 34°47.00'S, longitude 135°53.80'E) that does not exceed 2.5 ha or 180 m x 140 m.

## SCHEDULE 2

No more than two longline spat collectors with a maximum length of 100 m each to be used per hectare.

## SCHEDULE 3

1. All fish taken pursuant to this notice must be relocated to Aquaculture Site FS00071, FS00072, FS00073 and/or FS00074 (Flinders Seafood Pty Ltd).

2. The spat collection sites must be marked with appropriate markings (e.g. St Andrews Crosses) as required for all offshore aquaculture sites including spat collection areas. All dimensions and requirements can be located on the PIRSA Aquaculture website: [www.pir.sa.gov.au](http://www.pir.sa.gov.au).

3. The exemption holder must notify PIRSA Fishwatch on 1800 065 522 at least two hours prior to the commencement of the exempted activity and two hours prior to lifting the spat collecting longlines and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption at the time of making the call and be able to provide information about the area and time of the exempted activity, the boats involved, the number of agents undertaking the exempted activity and other related questions. Exemption No. 9901913.

4. While engaged in the exempted activity a person acting as an agent must carry written approval from the exemption holder stating that they are acting as an agent.

5. While engaged in the exempted activity the person undertaking the activity must have in his possession a copy of this notice and produce that notice to a PIRSA Fisheries Compliance Officer if requested.

6. The exemption holder must not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

Dated 15 August 2006.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Craig Meakin, of Flinders University, 5/25 Rogers Street, Highbury, S.A. 5089 (the 'exemption holder') or a person acting as his agent is exempt from the Fisheries Act 1982, but only insofar as they may engage in the activities specified in Schedule 1 using the gear specified in Schedule 2 (the 'exempted activity'), subject to the conditions set out in Schedule 3, from 1 September 2006 until 31 August 2007, unless varied or revoked earlier.

## SCHEDULE 1

The collection of aquatic organisms from waters of Barker Inlet.

## SCHEDULE 2

- beach seine net (maximum length not exceeding 5 m x 2 m drop);
- ichthyoplankton net;
- plexiglass tube collector.

## SCHEDULE 3

1. The specimens collected by the exemption holder are for scientific and research purposes only and must not be sold. Any unwanted specimens must be returned to the water immediately.

2. Before collecting any specimens pursuant to this notice, the exemption holder must contact the PIRSA Fisheries Compliance Unit on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption at the time of making the call and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related questions. Exemption No. 9901912.

3. The exemption holder must submit the reporting sheet provided to Flinders University within 14 days of the expiration of this exemption to the Director of Fisheries, marked (Attention: Alex Chalupa), G.P.O. Box 1625, Adelaide, S.A. 5001.

4. While engaged in the exempted activity, the exemption holders must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if requested.

5. A person acting as an agent must have on him/her a signed letter from the exemption holder stating that they are acting as an agent during the exempted activity.

6. The exemption holders must not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

Dated 14 August 2006.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, David Macdonald, 23 Ferry Street, Whyalla Playford, S.A. 5600 (the 'exemption holder') is exempt from sections 34 and 41 of the Fisheries Act 1982, but only insofar as he may engage in the taking of those fish specified in Schedule 1 from 14 August 2006 until 30 June 2007 (the 'exempted activity'), subject to the conditions specified in Schedule 2, unless varied or revoked earlier.

## SCHEDULE 1

Molluscs other than fish of the species abalone (*Haliotis* spp.), octopus (*Octopus* spp.), squid (order Teuthoidea), cuttlefish (*Sepia* spp.), Tate king scallop, queen scallop (*Mimachlamys*, *Equichlamys* and *Pecten* spp.), mud oyster (*Ostrea* spp.), cockles of the genus *Donax* and *Katelysia*, mussels (*Mytilus* and *Perna* spp.) and razor fish (*Pinna bicolor*).

## SCHEDULE 2

1. Specimens collected by the exemption holder pursuant to this notice must not be sold.

2. No more than one fish per day may be taken of any cowrie belonging to the *Zoila* sub-genus of *Cypraea armeniaca*.

3. The exemption holder may only use the Registered Boat No. JO199S for the purpose of conducting the exempted activity.

4. The exemption holder may not engage in the exempted activity within the waters of Coffin Bay south of latitude 34°31.2'S.

5. The exemption holder must notify PIRSA Fishwatch on 1800 065 522 at least two hours prior to conducting the exempted activity and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption at the time of making the call and be able to provide

information about the area and time of the exempted activity, the vehicles and boats involved, the number of agents undertaking the exempted activity and other related questions. Exemption No. 9901907.

6. The exemption holder may collect fish pursuant to this notice by diving either from a boat or from the shore. When diving from the shore no more than one agent may also be engaged in the exempted activity and that agent must be no more than 50 m from the exemption holder.

7. While engaged in the exempted activity the exemption holder must carry or have about or near his person a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer upon request.

8. The exemption holder must not contravene or fail to comply with the Fisheries Act 1982, or any regulation made under the Act, except where specifically exempted by this notice.

Dated 14 August 2006.

W. ZACHARIN, Director of Fisheries

LAND AND BUSINESS (SALE AND CONVEYANCING)  
ACT 1994

*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Jennifer Rankine, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

June Lorraine Butler, an employee of Homburg Group Pty Ltd.

SCHEDULE 2

The land described in a portion of certificate of title register book volume 5958, folio 805, situated at Lot 79, Minge Way, Nuriootpa, S.A. 5355.

Dated 17 August 2006.

J. RANKINE, Minister for Consumer Affairs

LAND AND BUSINESS (SALE AND CONVEYANCING)  
ACT 1994

*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Jennifer Rankine, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

Carolyn Ann Rauch, an employee of Phil McMahon Real Estate Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5036, folio 372, situated at 19/6 View Street, Reynella, S.A. 5161.

Dated 17 August 2006.

J. RANKINE, Minister for Consumer Affairs

LAND AND BUSINESS (SALE AND CONVEYANCING)  
ACT 1994

*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Jennifer Rankine, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

Kathleen Amanda Fry, an officer of Kat Forde Pty Ltd.

SCHEDULE 2

The land described in certificate of title register book volume 5919, folio 111, situated at 2A Crocker Street, Goolwa, S.A. 5214.

Dated 17 August 2006.

J. RANKINE, Minister for Consumer Affairs

LAND AND BUSINESS (SALE AND CONVEYANCING)  
ACT 1994

*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Jennifer Rankine, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

Bruce Allan Auld, an employee of Elders Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 400, folio 17, situated at Section 262, Crown Lease 4384, Hundred of Riddoch, Lake Leake Road, Lake Leake via Glencoe, S.A. 5291.

Dated 17 August 2006.

J. RANKINE, Minister for Consumer Affairs

LAND AND BUSINESS (SALE AND CONVEYANCING)  
ACT 1994

*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Jennifer Rankine, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

Russell Burton, an officer of Burton Groves & Welsh Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5788, folio 82, situated at 4/1 Glenbrae Close, Wynn Vale, S.A. 5127.

Dated 17 August 2006.

J. RANKINE, Minister for Consumer Affairs

LAND AND BUSINESS (SALE AND CONVEYANCING)  
ACT 1994

*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Jennifer Rankine, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

Jason Robert Nash, an employee of SYP Real Estate Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5306, folio 265, situated at 14 Blanche Street, Edithburgh, S.A. 5583.

Dated 17 August 2006.

J. RANKINE, Minister for Consumer Affairs

## LOCAL GOVERNMENT ACT 1999

### GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

#### *Notice of Alteration to the Charter*

PURSUANT to Clause 17 of the Charter, and Clause 19, Part 2, Schedule 2 of the Local Government Act 1999, the Charter published in the *Gazette* on 22 August 2002 at pages 3112 to 3118 was amended by unanimous resolution of the City of Playford on 27 June 2006, District Council of Mallala on 15 May 2006, Town of Gawler on 23 May 2006, The Barossa Council on 6 June 2006, Light Regional Council on 18 July 2006 and the Adelaide Hills Council on 16 May 2006.

The Charter, as amended, of the Gawler River Floodplain Management Authority is set out below.

#### 1. ESTABLISHMENT

The Gawler River Floodplain Management Authority ('the Authority') is established by the Constituent Councils as a regional subsidiary pursuant to section 43 and Schedule 2 ('the Schedule') of the Local Government Act 1999 ('the Act').

This Charter governs the affairs of the Authority.

#### 2. CONSTITUENT COUNCILS

The Authority is established by the City of Playford, District Council of Mallala, Town of Gawler, The Barossa Council, Light Regional Council and the Adelaide Hills Council ('the Constituent Councils').

The Constituent Councils have resolved to work together to establish a regional subsidiary to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River.

The Authority is subject to the joint direction of the Constituent Councils.

#### 3. PURPOSE

3.1 The Authority has been established for the following purposes:

- 3.1.1 to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure in the Gawler River area ('the Floodplain');
- 3.1.2 to raise finance for the purpose of developing, managing and operating and maintaining flood mitigation works within the Floodplain;
- 3.1.3 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flood mitigation within the Floodplain; and
- 3.1.4 to enter into agreements with Constituent Councils for the purpose of managing and developing the Floodplain.

3.2 The Authority is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.

#### 4. THE BOARD—ROLE AND MEMBERSHIP

4.1 The Authority will be governed by a Board.

4.2 The Board is responsible for the administration of the affairs of the Authority. The Board must ensure insofar as it is practicable, that the Authority observes the objectives set out in this Charter, that information provided to the Constituent Councils is accurate and that Constituent Councils are kept informed of the solvency of the Authority as well as any material developments which may affect the operating capacity and financial affairs of the Authority:

4.3 4.3.1 Each of the Constituent Councils will appoint two persons to the Board. The Constituent Councils' appointees shall be the Chief Executive Officer of the Constituent Council or his or her nominee plus one elected member of the Constituent Council.

4.3.2 Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member who may attend Board Meetings in the place of a Council Board Member who is absent.

- 4.3.3 The Adelaide and Mount Lofty Ranges Natural Resources Management Board (NRM Board) shall appoint one person to the Board. The NRM Board's appointee shall be the Chairperson of the Board.
- 4.3.4 The Board may appoint observers to the Board. Such appointees will not be entitled to vote at meetings.
- 4.3.5 Board members shall not be entitled to receive a sitting fee.
- 4.4 A certificate signed by the Chief Executive Officer of the appointing Constituent Council will be sufficient evidence of appointment.
- 4.5 In the absence of the Chairperson, the Board will elect a temporary acting Chairperson from amongst their members.

## 5. TERM OF OFFICE—THE BOARD

- 5.1 Subject only to the following subclauses, the term of office of each member of the Board will be as determined by the Constituent Council responsible for the appointment of the member or, as the case requires, the NRM Board, and the Constituent Councils express a preference that members of the Board are appointed following each election of the Constituent Council for the term of the Council. The NRM Board may remove and replace the NRM Board member at its discretion.
- 5.2 The Board may by a two-thirds majority vote of the members present (excluding the member subject to this clause):
  - 5.2.1 make a recommendation to the Constituent Council or NRM Board responsible for the appointment of the relevant member, seeking the appointing body's approval to terminate the appointment of the member; or
  - 5.2.2 remove the Chairperson in the event of:
    - 5.2.2.1 any behaviour of the member which in the opinion of the Board amounts to impropriety;
    - 5.2.2.2 serious neglect of duty in attending to the responsibilities of a member of the Board;
    - 5.2.2.3 breach of fiduciary duty to the Board or the appointing body;
    - 5.2.2.4 breach of the duty of confidentiality to the Board or the appointing body;
    - 5.2.2.5 breach of the conflict of interest rules of the Board; or
    - 5.2.2.6 any other behaviour which may discredit the Board.
- 5.3 The Constituent Council or the NRM Board which appointed the member whose term of office has become vacant will be responsible to appoint the replacement member.

## 6. PROCEEDINGS OF THE BOARD

- 6.1 Subject only to the extent that they are modified by this clause, the proceedings of the Board will be the same as those for committees of Council as defined in Part 2 of Chapter 6 of the Act and in accordance with the Regulations for 'Other Committees' comprised in Parts 1, 3 and 4 of the Local Government (Proceedings at Meetings) Regulations 2000.

References in Part 2 of Chapter 6 of the Act to 'the Chief Executive Officer' shall be read as if they were references to the Executive Officer of the Authority and references to 'the Council' or 'the committee' shall be read as if they were references to the Authority.

To the extent that this Charter and the Act and its associated Regulations are silent, the Board may determine its own meeting procedures.

- 6.2 Subject only to the special provisions of this clause, no meeting of the Board will commence until a quorum of members is present and no meeting may continue unless there is a quorum of members present. A quorum of members will comprise half the members plus one. A time limit of 30 minutes shall apply from the advertised time of the meeting in which to reach a quorum. Failure to reach a quorum within this time limit shall result in a failed meeting.

- 6.3 For the purpose of this clause, the contemporaneous linking together by a audio-visual or other interactive means, but excluding telephones ('telecommunication meeting') of a number of members of the Board provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board members taking part in the telecommunications meeting, must be able to hear and be heard by each of the other Board members present. At the commencement of the meeting, each Board member must announce his/her presence to all other Board members taking part in the meeting. A Board member must not leave a telecommunication meeting by disconnecting his/her, audio visual or other communication equipment, unless that Board member has previously notified the Chairperson of the meeting.
- 6.4 In the event that there is not a quorum present at two consecutive meetings of the Board, then an extraordinary meeting of the Board may be convened in the same manner as for a special meeting (see Clause 6.1), at which the business which was on the agendas for the two previous but failed meetings may be transacted at the extraordinary meeting of the Board where the requirement for a quorum is that there be at least one member representing each of the Constituent Councils in attendance. Decisions made at such a meeting will be binding on the subsidiary and all members of the Board and the Constituent Councils.
- 6.5 Subject only to any specific requirement of this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the members present and entitled to vote on the matter. Both members from each Constituent Council present are entitled to vote on a matter. Voting members are entitled only to a deliberative vote. Board members may not vote by proxy.
- 6.6 In the event of equality of votes, the Chairperson will not have a casting vote and the matter will be deemed to have lapsed and may at some later time be reconsidered.
- 6.7 Meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one meeting in every two calendar months.
- 6.8 A special meeting of the Board may be held at any time and may be called at the request of the Chairperson or at the written request of six members of the Board representing all of the Constituent Councils.
- 6.9 Notice of all meetings will be given in accordance with the provisions applicable to a committee meeting under Part 2 of Chapter 6 of the Act and the associated Regulations.
- 6.10 Meetings of the Board will be open to the public unless the Board so resolves to exclude the public pursuant to section 90 of the Act.
- 6.11 All members must keep confidential all documents and any information provided to them in confidence for their consideration prior to a meeting of the Board.
- 6.12 The Board must ensure that accurate written minutes of its proceedings are kept and are produced for verification at the subsequent meeting of the Board.

## **7. PROPRIETY OF MEMBERS OF THE BOARD**

- 7.1 The principles regarding conflict of interest prescribed in the Act will apply to all members of the Board as if they were elected members of a Council.
- 7.2 The members of the Board will not be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 7.3 The members of the Board will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the Board as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2.

## **8. POWERS**

- 8.1 The Authority is constituted as a body corporate under the Act and in all things acts through the Board.
- 8.2 The Authority has:
- 8.2.1 the power to acquire, deal with and dispose of real and personal property (wherever situated) and rights in relation to real and personal property;
  - 8.2.2 the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation 8.2.3 the power to sue and be sued in its corporate name;
  - 8.2.3 the power to enter into any kind of contract or arrangement;

- 8.2.4 the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;
  - 8.2.5 the power to set aside surplus revenue for future capital expenditure;
  - 8.2.6 the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;
  - 8.2.7 the power to establish committees;
  - 8.2.8 the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Rule 8.2.2 and except for any of the powers set out in section 44 of the Local Government Act 1999, (where such powers are applicable to a Subsidiary); and
  - 8.2.9 the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.
- 8.3 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairman of the Board and one other Board member.
- 8.4 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with particulars of the persons who witnessed the fixing of the seal and the date.
- 8.5 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.

## 9. ADMINISTRATIVE MATTERS

- 9.1 There will be an Executive Officer of the Authority appointed by the Board on terms and conditions to be determined by the Board.
- 9.2 The Executive Officer will be responsible to the Board:
- 9.2.1 to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;
  - 9.2.2 for the efficient and effective management of the operations and affairs of the Authority;
  - 9.2.3 to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and
  - 9.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.
- 9.3 The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Board from time to time to ensure the efficient and effective management of the operations and affairs of the Authority.
- 9.4 The Board may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.
- 9.5 The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

**10. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY**

- 10.1 The contributions of the Constituent Councils shall be based on the following percentage shares for capital works, maintenance of assets of the Authority and operational costs of the Authority.

Constituent Council	Capital Works Percentage Share %	Maintenance of Assets Percentage Share %	Operational Costs Percentage Share %
Adelaide Hills Council	1.73	1.73	16.66
The Barossa Council	8.67	8.67	16.66
Town of Gawler	17.34	17.34	16.66
Light Regional Council	8.67	8.67	16.66
District Council of Mallala	28.90	28.90	16.66
City of Playford	34.68	34.68	16.66
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

- 10.2 The table of contributions in Clause 10.1 shall only apply to the recorded agreement of the Authority Board (GRB 05/0068 of 25 November 2005) that the Constituent Councils will make a capped local contribution of \$4 500 000 to the estimated \$20 000 000 major works of the Gawler River Flood Mitigation Scheme.
- 10.3 The Board will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required in the following financial year. This will be achieved via the business plan and the annual budget.
- 10.4 The Board will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Board, in the annual budget and approved by the Council, and any additional funds that are required for the continuing function of the Authority and approved by the Council, in accordance with Clause 11. The Board must provide full details regarding the need for additional funds to the Constituent Councils.
- 10.5 The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.
- 10.6 Additional contributions (if any) will be paid by each Constituent Council in the manner and at the time determined by the Board.
- 10.7 The Board is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.
- 10.8 The Board on behalf of the Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.

**11. BUDGET**

- 11.1 The Authority must prepare a budget for the forthcoming financial year.
- 11.2 The budget must:
- 11.2.1 deal with each principal activity of the Authority on a separate basis;
  - 11.2.2 be consistent with and account for activities and circumstances referred to in the Authority's business plan;
  - 11.2.3 be submitted in draft form to each Constituent Council before 31 March for approval of its contribution for the year;
  - 11.2.4 not be adopted by the Authority until after 31 May but before 30 September;
  - 11.2.5 the adoption of the budget requires a two-thirds majority of the Board members present; and
  - 11.2.6 identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.
- 11.3 The Authority must provide a copy of its budget to each Constituent Council within five business days after adoption.
- 11.4 The Authority must reconsider its budget in accordance with Regulation 7 of the Local Government (Financial Management) Regulations 1999.

- 11.5 The Authority must submit to each Constituent Council for approval, any proposed amendment to the budget that provides for an additional contribution by the Constituent Councils.
- 11.6 Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 20.2 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.

## 12. BUSINESS PLAN

- 12.1 The Authority shall have a rolling Business Plan in respect of the ensuing three years.
- 12.2 The Business Plan must:
  - 12.2.1 state the services to be provided by the Authority;
  - 12.2.2 identify how the Authority intends to manage service delivery;
  - 12.2.3 identify the performance targets which the Authority is to pursue;
  - 12.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and
  - 12.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.
- 12.3 Prior to setting the draft budget each year the Authority must review the Business Plan in conjunction with the Constituent Councils. The Business Plan must be updated to ensure it presents a plan for the ensuing three years.

## 13. ACCOUNTING

The Authority must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards. See Regulations 8 and 9, Local Government (Financial Management) Regulations 1999, in relation to particular accounting practices.

## 14. AUDIT

- 14.1 The Authority must appoint an auditor.
- 14.2 The Authority must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September. See Part 5, Local Government (Financial Management) Regulations 1999, in relation to the Authority's audit responsibilities.
- 14.3 The Authority is exempted from the requirement to establish an audit committee, but may do so if determined by the Board.

## 15. FINANCE

- 15.1 The Board must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 15.2 All cheques to be authorised must be signed by two members of the Board or one member of the Board and the Executive Officer.
- 15.3 The Executive Officer must act prudently in the handling of all financial transactions for the Board and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.
- 15.4 The Board will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Board must maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.
- 15.5 The 'Schedule of Constituent Councils' Interests in Net Assets' will reflect the proportionate contribution each Constituent Council has made to the growth of the net assets of the Authority having regard to the proportionate contribution to subscriptions. The Schedule when updated by the Board at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the commencement of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council's interests in the net assets as at 30 June in that year.
- 15.6 Where there is any dispute as to the Schedule, Clause 20 shall apply.

**16. REPORTS AND INFORMATION**

- 16.1 The Authority must submit its annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.
- 16.2 Within two weeks following each ordinary meeting of the Board the Constituent Councils shall be provided with a Key Outcomes Summary of the meeting that shall include the Achievements Against the Business Plan Report for those meetings that it is received by the Board.
- 16.3 The Board shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.

**17. ALTERATION TO THE CHARTER**

- 17.1 This Charter may be amended by unanimous resolution of the Constituent Councils.
- 17.2 The Executive Officer of the Authority must ensure that the amended Charter is published in the *Gazette*.
- 17.3 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Board.

**18. WITHDRAWAL OF A CONSTITUENT COUNCIL**

- 18.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.
- 18.2 In any event a withdrawal cannot become effective until 30 June following the expiry of the six months in the preceding subclause. Until withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions in the remaining period and through its members on the Board, the responsibility of ensuring the continued proper conduct of the affairs of the Authority.
- 18.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

**19. ADDITION OF NEW MEMBER**

- 19.1 The Board may consider the addition of a new member to the Authority.
- 19.2 The Constituent Councils must resolve unanimously to approve the addition of a new member to the Authority and must obtain Ministerial approval.
- 19.3 The Charter shall be amended in accordance with the provisions of this Charter to address any new addition.

**20. DISPUTES**

- 20.1 In the event of any dispute or difference between the Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council serving a notice of dispute on all other Constituent Councils with a contemporaneous copy being served on the Authority. The Constituent Councils:
- 20.1.1 will attempt to settle the dispute or difference by negotiating in good faith;
- 20.1.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;
- 20.1.3 if the dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister to dissolve the Authority; and
- 20.1.4 notwithstanding the existence of a dispute or difference, the Constituent Councils will continue to meet their obligations to the Authority.

20.2 In the event of any dispute or difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council, or the Authority, serving a notice of dispute on the Constituent Council or the Authority, as the case may be, with a contemporaneous copy being served on all other Constituent Councils:

20.2.1 will attempt to settle the dispute or difference by negotiating in good faith;

20.2.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then, the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to examine the issues and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Council and the Authority. The costs of the expert will be apportioned and payable in accordance with the expert's determination; and

20.2.3 notwithstanding the existence of a dispute or difference, the Constituent Councils and the Authority will continue to meet their obligations to each other.

For the purposes of Clause 20.2 'dispute' includes where a Constituent Council has failed or refuses to approve the draft budget advised by the Authority under Clauses 11.2.3 or 11.5.

## 21. DISSOLUTION OF THE AUTHORITY

21.1 The Authority may be dissolved by the Minister in the circumstances envisaged by Clause 33, Part 2 of Schedule 2.

21.2 In the event of there being net assets upon dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their current interest in the net assets of the Authority as determined by Clause 15.

21.3 In the event of there being an insolvency of the Authority at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Authority and between themselves in the proportion of their interest in the net assets last determined under Clause 15.

FRED PEDLER, Executive Officer

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## GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2006

	\$		\$
Agents, Ceasing to Act as.....	38.00	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	25.25
Incorporation .....	19.30	Discontinuance Place of Business .....	25.25
Intention of Incorporation .....	47.75	Land—Real Property Act:	
Transfer of Properties .....	47.75	Intention to Sell, Notice of.....	47.75
Attorney, Appointment of.....	38.00	Lost Certificate of Title Notices .....	47.75
Bailiff's Sale.....	47.75	Cancellation, Notice of (Strata Plan) .....	47.75
Cemetery Curator Appointed.....	28.25	Mortgages:	
Companies:		Caveat Lodgement.....	19.30
Alteration to Constitution .....	38.00	Discharge of.....	20.20
Capital, Increase or Decrease of .....	47.75	Foreclosures.....	19.30
Ceasing to Carry on Business .....	28.25	Transfer of.....	19.30
Declaration of Dividend.....	28.25	Sublet.....	9.70
Incorporation .....	38.00	Leases—Application for Transfer (2 insertions) each .....	9.70
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	28.25
First Name.....	28.25	Licensing.....	56.50
Each Subsequent Name.....	9.70	Municipal or District Councils:	
Meeting Final.....	31.75	Annual Financial Statement—Forms 1 and 2 .....	532.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	378.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name .....	75.50
First Name.....	38.00	Each Subsequent Name.....	9.70
Each Subsequent Name.....	9.70	Noxious Trade.....	28.25
Notices:		Partnership, Dissolution of.....	28.25
Call.....	47.75	Petitions (small).....	19.30
Change of Name .....	19.30	Registered Building Societies (from Registrar-	
Creditors.....	38.00	General).....	19.30
Creditors Compromise of Arrangement .....	38.00	Register of Unclaimed Moneys—First Name.....	28.25
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name .....	9.70
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	47.75	Rate per page (in 8pt) .....	242.00
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—Release Granted .....	47.75	Sale of Land by Public Auction.....	48.25
Receiver and Manager Appointed.....	44.00	Advertisements.....	2.70
Receiver and Manager Ceasing to Act.....	38.00	¼ page advertisement .....	113.00
Restored Name.....	35.75	½ page advertisement .....	226.00
Petition to Supreme Court for Winding Up.....	66.50	Full page advertisement.....	443.00
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Order of Supreme Court for Winding Up Action.....	38.00	column line, tabular one-third extra.	
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Removal of Office.....	19.30	Councils to be charged at \$2.70 per line.	
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Acts, Bills, Rules, Parliamentary Papers and Regulations						
Pages	Main	Amends	Pages	Main	Amends	
1-16	2.30	1.05	497-512	32.25	31.25	
17-32	3.10	1.95	513-528	33.25	32.00	
33-48	4.05	2.90	529-544	34.25	33.25	
49-64	5.10	3.90	545-560	35.25	34.25	
65-80	6.00	4.95	561-576	36.00	35.25	
81-96	6.95	5.75	577-592	37.00	35.75	
97-112	7.90	6.75	593-608	38.25	36.75	
113-128	8.90	7.75	609-624	39.00	38.00	
129-144	9.95	8.80	625-640	40.00	38.50	
145-160	10.90	9.70	641-656	41.00	40.00	
161-176	11.90	10.70	657-672	41.50	40.50	
177-192	12.90	11.70	673-688	43.25	41.50	
193-208	13.90	12.80	689-704	44.00	42.50	
209-224	14.70	13.60	705-720	44.75	43.50	
225-240	15.70	14.50	721-736	46.50	44.50	
241-257	16.80	15.30	737-752	47.00	45.50	
258-272	17.70	16.30	753-768	48.00	46.25	
273-288	18.70	17.50	769-784	48.50	47.75	
289-304	19.50	18.40	785-800	49.50	48.75	
305-320	20.70	19.40	801-816	50.50	49.25	
321-336	21.50	20.30	817-832	51.50	50.50	
337-352	22.60	21.40	833-848	52.50	51.50	
353-368	23.50	22.40	849-864	53.50	52.00	
369-384	24.50	23.40	865-880	54.50	53.50	
385-400	25.50	24.30	881-896	55.00	54.00	
401-416	26.50	25.00	897-912	56.50	55.00	
417-432	27.50	26.25	913-928	57.00	56.50	
433-448	28.50	27.25	929-944	58.00	57.00	
449-464	29.25	28.00	945-960	59.00	57.50	
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## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Sandra Leslie Swaby, Bernard Arthur Swaby, David Swaby and Andrew Swaby have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 4 Lampert Road, Piccadilly, S.A. 5151 and known as Pearwood Estate.

The application has been set down for hearing on 15 September 2006 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 7 September 2006).

The applicants' address for service is c/o Bernard Swaby, 4 Lampert Road, Piccadilly, S.A. 5151.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 11 August 2006.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Delish Real Food Pty Ltd has applied to the Licensing Authority for a Restaurant Licence with Entertainment Consent in respect of premises situated at 31 Gilbert Street, Adelaide, S.A. 5000 and to be known as Delish Real Food.

The application has been set down for hearing on 15 September 2006 at 9 a.m.

*Condition*

The following licence condition is sought:

Entertainment Consent is sought as per plans lodged.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 7 September 2006).

The applicant's address for service is c/o Peter Kaitatzis, 33 Gilbert Street, Adelaide, S.A. 5000.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 11 August 2006.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that David Arthur Turner has applied to the Licensing Authority for the removal of a Wholesale Liquor Merchant's Licence in respect of premises situated at 36 Sherwood Drive, Glenalta, S.A. 5052 and to be situated at 46D Cedar Avenue, Brighton, S.A. 5048 and known as David Turner Agencies.

The application has been set down for hearing on 15 September 2006 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 5 September 2006).

The applicant's address for service is c/o David Turner Agencies, P.O. Box 99, Belair, S.A. 5052.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 10 August 2006.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Taminga Hotel (SA) Pty Ltd as trustee for the Taminga Hotel Trust has applied to the Licensing Authority for an Entertainment Consent in respect of premises situated at 302 Main North Road, Clare, S.A. 5453 and known as Taminga Hotel.

The application has been set down for hearing on 15 September 2006 at 9 a.m.

*Condition*

The following licence condition is sought:

- Entertainment Consent is sought for the areas referred to on the plan held by this office as Areas 3, 4 and 5.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 7 September 2006).

The applicant's address for service is c/o The Australian Hotels Association (S.A. Branch), 4th Floor, 60 Hindmarsh Square, Adelaide, S.A. 5000.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 10 August 2006.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Kenneth George McKellar Skene and Graeme John Skene have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Krongart Road, Penola, S.A. 5277 and to be known as Krongart.

The application has been set down for hearing on 15 September 2006 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 7 September 2006).

The applicants' address for service is c/o Wesley Digiorgio, P.O. Box 1265, Naracoorte, S.A. 5271.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 8 August 2006.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Magor Group Pty Ltd as trustee for the P. D. and J. A. Magor Family Trust has applied to the Licensing Authority for the transfer and removal of a Special Circumstances Licence in respect of premises situated at Lot 100, Greenhills-Flaxley Road, Macclesfield, S.A. 5153 and to be situated at Lot 3, Flaxley Road, Mount Barker, S.A. 5251 and known as Magor's Bus Service.

The application has been set down for hearing on 15 September 2006 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 7 September 2006).

The applicant's address for service is c/o Von Doussas Lawyers, 41-43 Gawler Street, Mount Barker, S.A. 5251.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 7 August 2006.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Roger Phillip Mortimer and Veronica Anne Mortimer have applied to the Licensing Authority for the transfer of a Residential Licence in respect of premises situated at 24 Burgoyne Street, Port Augusta West, S.A. 5700 and known as Motel Poinsettia.

The application has been set down for hearing on 18 September 2006 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 8 September 2006).

The applicants' address for service is c/o Lempriere Abbott McLeod Solicitors, P.O. Box 6806, Halifax Street, Adelaide, S.A. 5000.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 7 August 2006.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Angela Caris Wright as trustee for the Saltbush Cafe Trust has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 12 Richardson Place, Roxby Downs, S.A. 5725 and known as Le Funke and to be known as Saltbush Cafe.

The application has been set down for hearing on 18 September 2006 at 10 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 8 September 2006).

The applicant's address for service is c/o Boltens Lawyers, 12 Union Street, Gawler, S.A. 5118.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 9 August 2006.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Parisi Group Pty Ltd has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 138 King William Road, Hyde Park, S.A. 5061 and known as Majero's, to be known as Parisi's.

The application has been set down for hearing on 19 September 2006 at 10.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 11 September 2006).

The applicant's address for service is c/o Simone Ellery, 147 Wattle Street, Malvern, S.A. 5061.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 14 August 2006.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Marion Joan Trethewey and David Lynton Trethewey have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 61 Esplanade, Coffin Bay, S.A. 5607 and known as the Oysterbeds.

The application has been set down for hearing on 19 September 2006 at 10 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 11 September 2006).

The applicants' address for service is c/o Edgley Lawyers, G.P.O. Box 468, Adelaide, S.A. 5001.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 11 August 2006.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that A B S G Pty Ltd has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at Shop 1, 31-39 Gouger Street, Adelaide, S.A. 5000, known as Montepellier and to be known as Caffè Primo-Gouger Street.

The application has been set down for hearing on 19 September 2006 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 11 September 2006).

The applicant's address for service is c/o Stephen Hall, 3 King William Road, Unley, S.A. 5061.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 11 August 2006.

Applicant

#### MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Globe Resources Pty Ltd

Location: Pine Row area—Approximately 10 km west of Cowell.

Term: 1 year

Area in km<sup>2</sup>: 75

Ref.: 2006/00364

Plan and co-ordinates can be found on the PIRSA Sarig website: <http://www.minerals.pir.sa.gov.au/sarig> or by phoning Mineral Tenements on (08) 8463 3103.

H. TYRTEOS, Mining Registrar

#### MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Helix Resources Ltd

Location: Lake Everard area—Approximately 80 km south of Tarcoola.

Term: 1 year

Area in km<sup>2</sup>: 1 283

Ref.: 2006/00389

Plan and co-ordinates can be found on the PIRSA Sarig website: <http://www.minerals.pir.sa.gov.au/sarig> or by phoning Mineral Tenements on (08) 8463 3103.

H. TYRTEOS, Mining Registrar

#### MINING ACT 1971

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971, that an application for a mining lease over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Robert Hagerstrom

Claim No.: 3626

Location: Allotment 200, Deposited Plan 67540, Hundred of Haines, approximately 23 km south-south-east of Kingscote.

Area: 63.7 hectares.

Purpose: For the recovery of limestone.

Reference: T02565

A copy of the proposal has been provided to the District Council of Kangaroo Island.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 8 September 2006.

Copies of all submissions will be forwarded to the applicant and may be made available for public inspection unless confidentiality is requested.

H. TYRTEOS, Mining Registrar

#### PETROLEUM ACT 2000

##### *Temporary Cessation of the Suspension of Exploration Licence—PEL 107*

PURSUANT to section 90 of the Petroleum Act 2000, notice is hereby given that the suspension dated 18 January 2006 of the abovementioned Exploration Licence has been temporarily ceased under the provisions of the Petroleum Act 2000, from and including 14 August 2006 to 13 September 2006, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

The suspension dated 18 January 2006 will resume with effect from and including 14 September 2006 until 23 October 2006.

Dated 14 August 2006.

C. D. COCKSHELL, Acting Director,  
Petroleum and Geothermal  
Minerals and Energy Resources  
Primary Industries and Resources SA  
Delegate of the Minister for Mineral  
Resources Development

#### PETROLEUM ACT 2000

##### *Temporary Cessation of the Suspension of Petroleum Exploration Licence—PEL 104*

PURSUANT to section 90 of the Petroleum Act 2000, notice is hereby given that the suspension dated 28 February 2006 of the abovementioned Petroleum Exploration Licences has been temporarily ceased under the provisions of the Petroleum Act 2000, from and including 10 August 2006, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

The expiry date of PEL 104 is now determined to be 14 August 2008.

Dated 10 August 2006.

C. D. COCKSHELL, Acting Director,  
Petroleum and Geothermal  
Minerals and Energy Resources  
Primary Industries and Resources SA  
Delegate of the Minister for Mineral  
Resources Development

#### ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

##### **NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER**

##### *Road Closure The Lady Gowrie Drive, Largs Bay*

BY Road Process Order made on 3 May 2006, the City of Port Adelaide Enfield ordered that:

1. Portion of The Lady Gowrie Drive (being the site of Largs Bay Sailing Club) adjacent Everard Street more particularly delineated and lettered 'A' on Preliminary Plan No. 05/0071 be closed.

2. Issue a Certificate of Title to the City of Port Adelaide Enfield for the whole of the land subject to closure which land is being retained by Council for public purposes.

On 9 August 2006, that order was confirmed by the Minister for Administrative Services and Government Enterprises conditionally upon the deposit by the Registrar-General of Deposited Plan 71341 being the authority for the new boundaries.

Pursuant to section 24 (5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 17 August 2006.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Road Opening and Closing  
Lake George, Beachport*

BY Road Process Order made on 17 November 2005, the Wattle Range Council ordered that:

1. Portions of allotment 2 in Deposited Plan 30220 and portion of piece 2 in Filed Plan 217084 more particularly delineated and numbered '1', '2' and '3' in Preliminary Plan No. 05/0018 be opened as road, forming a realignment of the adjoining public road.

2. The whole of the public road adjoining the north-eastern boundaries of piece 1 in Filed Plan 217084 and section 11 in Hundred of Lake George, more particularly delineated and lettered 'A' in Preliminary Plan No. 05/0018 be closed.

3. The whole of the land subject to closure be transferred to Richard John Palmer in accordance with agreement for exchange dated 17 November 2005, entered into between the Wattle Range Council and R. J. Palmer.

On 28 June 2006, that order was confirmed by the Minister for Administrative Services and Government Enterprises conditionally upon the deposit by the Registrar-General of Deposited Plan 69973 being the authority for the new boundaries.

Pursuant to section 24 (5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 17 August 2006.

P. M. KENTISH, Surveyor-General

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SOUTH AUSTRALIAN HEALTH COMMISSION ACT 1976

*Direction by the Minister*

I, JOHN HILL, Minister for Health, pursuant to section 50C of the South Australian Health Commission Act 1976, direct as follows:

1. That the Board of the Ceduna Koonibba Aboriginal Health Service ('the Health Service') co-operate fully with an audit of the accounts and finances of the Health Service to be conducted by an accountant appointed by the Department of Health ('the Department') and in addition with an examination of the management processes and practices of the Health Service to be conducted by a person appointed by the Department.

2. In relation to direction (1) above, I direct that the Board of the Health Service:

- (a) co-operate with any persons nominated by the Department to assist the audit and examination processes;
- (b) take all necessary steps to make available accounts and related documentation necessary to enable the audit and examination processes to be undertaken;
- (c) issue such instructions and directions to its employees, servants or agents as are necessary to ensure total co-operation by them with the audit and examination process by the Health Service; and
- (d) take all necessary steps to ensure that the Health Service, all members of the Board and all its employees, servants or agents, preserve and produce at the request of the persons referred to in paragraph 1, all documentation which may relate to the accounts and finances and the management processes and practices of the Health Service.

Dated 14 August 2006.

JOHN HILL, Minister for Health

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## PROOF OF SUNRISE AND SUNSET ACT 1923—ALMANAC FOR OCTOBER, NOVEMBER AND DECEMBER 2006

PURSUANT to the requirements of the Proof of Sunrise and Sunset Act 1923, I, Jim Hallion, Commissioner of Highways, at the direction of the Honourable the Minister for Transport, Energy and Infrastructure, publish in the Schedule hereto an almanac setting out the times of sunrise and sunset on every day for the three calendar months of October, November and December 2006.

Dated at Adelaide, 11 August 2006.

J. HALLION, Commissioner of Highways

97/03263

## THE SCHEDULE

Times of sunrise and sunset during the months of October, November and December 2006 for Adelaide: latitude 34°56'S, longitude 138°36'E, GMT—9.50 hours.

Month	October		November		December	
Date	Sunrise hr min	Sunset hr min	Sunrise hr min	Sunset hr min	Sunrise hr min	Sunset hr min
1 .....	05 52	18 19	06 14	19 44	05 55	20 14
2 .....	05 51	18 19	06 13	19 45	05 55	20 14
3 .....	05 50	18 20	06 12	19 46	05 55	20 15
4 .....	05 48	18 21	06 11	19 47	05 55	20 16
5 .....	05 47	18 22	06 10	19 48	05 55	20 17
6 .....	05 45	18 23	06 09	19 49	05 55	20 18
7 .....	05 44	18 23	06 08	19 50	05 55	20 19
8 .....	05 43	18 24	06 07	19 51	05 55	20 20
9 .....	05 41	18 25	06 06	19 52	05 55	20 20
10 .....	05 40	18 26	06 05	19 53	05 55	20 21
11 .....	05 39	18 27	06 05	19 54	05 55	20 22
12 .....	05 37	18 27	06 04	19 55	05 55	20 23
13 .....	05 36	18 28	06 03	19 56	05 55	20 23
14 .....	05 35	18 29	06 02	19 57	05 56	20 24
15 .....	05 33	18 30	06 02	19 58	05 56	20 25
16 .....	05 32	18 31	06 01	19 59	05 56	20 25
17 .....	05 31	18 32	06 01	20 00	05 56	20 26
18 .....	05 30	18 33	06 00	20 01	05 57	20 27
19 .....	05 28	18 33	05 59	20 02	05 57	20 27
20 .....	05 27	18 34	05 59	20 03	05 58	20 28
21 .....	05 26	18 35	05 58	20 04	05 58	20 28
22 .....	05 25	18 36	05 58	20 05	05 59	20 29
23 .....	05 23	18 37	05 57	20 06	05 59	20 29
24 .....	05 22	18 38	05 57	20 07	06 00	20 30
25 .....	05 21	18 39	05 57	20 08	06 00	20 30
26 .....	05 20	18 40	05 56	20 09	06 01	20 31
27 .....	05 19	18 41	05 56	20 10	06 01	20 31
28 .....	05 18	18 42	05 56	20 11	06 02	20 31
*29 .....	06 17	19 43	05 55	20 12	06 03	20 32
30 .....	06 16	19 43	05 55	20 13	06 03	20 32
31 .....	06 15	19 44			06 04	20 32

\*Note: Daylight saving time is subject to change.

## SURVEY ACT 1992

*Register of Surveyors*

It is hereby notified for general information that the names of the undermentioned persons or companies are duly registered or licensed under the above Act to 30 June 2007.

*List of Licensed Surveyors*

	Name	Address	Date of Licence
	Abbott, Richard Poole	366 Halifax Street, Adelaide, S.A. 5000	13.6.85
	Afnan, Ruhi	19 Dunn Street, Bridgewater, S.A. 5155	9.4.92
	Allen, Anthony Richard	P.O. Box 270, Oyster Bay, N.S.W. 2225	19.2.98
NP	Allen, Scott Lewis	21 Telford Street, Ovingham, S.A. 5082	8.5.86
	Anderson, Ralph Ian	78 Twentieth Street, Renmark, S.A. 5341	10.5.90
	Andrew, Robert Lindsay	29 Fowler Street, Seaview Downs, S.A. 5049	23.10.74
	Andrews, Richard George	P.O. Box 113, Parndana, S.A. 5220	19.6.80
	Bacchus, Scott John	33 Turners Avenue, Hawthorndene, S.A. 5051	3.8.06
	Banks, Alan David	33 Carlisle Road, Westbourne Park, S.A. 5041	10.11.90
	Barnes, Lyall Bruce	7 Boronia Court, Paradise, S.A. 5075	14.4.94
	Barwick, Craig	P.O. Box 1000, Kent Town, S.A. 5071	15.11.01
	Bennett, Mark Nicholas	10A Brook Street, Torrens Park, S.A. 5062	18.11.04
	Bested, Antony John	362 Magill Road, Kensington Park, S.A. 5068	1.1.92
	Bested, John Charles	362 Magill Road, Kensington Park, S.A. 5068	16.3.67
	Birkett, Peter Mark	8 Springfield Avenue, Athelstone, S.A. 5076	17.3.05
	Bleeze, Denis Robert	18 Range Road South, Houghton, S.A. 5131	16.7.81
	Blok, Timothy	5 Seventh Avenue, Hove, S.A. 5048	13.9.90
	Blundell, Marc John Pole	8 Belmont Close, Clovelly Park, S.A. 5042	17.7.03
	Borchardt, David Allan John	44 Parcoola Avenue, Hope Valley, S.A. 5090	1.1.90
	Brogden, Damian John	176 Prospect Road, Prospect, S.A. 5082	13.7.89
	Bryant, Warwick Kelvin	Unit 27/1 Michie Court, Bayview, N.T. 0820	28.10.05
	Burdett, Michael Paul	P.O. Box 1000, Kent Town, S.A. 5071	12.8.82
	Burford, Rodney Neil	P.O. Box 67, Unley, S.A. 5061	13.1.76
	Burgess, Gregory Stephen	76 Hutchinson Street, Mount Barker, S.A. 5251	6.7.95
	Burgess, Kevin Trevor	46 Second Avenue, St Peters, S.A. 5069	8.7.82
NP	Cameron, Donald Roderick	c/o 10 Jarrah Road, Manjimup, W.A. 6258	14.5.92
	Cameron, Michael Leigh	8 Robinson Street, Mount Gambier, S.A. 5290	20.4.06
NP	Campbell-Kennedy, George Harry	37/38 Taylors Road, Aberfoyle Park, S.A. 5159	14.3.42
	Campbell, John Robert	P.O. Box 246, Nambour, Qld 4560	19.6.03
	Carn, Brenton Allen	16 Chester Street, Henley Beach, S.A. 5022	19.9.96
	Castelanelli, Carmelo	62 Carlton Parade, Torrensville, S.A. 5031	11.3.93
	Cavallo, Rocco	465B South Road, Keswick, S.A. 5035	13.9.90
	Christie, Brenton Andrew	47 Phillip Street, West Croydon, S.A. 5008	21.7.05
	Clarke, Jeffrey Rodger	10 Sixth Avenue, Cheltenham, S.A. 5014	9.3.89
	Cooke, Geoffrey Bernard	31 Craighill Road, St Georges, S.A. 5064	15.7.76
	Cornish, John Leslie	5 Horsell Road, Belair, S.A. 5052	12.3.79
	Coultas, Geoffrey Bruce	1 Anzac Highway, Keswick, S.A. 5035	1.1.87
NP	Cullen, John Grant	47 Beach Road, Brighton, S.A. 5048	14.2.85
	Curnow, James	4 Goyder Street, Erindale, S.A. 5066	10.12.76
	D'Aloia, Giuseppe	9 Cassia Crescent, Kidman Park, S.A. 5025	20.6.02
	Dansie, Phillip Alan	3 Angas Street, Port Lincoln, S.A. 5606	26.4.77
	Dellatorre, Wade Christopher	33 Olive Parade, Kadina, S.A. 5554	16.5.02
NP	Dillon, John Graham	20B Durant Avenue, Rostrevor, S.A. 5073	6.6.51
	Donaghey, Francis Andrew	17 Windermere Avenue, Novar Gardens, S.A. 5040	15.7.76
	Donaghey, Shaun Bernard	1 Leak Avenue, Glenelg North, S.A. 5045	17.10.02
	Driver, Malcolm John	7 Highland Avenue, Rostrevor, S.A. 5073	9.8.84
	Dyson, Andrew	42 Regent Street, Kensington, S.A. 5068	13.2.78
	Falkenberg, Andrew John	17 Dame Pattie Circuit, West Lakes, S.A. 5021	6.12.90
	Feller, Raymond Leslie	40 Outlook Drive, Aberfoyle Park, S.A. 5159	23.11.66
	Filmer, Michael Shaun	68 Briant Road, Magill, S.A. 5072	3.8.06
	Forgan, Trevor Stewart	85 Kintore Avenue, Prospect, S.A. 5082	19.2.75
	Frankiw, Jaroslaw	P.O. Box 53, McLaren Vale, S.A. 5171	4.6.75
	Fryar, Rockland Neil	7 Panorama Drive, Panorama, S.A. 5041	8.9.94
	Fryters, Christianus Wilhelmus	20 Bourlang Avenue, Camden Park, S.A. 5038	22.3.71
	Fudge, Jeffrey Charles	108 Gilles Street, Adelaide, S.A. 5000	21.7.78
	Fyfe, Alister Ross	143 Fullarton Road, Rose Park, S.A. 5068	15.2.80
	Gibson, Gordon John Colin	4 Waverley Terrace, Hove, S.A. 5048	18.11.55
	Gilbert, Peter Mark	2 Cremorne Street, Fullarton, S.A. 5063	8.9.94
	Goedecke, Mark Robert	23 Sydenham Road, Norwood, S.A. 5067	1.1.84
	Grant, Trevor Donald	18 Valley View Drive, Highbury, S.A. 5089	1.3.84
	Grear, Michael Stuart	24B Willunga Street, Eden Hills, S.A. 5050	1.1.92
	Harris, John Mills	20 Dunrobin Road, Hove, S.A. 5048	23.12.74
	Hawkins, Thomas Bernard	P.O. Box 378, Brooklyn Park, S.A. 5032	15.9.05
	Heanes, Robert Allan	33 Mount Osmond Road, Mount Osmond, S.A. 5064	16.10.63
	Henley, John Edward	458 Morphet Street, Adelaide, S.A. 5000	12.10.89
	Hennig, Bryan Ronald	108 Gilles Street, Adelaide, S.A. 5000	1.7.68
	Hennig, Shayne Bryan	9 Wongala Avenue, Glenelg North, S.A. 5045	14.6.90
	Hewett, Bruce Allan	54 Coromandel Parade, Blackwood, S.A. 5051	11.10.78
	Hopkins, Michael Jessop	16 Frederick Street, Adelaide, S.A. 5000	17.4.84
	Hordacre, Glenn Ian	P.O. Box 1000, Kent Town, S.A. 5071	12.11.92
NP	Hutchinson, Gary Mark	76 Battams Road, Marden, S.A. 5070	8.3.84
	Hynes, Matthew David	161 Upper Sturt Road, Upper Sturt, S.A. 5156	20.5.04

	Name	Address	Date of Licence
	Jeanes, Peter Ian	P.O. Box 215, Lonsdale, S.A. 5160	3.7.79
	Jericho, David Allan	48 Lawrence Street, Kadina, S.A. 5554	19.7.01
NP	Jones, Andrew Charles	3 Jasper Street, Salisbury East, S.A. 5109	20.4.79
	Jones, Keith Robert	1/263 Belmore Road, Balwyn North, Vic. 3104	20.7.00
	Kennedy, Ross Alexander	P.O. Box 534, Mitcham, S.A. 5062	14.5.92
	Kentish, Peter MacLaren	Level 2, 101 Grenfell Street, Adelaide, S.A. 5000	12.9.78
	Klau, Timothy David	50A Normandy Place, Port Lincoln, S.A. 5606	18.5.06
	Klitscher, Simon Martin	P.O. Box 226, Brooklyn Park, S.A. 5032	15.6.00
	Koch, Robin Barry	86 Mawson Road, Meadows, S.A. 5201	10.9.92
	Lambis, Haralambos Michael	P.O. Box 358, Prospect, S.A. 5082	21.4.05
	Lane, Gregory Charles	4 Light Road, Coromandel Valley, S.A. 5051	15.6.06
	Lange, Robert Harry	P.O. Box 422, Port Adelaide, S.A. 5015	13.9.84
	Leaker, Martin John	17 College Road, Somerton Park, S.A. 5044	10.11.94
	Leith, Grantley David	12 Walsh Street, Vista, S.A. 5091	10.5.90
	Lewis, Gregory Wayne	5 Parkview Court, Aberfoyle Park, S.A. 5159	1.1.83
	Liebelt, Michael John	6 Graves Street, Kadina, S.A. 5554	11.6.92
	Liebelt, Susan Marie	32 Ewing Street, Kadina, S.A. 5554	10.9.92
	Lock, Craig James	1/11 Bertha Street, Mount Gambier, S.A. 5290	8.3.84
	Lock, Michael Grant	87 Springbank Road, Clapham, S.A. 5062	13.2.86
	Loechel, Robin Everard	16 St Andrews Terrace, Willunga, S.A. 5172	12.3.79
	Lohmeyer, Michael John	13 Dillon Road, Aldgate, S.A. 5154	9.3.89
NP	Lunnay, Christopher William	P.O. Box 798, Wollongong, N.S.W. 2520	23.2.77
	Mann, Grant Glenn	11 Island View Crescent, Victor Harbor, S.A. 5211	11.3.93
	Mattsson, Jeffrey Ian	10 Braeside Avenue, Seacombe Heights, S.A. 5047	14.9.79
	McCarthy, Alan John	P.O. Box 28, Tanunda, S.A. 5352	17.4.84
	McDonnell-Smith, David	4 Samoa Court, West Lakes, S.A. 5021	1.1.84
NP	McGilp, Neil Gehlert	4 Facer Court, Castle Hill, N.S.W. 2154	9.9.82
	Millett, Christopher John	143 Fullarton Road, Rose Park, S.A. 5067	1.1.92
	Minchin, Christopher George	87 Third Avenue, Joslin, S.A. 5070	14.6.84
	Mullins, Stephen Bernard	3 McPharlin Avenue, Redwood Park, S.A. 5097	12.2.81
	Neale, Graeme Edward	27 Dover Street, Malvern, S.A. 5061	15.5.80
	Nichols, Gary William	10 Tester Drive, Blackwood, S.A. 5051	1.1.84
	Nietschke, Michael Dean	13 Michael Street, Lockleys, S.A. 5032	16.10.97
	Nisbet, Kim Alan	Stock Road, Mylor, S.A. 5153	15.5.80
	O'Callaghan, Michael Patrick	P.O. Box 1277, Main Road, Mylor, S.A. 5153	14.3.85
	Oldfield, Mark Howard	P.O. Box 2213, Mount Gambier, S.A. 5290	11.9.86
NP	Perry, Geoffrey Robert	P.O. Box 76, Hahndorf, S.A. 5245	14.7.83
	Petersen, John Fredrick	71 Riverway, Kidman Park, S.A. 5025	17.5.73
	Petrilli, Kevin John	Suite 5/13-23 Unley Road, Parkside, S.A. 5063	19.7.90
	Phillips, David Graham	P.O. Box 1818, Renmark, S.A. 5341	24.5.72
	Phillips, Perry Mark	171 Cross Road, Westbourne Park, S.A. 5041	1.1.85
	Pittman, Mark Roger	6 Moore Street, Somerton Park, S.A. 5044	21.8.97
	Pohl, Henry Michael	23 Sydenham Road, Norwood, S.A. 5067	10.3.83
	Pyper, David Edward	5 Wokurna Avenue, Mitcham, S.A. 5062	1.1.91
	Rea, Franco	11 King William Street, Kent Town, S.A. 5071	15.6.00
	Retallack, Richard Alan	25 Narinna Avenue, Cumberland Park, S.A. 5041	9.4.92
	Rigon, Dario	9 Lanark Avenue, Paradise, S.A. 5075	10.3.88
	Rosko, Sime	7/30 Frederick Road, West Lakes, S.A. 5021	9.7.87
	Sandford, Geoffrey Richard	11 Bray Avenue, Klemzig, S.A. 5087	17.3.77
	Sargent, Mark Christopher	P.O. Box 926, Shepparton, Vic. 3632	20.7.00
	Sarneckis, Kostas	P.O. Box 574, Marleston, S.A. 5037	3.8.77
	Sayer, Max Alfred Michael	176 Prospect Road, Prospect, S.A. 5082	12.10.89
	Scutchings, Craig Allen	P.O. Box 135, Langhorne Creek, S.A. 5255	16.12.04
	Slape, Bradley James	5 Dinham Road, Athelstone, S.A. 5076	20.4.06
	Smith, Peter Stuart	G.P.O. Box 1354, Adelaide, S.A. 5001	12.3.79
	Smith, Trevor John Gee	11 Mitchell Street, Seaview Downs, S.A. 5049	14.6.84
	Sommerville, Peter Thomas	P.O. Box 655, McLaren Vale, S.A. 5171	16.10.79
	Standley, Mark Brenton	16B Kareda Drive, Campbelltown, S.A. 5074	15.6.00
	Stolz, Peter Georg Hermann	13 Atlanta Avenue, Ingle Farm, S.A. 5098	1.1.91
	Summers, Clayton Myles	9 St Georges Street, Willunga, S.A. 5172	12.6.86
	Teakle, Mark Ronald Bray	P.O. Box 981, Mount Gambier, S.A. 5290	1.1.85
	Tennant, Alistair Charles	8 Sexton Road, Brighton, S.A. 5048	13.10.83
	Timms, Frank Warren	176 Prospect Road, Prospect, S.A. 5082	1.1.98
	Townsend, Steven James	8 Beaver Court, Port Lincoln, S.A. 5606	18.8.05
	Tucker, Paul	P.O. Box 2037, Berri, S.A. 5343	31.5.73
	Turner, Steven Miles	23 Raymond Grove, Warradale, S.A. 5046	28.9.77
	van Senden, Geoffrey Clifton	11 Chapel Street, Strathalbyn, S.A. 5255	11.10.90
	Weber, John Leslie	178 Main Road, McLaren Vale, S.A. 5171	12.3.79
	Weston, David Arthur Giles	78 Castle Street, Parkside, S.A. 5063	12.3.92
	Williams, Mark Antony Peter	24 York Drive, Flagstaff Hill, S.A. 5159	17.6.04
NP	Wood, Simon Neville	12 Pine Grove, Belair, S.A. 5052	19.12.77

NP Denotes Non Practising Surveyors.

*List of Registered Surveyors*

Name	Address	Date of Registration
Chivers, John Henry .....	2/31 Arrawarra Beach Road, Arrawarra, N.S.W. 2456 .....	5.10.79
Latham, James Stephen .....	P.O. Box 574, Marleston, S.A. 5032 .....	1.1.98
Millett, Alec John .....	P.O. Box 561, Cottesloe, W.A. 6911 .....	12.3.92
Pickett, Richard Bruce .....	3A Fuller Street, Parkside, S.A. 5063 .....	1.1.00
NP Rutter, Gregory Thomas .....	P.O. Box 133, Mena Creek, Qld 4871 .....	14.5.92

NP Denotes Non Practising Surveyors.

J. M. SCHAEFER, Registrar

South Australia

## **Statutes Amendment (New Rules of Civil Procedure) Act (Commencement) Proclamation 2006**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (New Rules of Civil Procedure) Act (Commencement) Proclamation 2006*.

### **2—Commencement of Act**

The *Statutes Amendment (New Rules of Civil Procedure) Act 2006* (No 17 of 2006) will come into operation on 4 September 2006.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 17 August 2006

AGO0139/05CS

South Australia

## **Administrative Arrangements (Administration of Professional Standards Act) Proclamation 2006**

under section 5 of the *Administrative Arrangements Act 1994*

### **1—Short title**

This proclamation may be cited as the *Administrative Arrangements (Administration of Professional Standards Act) Proclamation 2006*.

### **2—Commencement**

This proclamation comes into operation on the day on which it is made.

### **3—Administration of Act committed to Attorney-General**

The administration of the *Professional Standards Act 2004* is committed to the Attorney-General.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 17 August 2006

AGO0219/03CS

South Australia

## **Legislation Revision and Publication Variation Regulations 2006**

under the *Legislation Revision and Publication Act 2002*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Legislation Revision and Publication Regulations 2002***

- 4 Variation of regulation 4—Definition of legislation
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Legislation Revision and Publication Variation Regulations 2006*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Legislation Revision and Publication Regulations 2002***

#### **4—Variation of regulation 4—Definition of legislation**

Regulation 4(a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) an environment protection policy made under Part 5 of the *Environment Protection Act 1993* (other than a national environment protection measure that became an environment protection policy under section 28A(1) of the Act before that section was repealed);
- (b) an aquaculture policy made under Part 4 of the *Aquaculture Act 2001* on or after 1 January 2005;
- (c) a rule made by the Governor under the *Road Traffic Act 1961*;

- (d) a proclamation made by the Governor under an Act on or after 1 January 2003;
- (e) a notice made by the Governor under an Act on or after 1 January 2003.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 17 August 2006

No 198 of 2006

AGO0234/02CS

South Australia

## Roads (Opening and Closing) Regulations 2006

under the *Roads (Opening and Closing) Act 1991*

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### Contents

1	Short title
2	Commencement
3	Interpretation
4	Prescribed public utilities
5	Prescribed public authorities
6	Public notice of proposed road process
7	Form of objection to proposed road process
8	Form of application for easement
9	Notice of discontinuance of road opening
10	Adelaide Park Lands—information
11	Adelaide Park Lands—public notice of application
12	Adelaide Park Lands—road closure processes
13	Revocation of regulations

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### 1—Short title

These regulations may be cited as the *Roads (Opening and Closing) Regulations 2006*.

### 2—Commencement

- (1) Subject to subregulation (2), these regulations will come into operation on 1 September 2006.
- (2) Regulations 10 to 12 (inclusive) will come into operation on the day on which Part 8 of Schedule 1 of the *Adelaide Park Lands Act 2005* comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Roads (Opening and Closing) Act 1991*;

*unmade road* means a road that is not sealed with bitumen (or other surfacing material) for use by motor vehicles.

### 4—Prescribed public utilities

- (1) For the purposes of the definition of *prescribed public utility* in section 3(1) of the Act, a prescribed public utility is an entity within the ambit of a declaration made by the Surveyor-General by notice published in the Gazette for the purposes of this regulation.
- (2) The Surveyor-General may, by subsequent notice in the Gazette, vary a previous declaration under subregulation (1).

## 5—Prescribed public authorities

For the purposes of paragraph (d) of the definition of *person affected* in section 3(1) of the Act, the following are prescribed public authorities in relation to land of the class prescribed:

- (a) the Commissioner of Highways, in relation to land vested in, or under the care, control and management of, the Commissioner pursuant to the *Highways Act 1926* that adjoins land subject to a road process or proposed road process or that is near such land and may be affected by the road process or proposed road process;
- (b) the Coast Protection Board, in relation to land within a coast protection district constituted under Part 3 of the *Coast Protection Act 1972* that is subject to, or adjoins land that is subject to, a road process or proposed road process;
- (c) the National Parks and Wildlife Service, in relation to land within a national park, conservation park, game reserve, recreation park or regional reserve constituted under the *National Parks and Wildlife Act 1972* that adjoins land that is subject to a road process or proposed road process;
- (d) the Native Vegetation Council, in relation to land subject to a road opening or proposed road opening on which native vegetation within the meaning of the *Native Vegetation Act 1991* is growing;
- (e) the administrative unit responsible for assisting the Minister for Recreation, Sport and Racing, in relation to land forming the whole or a part of an unmade road that is subject to a road closure or proposed road closure.

## 6—Public notice of proposed road process

- (1) For the purposes of section 10 of the Act, public notice of a proposed road process must be given in accordance with this regulation.
- (2) The notice of a proposed road process must—
  - (a) describe, with reasonable particularity, the nature of the proposal; and
  - (b) specify, by means of a clear and accurate diagram, or other description determined by the Surveyor-General, the land subject to the proposed road process; and
  - (c) where the proposed road process is or includes a road closure—specify the manner in which it is intended to deal with each part of the land that is subject to the closure; and
  - (d) state the address of an office of the council and the times at which the preliminary plan and statement prepared by the council pursuant to section 9 of the Act are available for examination by the public and indicate that the plan and statement are also available for inspection on request at the Adelaide office of the Surveyor-General during normal office hours; and
  - (e) state that any person who objects to the proposal may lodge a written objection for the consideration of the relevant authority at a meeting of the authority, and indicate—
    - (i) the time within which such an objection must be made; and
    - (ii) where the objection should be lodged; and
    - (iii) the information that the objection should contain; and

- (f) where the proposed road process is or includes a road closure—state that an adjoining landowner or other person substantially affected by the closure who wishes to apply for an easement over any part of the land subject to the closure may do so in accordance with these regulations, and indicate—
  - (i) the time within which such an application must be made; and
  - (ii) where the application should be lodged; and
  - (iii) the information that the application should contain.
- (3) The notice must be published in the Gazette and in a newspaper circulating generally in the area in which the proposed road process is to be undertaken.

### **7—Form of objection to proposed road process**

- (1) For the purposes of section 13(3) of the Act, a notice of objection to a proposed road process must comply with this regulation.
- (2) The notice must—
  - (a) be in writing; and
  - (b) set out the full name and address of the person making the objection; and
  - (c) state with reasonable particularity the reasons for the objection; and
  - (d) state whether the objector wishes to make submissions to the relevant authority at any meeting held by the authority to consider objections and applications made in relation to the proposed road process.

### **8—Form of application for easement**

- (1) For the purposes of section 13(3) of the Act, a notice of application for the grant of an easement over land subject to a proposed road closure must comply with this regulation.
- (2) The application must—
  - (a) be in writing; and
  - (b) set out the full name and address of the person applying for the grant; and
  - (c) give full particulars of the nature and location of the easement that is being applied for; and
  - (d) where the application is made by a person as the owner of adjoining or nearby land—specify the land to which the easement is to be annexed; and
  - (e) state with reasonable particularity the reasons for the application for the grant of the easement.

### **9—Notice of discontinuance of road opening**

- (1) For the purposes of section 15(3)(c), 19(b)(ii), 20(3)(b) or 24(2)(b)(ii) of the Act, where a proposed road opening is discontinued in respect of the whole or a part of the land that was subject to the proposed opening, a notice of discontinuance given by a council or the relevant authority to a person who has an interest in that land must be given in accordance with this regulation.

- (2) The notice of discontinuance must—
- (a) state that notice of a proposed road opening over land in which the person has an interest was given under the Act and specify—
    - (i) the date of that notice; and
    - (ii) the name of the council that commenced the road opening; and
  - (b) indicate that the road opening has been discontinued in respect of the whole or a part of that land; and
  - (c) specify, by means of a diagram or written description or a combination of the two, the land that is no longer subject to the proposed road opening; and
  - (d) state that the person may, by written notice served on the council, claim compensation from the council pursuant to section 32 of the Act and indicate—
    - (i) in time within which such a claim must be made; and
    - (ii) where the claim should be lodged; and
    - (iii) the matters, specified in Part 3 of the *Land Acquisition Act 1969*, in respect of which compensation may be claimed.

#### **10—Adelaide Park Lands—information**

- (1) For the purposes of section 34G(2)(b) of the Act, an application pursuant to section 6B of the Act must comply with this regulation.
- (2) The application must include the following matters:
- (a) the applicant's reasons for making the application; and
  - (b) evidence that the applicant has undertaken research or consulted on the potential impacts of the proposal; and
  - (c) findings resulting from the research or consultations provided by the applicant under paragraph (b); and
  - (d) evidence that the applicant has considered and investigated alternative options, and the basis for the decision to proceed with the proposal.

#### **11—Adelaide Park Lands—public notice of application**

- (1) For the purposes of section 34G(4)(a) of the Act, public notice of an application must be given in accordance with this regulation.
- (2) The notice of an application must—
- (a) describe, with reasonable particularity, the nature of the proposal; and
  - (b) specify, by means of a clear and accurate diagram, or other description determined by the Surveyor-General—
    - (i) the land subject to the proposal; and
    - (ii) the effect on any land adjoining the relevant road, including any loss of land as a result of the proposal; and
  - (c) if the proposal includes a road closure—specify the manner in which it is intended to deal with each part of the land that is subject to the closure; and

- (d) state the address of an office and the times at which the information provided by the applicant under section 34G(2) of the Act is available for examination by the public and indicate that the information is also available for inspection on request at the Adelaide office of the Surveyor-General during normal office hours; and
  - (e) state that any person who objects to the proposal or wishes to comment on the proposal may lodge a written objection or provide a written comment for the consideration of the applicant, and indicate—
    - (i) where the objection or comment should be lodged; and
    - (ii) the information that the objection or comment should contain, including the full name and address of the person making the objection or comment; and
    - (iii) the time within which the objection or comment should be made in accordance with section 34G(5) of the Act; and
  - (f) where the proposal is or includes a road closure—state that an adjoining landowner or other person substantially affected by the closure who wishes to apply for an easement over any part of the land subject to the closure may do so in accordance with regulation 8.
- (3) The notice must be published in the Gazette and in a newspaper circulating generally in the State.

## **12—Adelaide Park Lands—road closure processes**

Pursuant to subsection (15) of section 34G of the Act, Parts 4 and 8 of the Act are modified to the extent necessary to ensure that the following provisions may take effect:

- (a) the order made by the Minister under that section will operate under those Parts of the Act as if it were a road process order;
- (b) the Minister may issue a closed road title certificate so that the land to which the certificate relates may be vested in the Crown and merged with adjoining land;
- (c) if the Minister so indicates in an order under section 34G of the Act or in a closed road title certificate, the land will be taken to be placed under the care, control and management of The Corporation of the City of Adelaide as park lands;
- (d) the Registrar-General may take such action as is necessary to give effect to an order of the Minister under section 34G of the Act, or to any provision made by this regulation;
- (e) to the extent that the Commissioner of Highways makes an alteration to a road that is fenced along one or both of its boundaries—the Commissioner will be responsible for ensuring that the road as altered is fenced along its boundaries with a fence of the same nature as the fence previously on the boundary of the road and abutting the land.

**13—Revocation of regulations**

The *Roads (Opening and Closing) Regulations 1991* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 17 August 2006

No 199 of 2006

MAS06/009

South Australia

## **Wilderness Protection Regulations 2006**

under the *Wilderness Protection Act 1992*

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### 1—Short title

These regulations may be cited as the *Wilderness Protection Regulations 2006*.

### 2—Commencement

These regulations will come into operation on 1 September 2006.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

**Aboriginal person** means a person of Aboriginal descent who is accepted as a member by a group in the community who claim Aboriginal descent;

**Act** means the *Wilderness Protection Act 1992*;

**aircraft** includes a glider or balloon capable of carrying a person;

**cave** means a cave in a wilderness protection area or wilderness protection zone and includes any natural cavity in the earth's surface;

**drive** includes ride;

**exotic plant** means a plant that is not a native plant;

**filming** means taking moving or still pictures by any means;

**motor vehicle** has the same meaning as in the *Motor Vehicles Act 1959*;

**protected animal** has the same meaning as in the *National Parks and Wildlife Act 1972*;

**take** has the same meaning as in the *National Parks and Wildlife Act 1972*;

**unprotected animal** means an animal (including fish and invertebrates) that is not a protected animal;

**vessel** includes a boat, jet-ski, sailboard, raft, pontoon and hovercraft.

### 4—Qualifications of wardens

For the purposes of section 13(1) of the Act, a person has prescribed qualifications if the person—

- (a) has completed satisfactorily the training necessary for appointment as a police officer of the Commonwealth or a State or Territory of the Commonwealth; or
- (b) has completed satisfactorily the course run by the Director known as the "Basic Warden Training Course"; or
- (c) has completed satisfactorily at least 2 weeks full-time training (or the equivalent part-time training) with National Parks and Wildlife South Australia that, in the opinion of the Director, qualifies the person for appointment as a warden; or
- (d) is employed in the Australian Customs Service; or
- (e) is employed in a unit or department of another State or a Territory of the Commonwealth responsible for wildlife conservation.

## 5—Entry to wilderness protection areas and zones

A person must not enter or remain in a wilderness protection area or wilderness protection zone unless the appropriate entrance fee specified in Schedule 1 has been paid in respect of his or her entry into the area or zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

## 6—Opening and closing of wilderness protection areas and zones

- (1) The Director may, by notice in the Gazette—
  - (a) give notice of the hours during which a wilderness protection area or wilderness protection zone is open to the public;
  - (b) vary or revoke a notice under paragraph (a).
- (2) The Director may close a wilderness protection area or wilderness protection zone, or part of such an area or zone—
  - (a) if a total fire ban is in force in an area that includes all or part of the area or zone, or the risk of uncontrolled fire in the area or zone is, in the Director's opinion, extreme; or
  - (b) if the staff necessary to patrol the area or zone are unavailable; or
  - (c) if it is, in the Director's opinion, in the interest of public safety to close the area or zone; or
  - (d) if the closure is in accordance with a plan of management for the area or zone.
- (3) A person must not, without the permission of the Director, enter or remain in a wilderness protection area or wilderness protection zone when the area or zone is closed to the public.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (4) A person must not, without the permission of the Director, enter or remain in a particular part of a wilderness protection area or wilderness protection zone when that part of the area or zone is closed to the public.

Maximum penalty: \$1 250.

Expiation fee: \$100.

## 7—Use of vehicles

- (1) A person must not, without the permission of the Director, drive or tow a vehicle in a wilderness protection area or wilderness protection zone except on a road or track set aside for that purpose by the Director.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (2) A person must not, without the permission of the Director, drive a vehicle in a wilderness protection area or wilderness protection zone—

- (a) at a speed exceeding the speed fixed by the Director as the speed limit; or

- (b) if no speed limit has been fixed by the Director—at a speed exceeding 40 kilometres per hour.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (3) A person must not leave a vehicle in a position that obstructs other vehicles from entering, leaving or proceeding along a road or track in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (4) A warden may remove, or cause to be removed, a vehicle left in contravention of subregulation (3) and the Director may recover the costs of removal from the owner of the vehicle as a debt due to the Director.

### **8—Use of aircraft**

- (1) A person must not land an aircraft in a wilderness protection area or wilderness protection zone when using the aircraft for recreational purposes but may, with the permission of the Director, land an aircraft in such an area or zone when using the aircraft for any other purpose.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) Subregulation (1) is subject to any law of the Commonwealth to the contrary.

- (3) A person must not, without the permission of the Director, jump into a wilderness protection area or wilderness protection zone from an aircraft or use an aircraft for the purpose of dropping or lowering an object into such an area or zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

### **9—Use of vessels**

A person must not, without the permission of the Director, launch, or use, a vessel on a lake, river or other body of water in a wilderness protection area or wilderness protection zone unless the water has been set aside by the Director for the use of vessels of that kind.

Maximum penalty: \$1 250.

Expiation fee: \$100.

### **10—Camping**

- (1) A person must not, without the permission of the Director, camp in a wilderness protection area or wilderness protection zone except in an area set aside for that purpose by the Director.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) A person must not camp in a wilderness protection area or wilderness protection zone unless the appropriate camping fee specified in Schedule 1 has been paid in respect of his or her use of the camping site.

Maximum penalty: \$1 250.

Expiation fee: \$100.

## 11—Display of certain receipts in vehicles

- (1) A person who enters a wilderness protection area or wilderness protection zone in a vehicle must ensure that the receipt for the entrance fee paid in respect of his or her entry into the area or zone is displayed in the vehicle in accordance with subregulation (3) continuously until he or she or the vehicle leaves the area or zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) A person who camps in a wilderness protection area or wilderness protection zone in or near a vehicle that he or she has travelled in to get to the camping site must ensure that the receipt for the camping fee paid in respect of his or her use of the camping site is displayed in the vehicle in accordance with subregulation (3) continuously while he or she is camping in or near the vehicle.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (3) For the purposes of this regulation a receipt is displayed in a vehicle only if—

- (a) the receipt is displayed in a prominent position on the inside of the front windscreen of the vehicle; or
- (b) where, because of the design of the vehicle, it is not possible to comply with paragraph (a)—the receipt is displayed in a prominent position in or on the vehicle,

so that the receipt is facing outwards from the vehicle and can be easily seen and read by a person standing beside the vehicle.

- (4) This regulation does not apply to a person who enters, or camps in, a wilderness protection area or wilderness protection zone as the client of a person conducting a tour for fee or reward if the vehicle concerned is owned by, or is under the control of, the tour operator.

## 12—Fires

- (1) A person must not, without the permission of the Director, light, maintain or use a fire in a wilderness protection area or wilderness protection zone in contravention of a ban or restriction imposed by the Director.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (2) A person must not, without the permission of the Director, collect wood or other material in a wilderness protection area or wilderness protection zone, or use wood or other material collected from a such an area or zone, to light or maintain a fire.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (3) A person who has lit, maintained or used a fire in a wilderness protection area or wilderness protection zone must not leave the fire unattended.

Maximum penalty: \$1 250.

Expiation fee: \$150.

### 13—Possession and use of chainsaws

- (1) Subject to subregulation (2), a person must not, without the permission of the Director, have control of, or carry or use a chainsaw in a wilderness protection area or wilderness protection zone.
- (2) A person may have control of, carry or use a chainsaw in a wilderness protection area or wilderness protection zone—
  - (a) in the course of exercising powers or performing obligations under an Act or statutory instrument; or
  - (b) for the purpose of fighting a bushfire or dealing with any other emergency.

### 14—Use of generators and alternators

- (1) Subject to subregulation (2), a person must not, without the permission of the Director, operate a generator or alternator in a wilderness protection area or wilderness protection zone except in an area set aside for that purpose by the Director.  
Maximum penalty: \$1 250.  
Expiation fee: \$100.
- (2) Subregulation (1) does not apply in relation to the use of a motor vehicle of a kind normally equipped with a generator or alternator.

### 15—Use of metal or mineral detectors

A person must not, without the permission of the Director, use a device for detecting metal or minerals in a wilderness protection area or wilderness protection zone except pursuant to a mining tenement and a proclamation under Part 3 Division 2 of the Act.

Maximum penalty: \$1 250.

Expiation fee: \$100.

### 16—Possession and use of firearms etc

- (1) Subject to this regulation, a person must not, without the permission of the Director—
  - (a) have control of, carry or use a firearm or other weapon; or
  - (b) have control of, carry or use fireworks or explosives,in a wilderness protection area or wilderness protection zone.  
Maximum penalty: \$1 250.  
Expiation fee: \$150.
- (2) Subregulation (1)(a) does not apply to an Aboriginal person in relation to a firearm or other weapon that he or she has control of, carries or uses for the purpose of taking animals in accordance with section 68D of the *National Parks and Wildlife Act 1972*.
- (3) Subregulation (1)(b) does not apply in relation to explosives that a person has control of, carries or uses pursuant to a mining tenement and a proclamation under Part 3 Division 2 of the Act.

### 17—Swimming and diving

A person must not swim or dive in any water in a wilderness protection area or wilderness protection zone except—

- (a) in an area set aside for that purpose by the Director; or

- (b) with the permission of the Director.

Maximum penalty: \$1 250.

Expiation fee: \$100.

## **18—Use of caves**

A person must not, without the permission of the Director—

- (a) enter a cave except in the company of a warden or person assisting a warden; or
- (b) remove or displace a rock, mineral or fossil in a cave; or
- (c) disturb or interfere with a plant or animal (whether alive or dead) in a cave; or
- (d) touch or interfere with a karstcalcite formation (speleothem) in a cave; or
- (e) urinate or defecate in a cave; or
- (f) deposit organic or inorganic matter in a cave; or
- (g) disturb, touch or interfere with any Aboriginal art or artefact in a cave; or
- (h) use a paint, dye or marker in a cave, or release any substance into the waters of a cave; or
- (i) light a fire or burn any material in a cave; or
- (j) smoke a tobacco product in a cave; or
- (k) dive in the waters of a cave or sink hole.

Maximum penalty: \$1 250.

Expiation fee: \$150.

## **19—Regulation of certain recreational activities**

- (1) A person must not, without the permission of the Director, engage in—
  - (a) climbing rock faces; or
  - (b) abseiling; or
  - (c) sand boarding (sliding down a sandhill on a board or other thing),

in a wilderness protection area or wilderness protection zone except in an area set aside for that purpose by the Director.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) A person must not fly model planes or gliders in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.

## **20—Protection of animals**

- (1) A person must not, without the permission of the Director or other lawful authority, take, injure, molest or interfere with an unprotected animal in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) A person must not, without the permission of the Director, intentionally damage the nest or burrow of an animal in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (3) A person must not, without the permission of the Director or other lawful authority, feed an unprotected animal in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.

## **21—Possession and use of devices for taking animals**

- (1) Subject to this regulation, a person must not, without the permission of the Director, while in a wilderness protection area or wilderness protection zone, have control of, carry or use a device designed for the purpose of taking an animal.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (2) Subregulation (1) does not apply to an Aboriginal person in relation to a device that he or she has control of, carries or uses for the purpose of taking animals in accordance with section 68D of the *National Parks and Wildlife Act 1972*.

## **22—Seizure of animals etc**

- (1) If an unprotected animal is in a wilderness protection area or wilderness protection zone—

- (a) without the written permission of the Director; or
- (b) with such permission but not under the control of any person,

a warden or other person authorised by the Director may—

- (c) capture and sell or otherwise dispose of the animal; or
- (d) destroy the animal.

- (2) The costs of capturing and disposing of an animal or destroying an animal under subregulation (1) are a debt due by the owner of the animal to the Crown.
- (3) An animal that has been captured must not be surrendered to its owner until those costs have been paid.
- (4) If an animal is sold under this regulation, the Crown is entitled to the excess (if any) of the proceeds of the sale over the costs of capturing and selling the animal.

## **23—Plants**

- (1) A person must not, without the permission of the Director, take an exotic plant that is growing in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) A person must not, without the permission of the Director, bring a plant into a wilderness protection area or wilderness protection zone unless the plant is dead and is brought into the area or zone as food for human consumption.

Maximum penalty: \$1 250.

Expiation fee: \$100.

## 24—Interference with earth etc

A person must not, without the permission of the Director or other lawful authority—

- (a) remove from a wilderness protection area or wilderness protection zone any—
  - (i) soil, rock, mineral or similar material; or
  - (ii) wood, mulch or other dead vegetation; or
  - (iii) fossil or archaeological remains; or
- (b) dig or otherwise intentionally disturb soil or similar material in a wilderness protection area or wilderness protection zone; or
- (c) intentionally disturb—
  - (i) wood, mulch or other dead vegetation in a wilderness protection area or wilderness protection zone; or
  - (ii) fossil or archaeological remains in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

## 25—Fossil and geomorphological sites

- (1) If, in the opinion of the Director, it is necessary or desirable in order to protect a fossil site or a site of geomorphological significance in a wilderness protection area or wilderness protection zone, the Director may, by notice in the Gazette, declare the site to be a fossil site of significance or a site of geomorphological significance.
- (2) A person who, intentionally and without the permission of the Director or other lawful authority, destroys, damages, or disturbs a site that is the subject of a declaration under subregulation (1) is guilty of an offence.

Penalty: \$15 000.

Expiation fee: \$1 500.

## 26—Scientific research

A person must not, without the permission of the Director, enter a wilderness protection area or wilderness protection zone for the purpose of carrying out scientific research in the area or zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.

## 27—Scientific and sight seeing expeditions

A person must not, without a licence under section 28(4) of the Act, take a group of people into a wilderness protection area or wilderness protection zone on a sight seeing or scientific expedition.

Maximum penalty: \$1 250.

Expiation fee: \$100.

## 28—Littering

- (1) A person must not, in a wilderness protection area or wilderness protection zone—
  - (a) deposit or leave litter or any bottle, broken glass, china, pottery, plastic article, rubbish, refuse or other waste material except in an area or receptacle provided for that purpose; or
  - (b) deposit, discharge or leave a noxious, offensive or polluting substance, matter or thing; or
  - (c) deposit or leave offal or a dead animal or dung; or
  - (d) deposit domestic garbage in a receptacle provided for litter; or
  - (e) wilfully break an article of glass, china, pottery, plastic or other brittle material; or
  - (f) deposit, discharge or leave a mineral, mineral waste or other industrial waste or by-product.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) Subregulation (1) is subject to the rights of a person pursuant to a mining tenement and a proclamation under Part 3 Division 2 of the Act.

## 29—Abandoned property

- (1) A person must not, without the permission of the Director, abandon or leave unattended for more than 24 hours a vehicle or other personal property in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.
- (2) Subregulation (1) is subject to the rights of a person pursuant to a mining tenement and a proclamation under Part 3 Division 2 of the Act.
- (3) A vehicle or personal property abandoned or left unattended for more than 24 hours in a wilderness protection area or wilderness protection zone may be seized and impounded by a warden.
- (4) The Director may require the owner of a vehicle or personal property seized and impounded under this regulation to pay the cost of seizing, impounding and keeping the vehicle or personal property before returning the vehicle or personal property to the owner.
- (5) If, at the expiration of 1 month after the owner of a vehicle or personal property has been notified of its seizure or impounding, the owner has not paid to the Director the cost of seizing, impounding and keeping the vehicle or personal property, the Director may sell or otherwise dispose of the vehicle or personal property.
- (6) If the owner of a vehicle or personal property seized or impounded under this regulation is unknown or cannot be contacted, the Director may, after the expiration of 1 month after the vehicle or personal property has been seized or impounded, sell or otherwise dispose of the vehicle or personal property.

**30—Disorderly behaviour etc**

- (1) A person must not, in a wilderness protection area or wilderness protection zone, behave in a disorderly, offensive or indecent manner or use offensive or indecent language or create a disturbance.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (2) A person must not, in a wilderness protection area or wilderness protection zone, wilfully obstruct, disturb, interrupt or annoy any other person engaged in the proper use of the area or zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (3) A person must not, in a wilderness protection area or wilderness protection zone, throw, roll or discharge any stone, substance or missile to the danger of a person or animal in the area or zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (4) A person must not deface, paint, write, cut names or letters, or otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

**31—Activities that must be authorised by lease, licence or agreement**

A person must not undertake any of the following activities in a wilderness protection area or wilderness protection zone except pursuant to a lease, licence or agreement between that person, or some other person, and the Minister:

- (a) filming for commercial purposes;
- (b) conducting tours for fee or reward;
- (c) conducting surfing, fishing or any other kind of competition;
- (d) selling or hiring goods or offering goods for sale or hire;
- (e) providing, or offering to provide, any service for fee or reward;
- (f) conducting speed trials;
- (g) conducting scientific experiments;
- (h) keeping bees;
- (i) an activity of any kind for the purpose of fund raising or making a profit.

Maximum penalty: \$5 000.

Expiation fee: \$315.

**32—Other activities subject to Director's permission**

- (1) A person must not, without the permission of the Director, use or cause to be used, a loud speaker or similar device or other noisy equipment in a wilderness protection area or wilderness protection zone.  
Maximum penalty: \$1 250.  
Expiation fee: \$100.
- (2) A person must not, without the permission of the Director, organise or cause to be organised or attend or participate in a public meeting, demonstration or gathering in a wilderness protection area or wilderness protection zone.  
Maximum penalty: \$1 250.  
Expiation fee: \$100.

**33—Compliance with directions of warden**

A person must not fail to comply with a reasonable direction or request given by a warden relating to—

- (a) use of a wilderness protection area or wilderness protection zone; or
- (b) conduct and behaviour in a wilderness protection area or wilderness protection zone; or
- (c) safety in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

**34—Permission of Director**

- (1) A permission granted by the Director under these regulations—
  - (a) must be in writing; and
  - (b) may be conditional; and
  - (c) may be varied or revoked by the Director at any time.
- (2) The permission may apply to a particular person or persons or may, if published in the Gazette, apply generally or to a particular class of persons.
- (3) If the Director grants permission subject to a condition, a person must not contravene or fail to comply with the condition.  
Maximum penalty: \$1 250.  
Expiation fee: \$100.

**35—General defence**

It is a defence to a charge of an offence against these regulations if the defendant proves that he or she acted in response to an emergency and that the action was reasonable in the circumstances.

## Schedule 1—Fees

### 1—Interpretation

In this Schedule—

**bus** means a motor vehicle built mainly to carry people that seats more than 9 adults (including the driver);

**car** means a motor vehicle built mainly to carry people that seats not more than 9 adults (including the driver);

**category A camping site** means a camping site provided with water, showers, toilets, barbeque facilities, rubbish collection or disposal and electricity, kiosk or laundry facilities;

**category B camping site** means a camping site provided with water, toilets, barbeque facilities and rubbish collection or disposal services;

**category B1 camping site** means a camping site provided with only limited water supplies, drop toilets and pit barbeque facilities;

**category C camping site** means a camping site provided with minimal or no services or facilities;

**concession cardholder** means a person who is the holder of—

- (a) a current concession card issued by the Commonwealth Department of Social Security or the State Department of Family and Community Services; or
- (b) a current student identification card issued by a secondary or tertiary educational institution.

### 2—Entrance fees

For entry to a wilderness protection area or zone—

- (a) per car—
  - (i) if the driver is a concession cardholder \$5.50
  - (ii) if the driver is not a concession cardholder \$7.00
- (b) per motor bike—
  - (i) if the rider is a concession cardholder \$3.00
  - (ii) if the rider is not a concession cardholder \$4.50
- (c) per bus—the amount obtained by multiplying \$2.80 by the number of passengers aboard the bus.

### 3—Camping fees

For camping in a wilderness protection area or zone—

- (a) at a category A camping site (per night)—
  - (i) per car \$19.00
  - (ii) per motor bike \$11.00
  - (iii) per bus—the amount obtained by multiplying \$5.50 by the number of passengers using the camp site
  - (iv) per person on foot or bicycle \$5.50
- (b) at a category B camping site (per night)—
  - (i) per car \$12.00
  - (ii) per motor bike \$7.50

(iii)	per bus—the amount obtained by multiplying \$4.00 by the number of passengers using the camp site	
(iv)	per person on foot or bicycle	\$4.00
(c)	at a category B1 camping site (per night)—	
(i)	per car	\$8.00
(ii)	per motor bike	\$5.00
(iii)	per bus—the amount obtained by multiplying \$4.00 by the number of passengers using the camp site	
(iv)	per person on foot or bicycle	\$4.00
(d)	at a category C camping site (per night)—	
(i)	per car	\$4.00
(ii)	per motor bike	\$2.50
(iii)	per bus—the amount obtained by multiplying \$2.50 by the number of passengers using the camp site	
(iv)	per person on foot or bicycle	\$2.50

## **Schedule 2—Revocation of *Wilderness Protection Regulations 1992***

The *Wilderness Protection Regulations 1992* are revoked.

### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 17 August 2006

No 200 of 2006

EC05/0056CS

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RURAL CITY OF MURRAY BRIDGE  
ROADS (OPENING AND CLOSING) ACT 1991

*Road Closure—Killawarra Road, Mypolonga*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Rural City of Murray Bridge proposes to make a Road Process Order to close the portion of Killawarra Road between Rathjen and Kerta Roads and merge with adjoining section 146 in the Hundred of Mobilong, as delineated and lettered 'A' on Preliminary Plan No. 06/0066.

A copy of the plan and a statement of persons affected are available for public inspection at 2 Seventh Street, Murray Bridge, S.A. 5253 and the Adelaide office of the Surveyor-General, during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Council, P.O. Box 421, Murray Bridge, S.A. 5253 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 17 August 2006.

D. ALTMAN, Chief Executive Officer

CITY OF PORT ADELAIDE ENFIELD  
ROADS (OPENING AND CLOSING) ACT 1991

*Dempster Street, Angle Park*

NOTICE is hereby given pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Council proposes to make a Road Process Order to close, sell and transfer to the South Australian Housing Trust the whole of Dempster Street between Angle Road and Cardigan Street and lettered 'A' on Preliminary Plan No. 06/0041.

A copy of the plan and a statement of persons affected are available for public inspection at the offices of the City of Port Adelaide Enfield situated in the Civic Centre, 163 St Vincent Street, Port Adelaide and in the Libraries at Enfield, Greenacres and Parks and the office of the Surveyor-General, 101 Grenfell Street, Adelaide during normal office hours.

Any application for easement or objections must be made in writing within 28 days from 17 August 2006, to the Council, P.O. Box 110, Port Adelaide, S.A. 5015 and the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001, setting out the full details.

Where a submission is made, Council will give notification of a meeting to deal with the matter.

Dated 16 August 2006.

H. J. WIERDA, City Manager

DISTRICT COUNCIL OF BARUNGA WEST  
*Appointment*

NOTICE is hereby given that Peter Benedict Ward has been appointed as Acting District Manager for the period 21-29 August 2006, both dates inclusive.

N. HAND, District Manager

REGIONAL COUNCIL OF GOYDER  
ROADS (OPENING AND CLOSING) ACT 1991

*Hardy Street, Burra*

NOTICE is hereby given, that pursuant to section 10 of the Roads (Opening and Closing) Act 1991, the Regional Council of Goyder proposes to make a Road Process Order to close the public road (Hardy Street) between Allotments 360 in Filed Plan 210336, 160-162 in Filed Plan 212552, 1 in Deposited Plan 28414, 51 in Filed Plan 217445, 12-14 in Filed Plan 104614 and 116 in Filed Plan 212475, Hundred of Kooringa, more particularly delineated and marked 'A' in Preliminary Plan No. 06/0069.

The portion marked 'A' is to be transferred and merged with adjoining Allotments 1, 160, 161, 162 and 360 all to form one allotment.

A copy of the preliminary plan and statement of persons affected is available for public inspection at the Council Office, 1 Market Square, Burra or at the Adelaide office of the Surveyor-General, during normal office hours.

Any person affected may object to the proposed road process, or apply for an easement to be granted in that person's favour over land subject to the proposed road closure. Such objection, or application for an easement, must set out the full name and address of the person, and reason for making the objection or application.

Any application for an easement must give full particulars of the nature and location of the easement and where made by a person as the owner of adjoining or nearby land, specify the land to which the easement is to be annexed.

An objection, or application for an easement, must be lodged in writing to the Regional Council of Goyder, 1 Market Square, Burra, S.A. 5417 and a copy lodged with the Surveyor-General, Department of Administrative and Information Services, G.P.O. Box 1354, Adelaide, S.A. 5001, within 28 days of this notice.

Where an objection, or application for an easement is made, the Council will give notification of a meeting at which the matter will be considered, so that the person making the objection or application may attend, if desired, personally or by a representative.

S. J. KERRIGAN, Chief Executive Officer

LIGHT REGIONAL COUNCIL

*Adoption of Valuation and Declaration of Rates and Charges*

NOTICE is hereby given that at its meeting held on Tuesday, 8 August 2006, in relation to the financial year ending 30 June 2007, Light Regional Council, in exercise of the powers contained within Chapter 10 of the Local Government Act 1999, made the following resolutions:

*Adoption of Valuation*

To adopt for rating purposes the Valuer-General's valuations of capital value in relation to the area of the Council, such valuations to apply to the Council area from 1 July 2006 and specifies that the total of the values that are to apply within the area is \$2 137 758 500 of which \$2 106 266 514 is rateable.

*Declaration of Differential General Rates*

To declare the following differential general rates on rateable land within its area based upon the capital value of the land, the rates varying by reference to land use category:

- (a) on rateable land with the land use of Category 1 (Residential) and Category 9 (Other), a rate of 0.3525 cents in the dollar of the capital value of such land;
- (b) on rateable land with the land use of Category 2 (Commercial—Shop) and Category 3 (Commercial—Office), a rate of 0.616875 cents in the dollar of the capital value of such land;
- (c) on rateable land with the land use of Category 4 (Commercial—Other), a rate of 0.705 cents in the dollar of the capital value of such land;
- (d) on rateable land with the land use of Category 5 (Industrial—Light) and Category 6 (Industrial—Other), a rate of 0.969375 cents in the dollar of the capital value of such land;
- (e) on rateable land with the land use of Category 7 (Primary Production), a rate of 0.282 cents in the dollar of the capital value of such land; and
- (f) on rateable land with the land use of Category 8 (Vacant Land), a rate of 0.440625 cents in the dollar of the capital value of such land.

*Imposition of a Minimum Rate*

To declare that the minimum amount payable by way of general rates upon each separately valued piece of rateable land within the Council area shall be \$570.

*Imposition of a Community Wastewater Management System Annual Service Charge*

To impose the following annual service charges on each assessment (whether vacant or occupied) in the following townships, to which the Council makes available a Community Wastewater Management System Service:

	\$
Kapunda.....	348
Freeling.....	348
Greenock.....	348
Roseworthy.....	348

*Imposition of Waste Collection Annual Service Charge*

In order to meet the costs of refuse collection and recycling service in the area, to impose an annual service charge of \$165.40 on each assessment being provided with a collection service.

*Imposition of Natural Resources Management Levy*

1. To declare a separate rate of 0.007475 cents in the dollar on the capital value of all rateable land within the area of the Council and of the Adelaide and Mount Lofty Natural Resources Management Board.

2. To declare a separate rate of 0.005583 cents in the dollar on the capital value of all rateable land within the area of the Council and of the Northern and Yorke Peninsula Natural Resources Management Board.

*Payment of Rates*

Determined that all Council rates be payable in four equal or approximately equal instalments being due and payable by 29 September 2006, 15 December 2006, 16 March 2007 and 15 June 2007.

P. J. BEARE, Chief Executive Officer

WATTLE RANGE COUNCIL

*Exclusion of Community Land Classification—Ellen Street Industrial Estate*

NOTICE is hereby given that the Wattle Range Council at its meeting held on 8 August 2006, Council pursuant to section 194 (4) (i) of the Local Government Act 1999, exclude allotments 31-46 in Deposited Plan 71462, Abbey Road and March Road, Penola from Classification as Community Land.

F. N. BRENNAN, Chief Executive Officer

WATTLE RANGE COUNCIL

*Naming of Public Roads*

NOTICE is hereby given that the Wattle Range Council at its meeting held on 8 August 2006, in accordance with the provisions of section 219 of the Local Government Act 1999, formally named the following public roads:

1. Memory Lane—the section of road adjacent to allotment 12 in Deposited Plan 44156, sections 186 and 296 and allotment 20 in Deposited Plan 46591, Hundred of Comaam.

2. Aitken Road—the section of road adjacent to sections 295 and 298, allotment 686 in Filed Plan 191248 of section 294, allotments 1 and 2 in Filed Plan 7439 of section 294, allotment 684 in Filed Plan 191246, allotment 685 in Filed Plan 191247, allotment 11 in Deposited Plan 55922 of section 437 and allotments 1-4 in Deposited Plan 66630 of section 438, Hundred of Comaam.

3. Buchanan Road—the section of road adjacent to allotment 1 in Deposited Plan 14981 of section 2199, allotment 103 in Filed Plan 214686 of section 2185, sections 2201, 2202, 2236, 481, 95, 450, 451, 561 and 449, Hundred of Hindmarsh.

F. N. BRENNAN, Chief Executive Officer

IN the matter of the estates of the undermentioned deceased persons:

*Aubert, Harold Arthur*, late of 687 Mitchell Street, Moonta Mines, tyre technician, who died on 1 January 2006.

*Aubert, Lynette Anne*, late of 687 Mitchell Street, Moonta Mines, retired service consultant, who died on 1 January 2006.

*Beneke, Ralph Rodney*, late of 13 Pavy Drive, Naracoorte, retired train driver, who died on 22 April 2006.

*Cook, Frederick George*, late of 8 Mine Street, Kadina, retired enquiry clerk, who died on 29 June 2006.

*Davies, John Charles*, late of 25 Noll Street, Risdon Park South, retired security officer, who died on 10 June 2006.

*Dent, James Ambrose Harry*, late of 101 Lake Terrace East, Mount Gambier, retired fuel pump mechanic, who died on 17 March 2006.

*Elphick, Agnes Smith*, late of 1 Glenunga Avenue, Glenunga, retired computer programmer, who died on 21 June 2006.

*Hall, Lloyd Sylvestas*, late of 1 Stewart Street, South Brighton, retired clerk, who died on 19 June 2006.

*Healy, Brian John*, late of Longwood Road, Bradbury, retired machinist, who died on 8 January 2005.

*Holmes, Ronald William*, late of 7 Partridge Street, Goolwa, retired storeman, who died on 2 July 2006.

*Jansen, Malcolm Walter*, late of 8A Butler Avenue, Lower Mitcham, retired Commonwealth public servant, who died on 3 June 2006.

*Jarrett, Eric Geoffrey Leo*, late of Everard Street, Largs Bay, retired clerk, who died on 9 July 2006.

*Kohler, David Mark*, late of 5 Kooraka Court, Hallett Cove, retired cartoonist, who died on 8 January 2006.

*Mazzone, Jason Ashleigh*, late of 13 Stone Street, Blair Athol, assistant manager, who died on 18 February 2006.

*Moore, Mary Margaret*, late of 35 Hulbert Street, Hove, widow, who died on 1 May 2006.

*Oko, Erna*, late of 74 Queen Street, Alberton, home duties, who died on 25 June 2006.

*Rice, Rita Gwendolen*, late of 14-22 King William Road, Wayville, of no occupation, who died on 11 June 2006.

*Rule, Edward John*, late of 66 Nelson Road, Valley View, retired upholsterer, who died on 9 June 2006.

*Schmidt, Beryl Maud*, late of 56 High Street, Grange, retired bookkeeper, who died on 2 June 2006.

*Simpson, Edith Florence*, late of 47 Glen Osmond Road, Eastwood, widow, who died on 22 May 2006.

*Small, Phyllis Jean*, late of 51 Eve Road, Bellevue Heights, retired stenographer, who died on 13 April 2006.

*Smith, Ruby Anne*, late of 54 Woodcroft Drive, Morphett Vale, retired dressmaker, who died on 17 May 2006.

*Stephens, Cyril Ernest William*, late of 43 Palm Avenue, Royal Park, retired clerk, who died on 13 November 2005.

*Warren, William Francis*, late of 276 Portrush Road, Beulah Park, of no occupation, who died on 22 March 2006.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Public Trustee, 25 Franklin Street, Adelaide, S.A. 5000, full particulars and proof of such claims, on or before 15 September 2006, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons who are indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver the same to the Public Trustee.

Dated 17 August 2006.

C. J. O'LOUGHLIN, Public Trustee

IN the matter of the estate of the undermentioned deceased person:

*Maudfred Joyce Secomb*, late of Austral Nursing Home, 29 Austral Terrace, Morphettville, who died on 9 May 2006.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the above estate are required to send full particulars and proofs of such claims to Executor Trustee Australia Limited, 44 Pirie Street, Adelaide, S.A. 5000, on or before 14 September 2006, otherwise they will be excluded from the distribution of the said estate and notice is also hereby given that all persons who are indebted to the said estate are required to pay the amount of their debts to the said Executor Trustee Australia Limited or proceedings will be taken for the recovery thereof and all persons having any property belonging to the said estate are forthwith to deliver the same to the said Executor Trustee Australia Limited.

Dated 17 August 2006.

EXECUTOR TRUSTEE AUSTRALIA LIMITED

POSITIVE LINE PTY LTD (ACN 008 103 535)

(CONTROLLER APPOINTED)

*Notice of Cessation of Controller*

LIFEPLAN AUSTRALIA FRIENDLY SOCIETY LIMITED (ACN 087 649 492), Level 10, 111 Gawler Place, Adelaide, S.A. 5000 has ceased to act as the controller of the abovenamed company.

Dated 9 August 2006.

JOHNSON WINTER & SLATTERY, Level 10, 211 Victoria Square, Adelaide, S.A. 5000

#### SALE OF PROPERTY

Auction Date: Wednesday, 30 August 2006 at 10 a.m.

Location: Government Auctions SA, 47 Transport Avenue, Netley.

NOTICE is hereby given that on the above date at the time and place stated, by virtue of Orders for Sale issued by the Fines Payment Unit of South Australia—Penalty No. EXREG 05/15067-1 and others, are directed to the Sheriff of South Australia, in an action wherein Abdul Wahed Bin Ishaq is the Defendant, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Government Auctions SA, make sale of the following:

Mazda 626  
Registration No. XFN 445

#### SALE OF PROPERTY

Auction Date: Friday, 1 September 2006 at 11 a.m.

Location: 24 Malbaru Avenue, Ingle Farm

NOTICE is hereby given that on the above date at the time and place stated, by virtue of the Warrant of Sale issued out of the District Court of South Australia, Action No. DCCIV 1251 of 2005, directed to the Sheriff of South Australia in an action wherein ETSA Utilities is the Plaintiff and Deane Raymond Watson and Sandra Wendy Watson are the Defendants, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Griffin Real Estate, make sale of the estate, right, title or interest whatsoever it may be of the Defendant, Sandra Wendy Watson as the registered proprietor of an estate in fee simple in the following:

That piece of land situated in the area named Ingle Farm, being 24 Malbaru Avenue, Ingle Farm, being the property comprised in certificate of title register book volume 5657, folio 120.

Further particulars from the auctioneers:

Mark Griffin  
Griffin Real Estate  
8 Greenhill Road  
Wayville, S.A. 5034  
Telephone (08) 8372 7872

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**Remember**—the onus is on you to inform us of any corrections necessary to your notice.

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