

**EXTRAORDINARY GAZETTE**



**THE SOUTH AUSTRALIAN  
GOVERNMENT GAZETTE**

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**ADELAIDE, MONDAY, 20 FEBRUARY 2006**

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Government House, Adelaide, 20 February 2006

HER Excellency the Governor has made the following appointments:

The Honourable Michael John Atkinson, MP:  
Minister for Correctional Services.

The Honourable Jay Wilson Weatherill, MP:  
Minister for Aboriginal Affairs and Reconciliation.

By Command,

P. M. STRATMANN, Official Secretary

Department of the Premier and Cabinet  
Adelaide, 20 February 2006

HER Excellency the Governor in Executive Council has been pleased to appoint Bruno Krumins, Member of the Order of Australia, as Governor's Deputy of South Australia for the period from 6 p.m. on Monday, 13 March 2006 until 1.30 p.m. on Monday, 27 March 2006.

By command,

J. W. WEATHERILL, for Premier

Department of the Premier and Cabinet  
Adelaide, 20 February 2006

HER Excellency the Governor in Executive Council has been pleased to appoint Oleg Morozow as a Native Title Commissioner being a part-time Commissioner, from 20 February 2006 until 30 June 2008, pursuant to section 10 of the Environment, Resources and Development Court Act 1993.

By command,

J. W. WEATHERILL, for Premier

AGO 0150/03 CS

Department of the Premier and Cabinet  
Adelaide, 20 February 2006

HER Excellency the Governor in Executive Council has been pleased to appoint John Gilbert Carey as a Competition Commissioner for a period commencing on 20 February 2006 and expiring on 31 December 2007, pursuant to Section 5 of the Government Business Enterprises (Competition) Act 1996.

By command,

J. W. WEATHERILL, for Premier

DPC 039/03 CS

#### DEVELOPMENT ACT 1993, SECTION 48:

#### PROVISIONAL DEVELOPMENT AUTHORISATION

#### *Decision by Her Excellency 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 3 October 1997, and pursuant to section 48 of the Development Act 1993, the Governor granted development approval for the new marina, marina pier building platform, offshore reef structure for sand trapping and other works in the area of the Glenelg Foreshore and Environs. The development was subject to an Environmental Impact Statement and Assessment Report, pursuant to sections 46 and 46B of the Development Act 1993 (and as officially recognised under the Planning Act 1982).

3. 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.

4. 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.

5. Application was made to the Governor under section 48 of the Development Act 1993, for a development authorisation for the proposed Holdfast Shores Stage 2B development at Glenelg. The development application, as it relates to the Holdfast Shores Stage 2B development was amended and expanded upon by the amended Development Report, dated 18 September 2003, the Applicant's Response to submissions, dated 17 December 2003 and the following updated documents and drawings:

#### *Documents*

- Letter from Alexander Symonds to Planning SA dated 11 October 2005.
- Letter from Baulderstone Hornibrook Urban Construct Joint Venture to Planning SA dated 14 December 2005.
- Letter from Connor Holmes to Planning SA dated 6 January 2006.
- Letter from Norman Waterhouse to Planning SA dated 20 January 2006.
- Letter from Woodhead International to Planning SA, titled Holdfast Shores Stage 2B Amendment No. 4 of Provisional Development Authorisation, dated 13 May 2005.
- Letter from Woodhead International to Planning SA, titled Holdfast Shores Stage 2B, Response to Council Issues, dated 27 May 2005.
- Letter from Woodhead International to Planning SA, titled Package 7 Building Rules Certification, dated 6 May 2005.
- Letter from Woodhead International to Planning SA, titled Holdfast Shores Stage 2B, Glenelg Town Hall Egress, dated 8 March 2005.

- Letter from Woodhead International to Planning SA, titled Amendment No. 3 to Development Authorisation—Temporary Walkway, dated 24 January 2005.
- Letter from Woodhead International to Planning SA, Amendment No. 3 to Provisional Development Authorisation, dated 11 January 2005.
- Letter from Woodhead International to Planning SA, titled Packages 5 and 6 Building Rules Certification, dated 4 January 2005.
- Letter from Woodhead International to Planning SA, Amendment No. 3 of Provisional Development Authorisation, dated 27 October 2004.
- Letter from Woodhead International to Planning SA, titled Packages 3 and 4 Building Rules Certification, dated 28 September 2004.
- Letter from Woodhead International to Planning SA, Amendment No. 2 to Provisional Development Authorisation, dated 17 August 2004.
- Letter from Woodhead International to Planning SA, Amendment No. 1 to Provisional Development Authorisation, dated 1 June 2004.
- Letter from Woodhead International to Planning SA titled Early Works Package 2B Building Rules Certification, dated 15 July 2004.
- 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 Further Information and Clarification, dated 22 January 2004 and accompanying documents.

#### *Drawings*

- Land division Plan for DA 110/D052/05 Ref. A031202.00 lodged electronically on EDALA on 22 June 2005.
- Drawing Titled: 'Stage 2B Entertainment Building Level 1' Supplementary Plan Number: 115 rev E (13 May 2005).
- Drawing Titled: 'Stage 2B Entertainment Building Level 2' Supplementary Plan Number: 116 rev E (13 May 2005).
- Drawing Titled: 'Stage 2B Entertainment Building Levels 3, 4 and 5' Supplementary Plan Number: 117 rev E (13 May 2005).
- Drawing Titled: 'Alterations to Glenelg Town Hall' Drawing No. 02047301AR W308G-revision G.
- Drawing Titled: 'Stage 2B Entertainment Building Level 1' Supplementary Plan Number: 115 rev E.
- Drawing Titled: 'Stage 2B Entertainment Building Level 2' Supplementary Plan Number: 116 rev D.
- Drawing Titled: 'Stage 2B Entertainment Building Levels 3, 4 and 5' Supplementary Plan Number: 117 rev D.
- Drawing Titled: 'Stage 2B Entertainment Building Elevations' Supplementary Plan Number: 118 rev D.
- Drawing Titled: 'Stage 2B Entertainment Building Elevations' Supplementary Plan Number: 119 rev D.
- Drawing Titled: 'Stage 2B Entertainment Building Sections' Supplementary Plan Number: 120 rev D.
- Drawing Titled: 'Stage 2B Entertainment Building Basement Carpark' Supplementary Plan Number: 187.
- Drawing Titled: 'GSLSC Beach Tower'; Supplementary Plan Number: 186.
- 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.

6. 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.

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

8. Pursuant to section 48 of the Development Act 1993 and Regulation 64 (1) of the Development Regulations 1993, the Governor has the right to reserve matters for further decision-making. The Governor decided to grant a provisional development authorisation, with a view to certain matters being considered for further decision-making.

9. Application was made to the Governor under section 48 of the Development Act 1993 to give an approval for the reserved matters for the roofline of the Platinum Apartments and the balconies fronting Moseley Square.

10. The amendments to the development are contained in a letter received from Woodhead International on 1 June 2004.

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

12. The Governor was satisfied that the amendments do not require the preparation of a further or amended Development Report and granted provisional development authorisation on 28 October 2004.

13. Application was made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993 to give an approval for the Building Rules Certification for Packages 3 and 4, and underground extension to the car park and the construction of a beach hut/observation tower.

14. The amendments to the development were contained in the letters received by Woodhead International dated 17 August 2004 and 28 September 2004. The letter of 28 September 2004 contains accompanying Building Rules documentation from Katnich Dodd. The letter contains the signed approval by Katnich Dodd of the Building Rules Certification for Packages 3 and 4.

15. Application has now been made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993 to give an approval for the Building Rules Certification for Packages 5 and 6 and the temporary walkway and modifications to the Entertainment Building.

16. The amendments to the development are contained in the letters received by Woodhead International dated 27 October 2004 and 11 January 2005. The letters dated 4 January 2005 and 24 January 2005 contain accompanying Building Rules documentation from Katnich Dodd. The letter contains the signed approval by Katnich Dodd of the Building Rules Certification for Packages 5 and 6 and the temporary walkway.

17. Application was made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993 to grant an approval for the Building Rules Certification for Package 7 and modifications to the Glenelg Town Hall egress.

18. The amendments to the development were contained in the letter received by Woodhead International dated 8 March 2005. The letter dated 6 May 2005 contains accompanying Building Rules documentation from Katnich Dodd. The letter contains the signed approval by Katnich Dodd of the Building Rules Certification for Package 7.

19. Application was made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993 to grant an approval for Amendment No. 4—Modifications to the Entertainment Building.

20. The amendments to the development were contained in the letter and accompanying plans received by Woodhead International dated 13 May 2005 and the letter dated 27 May 2005.

21. Application has now been made to the Governor under section 48 of the Development Act 1993 for a Land Division creating 9 new titles from 4 existing titles including 5 new Torrens Titles fronting Moseley Square.

22. The amendments to the development are contained in the plans lodged electronically on EDALA on 22 June 2005 and correspondence from Alexander Symonds dated 11 October 2005, Baulderstone Hornibrook Urban Construct Joint Venture dated 14 December 2005, Connor Holmes dated 6 January 2006 and Norman Waterhouse dated 20 January 2006.

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

24. The Governor 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, and with the advice and consent of the Executive Council, in relation to a proposal submitted by Holdfast Shores Consortium to develop the Holdfast Shores Stage 2B at Glenelg, I:

- (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, 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 carpark in the Entertainment Building;
- (h) grant provisional development authorisation for the variation relating to modifications to the Entertainment Building;
- (i) grant provisional 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 provisional 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 the 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; and
- (o) approve the land division application 110/D052/05, lodged electronically with the Development Assessment Commission on EDALA on 22 June 2005.

#### *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 Titled: 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'; Drawing 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 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 Number 1 to Provisional Development Authorisation (reserved matters), dated 1 June 2004.
  - The letter from Woodhead International to Planning SA, titled Amendment Number 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 Number 3 to Development Authorisation—Temporary Walkway, dated 24 January 2005.
  - The letter from Woodhead International to Planning SA, Amendment Number 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 Number 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 110/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—Glenent Pty Ltd dated 20 January 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. That the encumbrance attached to the letter from Glenelg Pty Ltd dated 17 February 2006 shall be registered on the 5 Torrens Titles, facing Moseley Square as soon as practicable after the land division No. 110/D052/05 is implemented.

27. That the financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services, for land division application No. 110/D052/05. (SA Water 90097/04 Water/Sewer).

28. That the necessary easements shall be granted to the SA Water Corporation free of cost for land division application No. 110/D052/05.

29. That two copies of a certified survey plan shall be lodged for Certificate purposes for land division application No. 110/D052/05.

#### NOTES FOR APPLICANT

*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 specifications 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 manufacturer's 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 proforma 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, 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.

- 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*.

Given under my hand at Adelaide on 20 February 2006.

MARJORIE JACKSON-NELSON, Governor