



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 21 MARCH 2019

CONTENTS

Appointments, Resignations, Etc.....	904	REGULATIONS	
Associations Incorporation Act 1985—Notice	904	Police Act 1998—(No. 23 of 2019)	930
Corporations and District Councils—Notices.....	947	Motor Vehicles Act 1959—(No. 24 of 2019)	934
Development Act 1993—Notices	904	Road Traffic Act 1961—(No. 25 of 2019).....	937
Environment Protection Act 1993—Notice	916	(No. 26 of 2019).....	941
Fisheries Management Act 2007—Notice.....	916	Opal Mining Act 1995—(No. 27 of 2019).....	943
Geographical Names Act 1991—Notice.....	918	(No. 28 of 2019).....	945
Housing Improvement Act 2016—Notices.....	918	Remuneration Tribunal—Report and Determination.....	922
Mining Act 1971—Notice.....	919	Shop Trading Hours Act 1977—Notice	927
Motor Vehicles Act 1959—Notice	919	Transplantation and Anatomy Act 1983—Notice.....	927
National Electricity Law—Notice	948	Trustee Act 1936—Administration of Estates	948
Petroleum and Geothermal Energy Act 2000—Notices	921	Wilderness Protection Act 1992—Notice.....	927
Phylloxera and Grape Industry Act 1995—Notice	922		
Proclamations	928		

All public Acts appearing in this gazette are to be considered official, and obeyed as such

Department of the Premier and Cabinet
Adelaide, 21 March 2019

His Excellency the Governor in Executive Council has been pleased to appoint Professor Brenda Wilson as Governor's Deputy of South Australia for the period from 9:00am on Wednesday, 27 March 2019 until 6:00pm on Thursday, 28 March 2019.

By command,

STEVEN SPENCE MARSHALL
Premier

Department of the Premier and Cabinet
Adelaide, 21 March 2019

His Excellency the Governor in Executive Council has been pleased to appoint John Irving, Alexander Lazarevich and David Roland Rupert Parker as sessional Ordinary Members of the South Australian Civil and Administrative Tribunal for a term of five years commencing on 31 March 2019 and expiring on 30 March 2024 - pursuant to the provisions of the South Australian Civil and Administrative Tribunal Act 2013.

By command,

STEVEN SPENCE MARSHALL
Premier

AGO0028-19CS

ASSOCIATIONS INCORPORATION ACT 1985

SECTION 43A

Deregistration of Associations

NOTICE is hereby given that the Corporate Affairs Commission approves the applications for deregistration received from the associations named below pursuant to section 43A of the Associations Incorporation Act, 1985. Deregistration takes effect on the date of publication of this notice.

DOG'S LIFE PRODUCTIONS INCORPORATED
MANY THREADS FUND INCORPORATED
MANY THREADS PROJECT INCORPORATED
SOCIETY OF SPONSORS INCORPORATED
THE PROBUS CLUB OF THORNDON PARK INCORPORATED
TOGETHER SA INCORPORATED
VERANDAH THEATRE INCORPORATED

Dated: 18 March 2019

ROSALBA ALOI
A Delegate of the Corporate Affairs Commission

DEVELOPMENT ACT 1993

NOTICE UNDER SECTION 25(17)

City of Norwood, Payneham and St Peters—Educational Establishments Review Development Plan Amendment

Preamble

1. The Educational Establishments Review Development Plan Amendment (the Amendment) by the City of Norwood, Payneham and St Peters has been finalised in accordance with the provisions of the *Development Act 1993*.
2. The Minister for Planning has decided to approve the Amendment.

PURSUANT to section 25 of the *Development Act 1993*, I –

- a. approve the Amendment; and
- b. fix the day on which this notice is published in the Gazette as the day on which the Amendment will come into operation.

Dated: 15 March 2019

STEPHAN KNOLL
Minister for Planning

DEVELOPMENT ACT 1993

SECTION 48

Decision by the Delegate of the Minister for Planning

Preamble

1. On 18 February 2016 notice of the Governor's decision to grant a development authorisation under section 48 of the Development Act 1993, in respect of a proposal to establish and operate a golf course resort on the south eastern coast of Kangaroo Island by Programmed Turnpoint Pty Ltd, was published in the *South Australian Government Gazette* at p 535.
2. Simultaneously, the Governor delegated his power to grant a variation to the Kangaroo Island Golf Course Resort development authorisation to the Minister for Planning pursuant to section 48 (8) of the Development Act 1993.
3. A variation to the development authorisation for modifications to the layout of the development was notified in the *South Australian Government Gazette* on 30 May 2017 at p 1956.
4. By letter dated 18 January 2019, Kangaroo Island Links Pty Ltd, now being the beneficiary of the development authorisation, sought a variation to the authorisation for a 12 month extension of time to the date by which 'substantial commencement' must occur.
5. I am satisfied that the Public Environmental Report and Assessment Report prepared in relation to the proposed Major Development are appropriate and have had regard, when considering the proposed Major Development, to all relevant matters under Section 48 (5).
6. For ease of reference the conditions attached to the Kangaroo Island Golf Course Resort development authorisation are republished in full hereunder.

Decision

PURSUANT to Section 48 (7) (b) (ii) of the Development Act 1993; and having due regard to the matters set out in Section 48 (5) and all other relevant matters; and exercising the power of the Governor delegated by notice in the *South Australian Government Gazette* dated 18 February 2016 pursuant to section 48 (8), I:

- (a) vary the Kangaroo Island Links Pty Ltd Kangaroo Island Golf Course Resort development authorisation dated 30 May 2017, subject to the conditions set out below;
- (b) specify under Section 48 (7) (b) (iii) all matters which are the subject of conditions herein as matters in respect of which the conditions of this authorisation may be varied or revoked, or new conditions attached; and
- (c) specify for the purposes of Section 48 (11) (b) that substantial work must be commenced on site no later than 30 May 2020, failing which I may cancel this authorisation under Section 48 (11).

CONSOLIDATED VERSION OF CONDITIONS OF AUTHORISATION

General

1. The proponent shall carry out the development generally in accordance with the:
 - (a) Development Application, prepared by Programmed Turnpoint Pty Ltd, dated April 2014, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in paragraph 1 (d);
 - (b) Public Environmental Report, prepared by Programmed Turnpoint Pty Ltd, dated April 2015, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in paragraph 1 (d);
 - (c) Response Document prepared by Branford Planning + Design on behalf of Programmed Turnpoint Pty Ltd, dated August 2015, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in paragraph 1 (d); and
 - (d) Variation application, comprising a letter from Kangaroo Island Links Pty Ltd to the Minister for Planning, dated 26 April 2017; document titled 'Development Update – Kangaroo Island Resort, Located at Pennington Bay, Kangaroo Island South Australia' prepared by Kangaroo Island Links Pty Ltd, dated 23 February 2017; and layout plan dated 27 March 2017.
2. The proponent shall have completed the development within five years of the date of this authorisation, failing which the authorisation may be cancelled.
3. In accordance with Conditions 1 and 2 above, the development shall be completed in accordance with the following, failing which I may cancel the authorisation:
 - (a) Essential infrastructure works, including power and water supply to the site, shall be completed prior to any other works, and be substantially commenced within two years of the date of this authorisation.
 - (b) Works on the golf course shall commence within 6 months of the completion of infrastructure works, and shall be completed prior to the commencement of any residential development on the site, excluding land division for that purpose.
 - (c) The clubhouse and tourist accommodation must be commenced within 6 months of completion of the golf course.
 - (d) All external and internal road upgrades, including car parking areas, shall be commenced and completed prior to occupation of development on the site, and prior to commencing commercial operations.

Prior to the Commencement of Construction Works

The following information shall be submitted for further assessment and approval by the Minister for Planning, prior to the commencement of construction works:

4. Building Rules compliance, following assessment and certification by a private certifier, the Kangaroo Island Council or by a person determined by the Minister for Planning, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Development Regulations 2008). For the purposes of this condition 'building work' does not include plant and equipment or temporary buildings that are not permanently attached to the land (refer to relevant Advisory Notes below).
5. Final detailed plans for all structures on site and for each component of the development (including site plans, floor plans, elevations, cross-sections, rendered perspectives, final golf course layout and other relevant specifications).
6. Final plans, drawings, specifications and financial and maintenance arrangements (including Deeds of Agreement) associated with road infrastructure upgrades for the intersection of Hog Bay Road and Davies Road, prepared in consultation with the Department of Planning, Transport & Infrastructure and the Kangaroo Island Council.
7. Final plans, drawings, specifications and financial and maintenance arrangements (including Deeds of Agreement) associated with road infrastructure upgrades for Davies Road and Cathers Road, prepared to the reasonable satisfaction of the Kangaroo Island Council.
8. A Preliminary Site Investigation / Site History Report to determine whether a potentially contaminating land use has occurred on the site in the past, prepared in consultation with the Environment Protection Authority.
9. A sand drift erosion and cliff stability investigation shall be completed, in consultation with the Department of Environment, Water and Natural Resources, and the finding included into the final design of the golf course.
10. A Construction Environmental Management and Monitoring Plan (CEMMP), prepared in consultation with the Environment Protection Authority, the Department of Environment Water and Natural Resources and the Kangaroo Island Council. The CEMMP must incorporate measures to address (but not be limited to) the following matters:
 - (a) traffic management for the duration of demolition and construction;
 - (b) construction and works noise management to ensure compliance with the Environment Protection (Noise) Policy 2007;
 - (c) management of air quality (including odour and dust);
 - (d) sequencing of development (including construction timelines for works on site, as well as periods and hours of construction);
 - (e) occupational health and safety matters;
 - (f) bio-security and wash down procedures to minimise the transfer of pests and pathogens during the construction process;
 - (g) soils (including fill importation), stockpile management and prevention of soil contamination (such as from chemical use and storage, pest plants and pathogens);

- (h) soil erosion and sediment control (including rehabilitation and stabilisation of land as construction progresses);
 - (i) stormwater management, prior to implementation of a permanent solution;
 - (j) groundwater (including prevention of groundwater contamination);
 - (k) site contamination and remediation (where required);
 - (l) Aboriginal Heritage to ensure compliance with the Aboriginal Heritage Act 1988;
 - (m) waste management for all waste streams and overall site clean-up;
 - (n) use and storage of chemicals, oil, construction-related hazardous substances and other materials that have the potential to contaminate the environment (including proposed emergency responses); and
 - (o) site security, fencing and safety (including the management of public access and local traffic).
11. An Integrated Water Management Plan (IWMP), prepared in consultation with the Environment Protection Authority and the Department of Environment, Water and Natural Resources. The plan must incorporate measures and actions to address (but not be limited to) the following issues:
- (a) a site plan identifying all water related features and infrastructure for the storage, treatment and/or reuse of potable water, stormwater, wastewater and irrigation water;
 - (b) water balance information, including the total water needs of all components of the development;
 - (c) observation wells and a water level and water quality monitoring program;
 - (d) total wastewater generation from the development (based on projected wastewater volumes per day);
 - (e) predicted greywater generation volumes and a description of how all greywater will be collected, stored and re-used on site (if greywater is to be collected separately to wastewater);
 - (f) predicted evaporative losses from water and wastewater storages;
 - (g) a description of how all wastewater will be collected, stored and re-used on site (including the capacity of the system);
 - (h) a Reclaimed Water Irrigation Management Plan, prepared in accordance with the EPA Guideline 'Wastewater Irrigation Management Plan – a Drafting Guide for Wastewater Irrigators' (June 2009);
 - (i) details of the proposed wastewater storage lagoon liners, prepared in accordance with the EPA Guideline 'Wastewater Lagoon Construction' (November 2014);
 - (j) predicted stormwater generation volumes and details of stormwater quality improvements, including the location and sizing of bio-retention swales and basins, anticipated quality improvements and details of any other proposed stormwater quality treatment features;
 - (k) management of the potential impacts from nutrient and chemical runoff from the golf course, including details regarding the management of pesticides and herbicides, in accordance with the EPA 'Guidelines for Responsible Pesticide Use' (December 2005) and the EPA 'Safe and Effective Pesticide Use: a Handbook for Commercial Spray Operators';
 - (l) control of the spread of turf grasses; and
 - (m) contingencies to address any detrimental effects, especially on local hydrology.
12. Preparation and implementation of a Cultural Heritage Management Plan for the site (including the infrastructure corridors), to be prepared in consultation with relevant Aboriginal heritage representatives, to establish protocols for the discovery of any Aboriginal sites, objects and/or remains during construction.

During Construction Works and Prior to Operation of the Development

13. All works shall be undertaken in accordance with the approved plans, drawings, specifications and other documentation provided in accordance with conditions 4 to 12 listed above.

The following information shall be submitted for further assessment and approval by the Minister for Planning, during construction works and prior to the operation of the development.

14. An Operational Environmental Management and Monitoring Plan (OEMMP), prepared in consultation with the Environment Protection Authority, the Department of Environment Water and Natural Resources and the Kangaroo Island Council. The OEMMP must incorporate measures to address (but not be limited to) the following matters:
- (a) general operational noise management (such as from machinery noise), to ensure compliance with the Environment Protection (Noise) Policy 2007;
 - (b) a Waste Management strategy detailing the collection, storage and disposal of waste (for all waste streams) to comply with the Environment Protection (Waste to Resources) Policy 2010;
 - (c) wastewater collection and treatment to comply with general obligations of the Environment Protection (Water Quality) Policy 2004;
 - (d) traffic management associated with the preparation of events;
 - (e) noise from live and/or recorded music and public address systems for events;
 - (f) a Kangaroo and Wallaby Management Strategy (including any proposed site fencing and implementation of natural barriers);
 - (g) emergency and evacuation procedures (including a Fire Management Plan prepared in consultation with the Country Fire Service); and
 - (h) ongoing sustainability initiatives (including power, water, flora and fauna management) and details of proposed methods for ongoing monitoring and reporting.
15. A Native Vegetation Management, Rehabilitation and Revegetation Plan, prepared in consultation with the Department of Environment, Water and Natural Resources and the Kangaroo Island Natural Resources Management Board. The plan also should include details on how weeds and pests are to be managed following commencement of operations.

During Operation of the Development

16. Operations on the site shall be undertaken in accordance with the approved plans, drawings, specifications and other documentation provided in accordance with conditions 12 – 15 as listed above.

17. The development/site shall be maintained in a serviceable condition and operated in an orderly manner at all times consistent with conditions of approval, to the satisfaction of the Minister for Planning.
18. Undeveloped allotments shall be maintained in a neat and tidy condition at all times, with soil surfaces stabilised to minimise erosion, to the satisfaction of the Minister for Planning.
19. Recycled water (wastewater, greywater and stormwater) must be stored separately from the main water supply storage in accordance with relevant EPA Guidelines.
20. All liquids that have the ability to cause environmental harm must be stored within a bunded compound that has a capacity of at least 120% of the volume of the largest container, in accordance with the EPA 'Bunding and Spill Management Guidelines' (2007).

ADVISORY NOTES

1. Approvals will be required for all structures on site and for each component of the development, including:
 - the resort clubhouse building and associated facilities;
 - the tourist accommodation (lodges and suites);
 - storage sheds and other storage structures;
 - the water storage dam; and
 - any land division to create certificates of title for separate allotments.

In respect of land division documentation, surveyed plans sufficient to satisfy Lands Titles Office procedure should be provided.

2. Further designs and plans (i.e. subject to separate applications to the Minister for Planning or the Development Assessment Commission, as the Governor's delegate, will be required should further development approval be sought for dwellings or additional tourist accommodation.
3. Pursuant to Development Regulation 64, the applicant is advised that the Kangaroo Island Council or private certifier conducting a Building Rules assessment must-
 - (a) provide to the Minister a certification in the form set out in Schedule 12A of the Development Regulations 2008 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; and
 - (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 Act 1993.

Regulation 64 of the Development Regulations 2008 provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning.

4. The Kangaroo Island Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this development authorisation (including any Conditions or Advisory Notes that apply in relation to this development authorisation).
5. 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 Public Environmental Report and Assessment Report referred to in this development authorisation. If an application variation involves substantial changes to the proposal, pursuant to Section 47 of the Development Act 1993, the applicant may be required to prepare an amended Public Environmental Report for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and a decision made by the Governor pursuant to Section 48 of the Development Act 1993.
6. The applicant's CEMMP and other Plans should be prepared taking into consideration (and with explicit reference to) relevant EPA policies and guideline documents, including, but not limited to:
 - (a) the Environment Protection (Air Quality) Policy 1994;
 - (b) the Environment Protection (Noise) Policy 2007;
 - (c) the Environment Protection (Water Quality) Policy 2003;
 - (d) the Environment Protection (National Pollutant Inventory) Policy 2008;
 - (e) the Standard for the Production and Use of Waste Derived Fill (if applicable) (2013);
 - (f) the Bunding and Spill Management Guidelines (2012);
 - (g) the Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry (1999);
 - (h) Handbooks for Pollution Avoidance; and
 - (i) any other legislative requirements, Guidelines and Australian Standards requiring compliance.

7. All works and activities must be undertaken in accordance with the General Environmental Duty as defined in Part 4, section 25(1) 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), relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993 and other relevant publications and guidelines.

8. A site contamination consultant must be engaged to prepare the Preliminary Site Investigation Report, in accordance with Schedules A and B of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM). If the report identifies that a potentially contaminating activity has occurred, an accredited Site Contamination Auditor must provide a Site Contamination Audit Report that states the site is suitable for residential use or the site does not pose unacceptable risks to human health and the environment for the proposed commercial area (e.g. short term tourist accommodation).

Statements by site contamination consultants in relation to site contamination must be clearly qualified as to the existence of site contamination at the site by specifying the land uses that were taken into account in forming that opinion as required by Section 103ZA of the Environment Protection Act 1993.

9. Best practice with regard to bioretention is considered to be a design which uses the guidance contained in the Cooperative Research Centre 'Water Sensitive Cites Guidelines for Stormwater Biofiltration Systems – Summary Report' (2015), available at: www.watersensitivecities.org.au. To be effective at treating stormwater on a long term basis, it is recommended that at least 50% of the plants used for bioretention are those recommended in the Report.

10. The applicant is reminded of its obligations under the Native Vegetation Regulations 2003 whereby any native vegetation clearance must be undertaken in accordance with a management plan that has been approved by the Native Vegetation Council that results in a significant environmental benefit on the property where the development is being undertaken, or a payment is made into the Native Vegetation Fund of an amount considered by the Native Vegetation Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Native Vegetation Act 1991, prior to any clearance occurring.
11. Kangaroos are protected under the National Parks and Wildlife Act 1972. South Australia has a Kangaroo Management Plan which has been approved under federal legislation, and a planning decision does not include approvals for the culling of Kangaroos, which is a separate matter to be carefully managed in consultation with the Department of Environment, Water and Natural Resources and Natural Resources Kangaroo Island.
12. The applicant is reminded of its obligations under the Aboriginal Heritage Act 1988, whereby any 'clearance' work that may require permission to disturb, damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to Section 23 of the Act.
13. 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.
14. The applicant is reminded of its obligations under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), not to undertake any activity that could have a significant impact on any matter of National Environmental Significance, without first referring it to Commonwealth Minister for the Environment for consideration under the Act.
15. The Minister has a specific power to require testing, monitoring, auditing and reporting under Section 48C of the Development Act 1993.

Dated: 6 March 2019

JASON CATTONAR
Unit Manager
Development Assessment
Department of Planning, Transport and Infrastructure

DEVELOPMENT ACT 1993

SECTION 48 (7A)

Decision by the Minister for Planning under Delegation from the Governor

Preamble

1. On 24 May 2007 the Minister for Urban Development and Planning declared the development of land on the corner of Anzac Highway and Marion Road at Plympton for the purposes of a mixed use residential and commercial complex a major development pursuant to Section 46 of the Development Act 1993. The declaration was varied on 29 January 2009 to expand the land to which the declaration applied.
2. A proposal from the Palmer Group (hereafter 'the proponent') to construct a mixed residential and commercial retail complex on the corner of Anzac Highway and Marion Road at Plympton was the subject of a Development Application lodged on 2 July 2007. That application ('the proposed major development') was subsequently varied on 29 January 2009 and 17 May 2013.
3. The proposed major development has been the subject of a Development Report in May 2009 and an amended Development Report in May 2013 and has been assessed in accordance with Sections 46, 46D and 47 of the Act. On 23 December 2013 the Governor granted provisional development authorisation to the proposed major development reserving his decision on a number of specified matters for further assessment pursuant to s48(6) of the Development Act 1993. The Governor also delegated to the Minister for Planning the power to deal with certain aspects of the approval, including the power to decide on specified matters reserved for further assessment, the power to permit any variation associated with the said provisional development authorisation, and the power to grant a final development authorisation required under Section 48 (2) (b) (i) of the Act.
4. By letter dated 28 February 2014 the proponent applied to vary the provisional development authorisation of 23 December 2013. The variations sought were three-fold.
5. The first variation proposes an amendment to the number of stages and the associated timing of each, and permits the grant of final development authorisation in respect of each stage, separately from the remainder of the proposed major development, upon satisfaction of matters reserved for further assessment of the stage.
6. The second variation proposes an amendment to the composition and number of apartments within the western tower, now proposed as part of the Stage 1 works, resulting in the construction of an additional one bedroom unit on each level of the western tower, for a total of four additional one bedroom units.
7. The third variation proposes amendment to the requirement for boundary screening along the side of the West Tower by shifting its location from the eastern side of the building to the western side of the building, and allowing flexibility in the nature of the screening recognising that there exists a range of design options available to avoid overlooking.
8. On 12 June 2014 the Minister for Planning approved the variations sought.
9. By letter dated 21 September 2015 the proponent applied to vary the provisional development authorisation of 12 June 2014. The variation sought was to allow the western tower, previously approved, to be constructed without the need to undertake major traffic infrastructure modifications as required by Reserve matter (e) (i-ix) and Reserve Matter (f) of the decision of 12 June 2014. This variation seeks to have these Reserve matters apply to stages 2-4 of the proposed development only.
10. By letter dated 2 October 2015 the proponent applied to waive the requirement for a Land Management Agreement (LMA) for 15% Affordable housing provision for the West Tower (or Stage 1) of the development due to the nature of the development and the provision of a significant provision of one bedroom apartments and their intrinsic 'affordable' designation. This approach has been supported by Renewal SA (affordable Housing LMA's).
11. On 31 October 2017 the Palmer Group now having the benefit of the development authorisation, applied for an amendment to the development authorisation to allow for the construction of the East Tower apartments, supermarket, and specialty shops and associated car parking as part of Stage 2. A minor change to existing allotment boundaries was also submitted on 19 December 2017. On 21 June 2018 the Minister for Planning approved the variations sought.
12. On 30 October 2018, the Palmer Group made application for a further amendment to the development authorisation to allow for additional design and configuration changes of Stage 2. These changes included: removal of the retail first floor car park (reduction of 202 car parks), a reconfigured at grade car park (264 car parks), removal of retail basement storage, a reduction in

supermarket floor area (previously 3313m²), a reduction in area of specialty shops and reconfiguration from 579m² to 365m², and the addition of 7 two storey townhouses on Elizabeth Avenue. The East Tower is now a stand-alone 5 storey building comprising 28 apartments. Additional works include two pylon signs, a change in delivery and service vehicle routes which will now occur thorough the site, landscaping improvements, and the provision of ground floor communal space (East Tower).

13. The proposal has been the subject of a further Amendment to the DR and related Amended Assessment Report under section 47 of the Development Act 1993, and hereafter is referred to as the proposed amended Major Development
14. I am satisfied that an appropriate Amended Development Report and an Amended Assessment Report have been prepared in relation to the proposed amended Major Development in accordance with section 47, Division 2 of Part 4 of the Development Act 1993, and have had regard, when considering the proposed amended Major Development, to all relevant matters under section 48(5) of the Development Act 1993.
15. I have decided to grant a development authorisation to the proposed amended Major Development under section 48 (2) of the Development Act 1993.
16. For ease of reference, I have:
 - converted Reserved matter Part A(c) (affordable housing) to a condition of the authorisation
 - converted Reserved matter Part A (e) (i)-(ix) (developer agreement and traffic management) as conditions of the authorisation
 - converted Reserved matter Part A (f) (final carparking plan) to a condition of the authorisation
 - amended Reserved matter Part A (b)&(i) to better reflect design requirements or which no longer apply
 - deleted Reserved matter Part A (h) and incorporated this requirement into a condition of the authorisation
 - deleted Conditions 15, 20, 25, 26, 32, 42, and 49-54 due to design changes or which no longer apply
 - amended Conditions 10, 12, 22, 27, 28, 31 and 39 to better reflect design requirements, remove duplication or update details
 - retained Conditions applicable to the development (numbers 1-11, 13-14,16-19, 21,23-24,28-30,33-38,40-41,43-48,51,55-64).
 - Amended various advisory notes to account for the above changes and update details.

Decision

In the exercise of the power delegated to me by the Governor by Notice in the South Australian Government Gazette on 23 December 2013 pursuant to Section 48 (9) of the Development Act 1993 to assess matters reserved for further assessment in relation to a proposal to develop land on the corner of Anzac Highway and Marion Road at Plympton as a mixed use commercial and residential complex, and to vary the provisional development authorisation granted to that proposed development on 12 June 2014, and having due regard to the matters set out in Section 48 (5) and all other relevant matters I vary the provisional development authorisation:

For ease of reference and understanding, the entire Provisional Development Authorisation is reproduced below incorporating the variations the subject of this Notice.

NOTICE

PURSUANT to Section 48 of the Act and having due regard to the matters set out in Section 48 (7a) and all other relevant matters, I under delegation from the Governor:

- (a) vary the provisional development authorisation in relation to the proposed Major Development under Section 48 (7a) subject to the Reserved Matters set out in Part A below and Conditions set out in Part B below;
- (b) pursuant to Section 48 (6) reserve my decision on the matters specified in Part A below;
- (c) specify under Section 48 (7) (b) (i) all matters which are the subject of conditions herein and all reserved matters herein as matters in respect of which the conditions of this authorisation may be varied or revoked or new conditions attached and separately to specify the matter of the completion of the works as a matter in respect of which a condition may be imposed in any final authorisation to be granted; and
- (d) specify for the purposes of Section 48 (11) (b) the period of two years from the date of this provisional development authorisation as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation under Section 48 (11) and proceed to refuse a final development authorisation under Section 48 (2) (a).

PART A: RESERVED MATTERS

The following matters are reserved for further assessment, and may be assessed and approved individually and sequentially according to the Staging and Completion requirements set out in conditions 4, 5 and 6 of this provisional development authorisation:

- (a) detailed design plans and drawings for all structures on site for approval by the Minister for Planning. The final designs, plans and drawings must show the layout of the structures on the site cross-sections as well as elevations and drawings for each component of the development and the sustainability and amenity measures proposed by the proponent;
- (b) a Building Sustainability Plan that includes details of the objectives and measures to be implemented to achieve energy and water efficiencies, the use of recycled materials, minimisation of emissions and waste minimisation/recycling for the proposed development. This would need to be shown on the plans and elevations where applicable;
- (c) a Waste Management Plan for each component of the development, prepared to the reasonable satisfaction of Zero Waste, the Environment Protection Authority and City of West Torrens Council;
- (d) a Traffic and Parking Management Plan, prepared to the reasonable satisfaction of the Department of Planning, Transport and Infrastructure and City of West Torrens Council, including legally binding agreements between the proponent and the responsible road authority for any necessary works and arrangements excepting Stage 1 (West Tower);
- (e) a detailed Landscaping Plan for each component of the project;
- (f) a detailed Stormwater Management Plan prepared to the reasonable satisfaction of the Environment Protection Authority and City of West Torrens Council.

PART B: CONDITIONS OF PROVISIONAL DEVELOPMENT AUTHORISATION

1. The development authorisation granted hereunder is provisional only, does not operate as a final development authorisation and does not therefore authorise implementation of the proposed Major Development. Only an authorisation granted under Section 48 (2) (b) (i) can operate to authorise implementation of the proposed Major Development, which authorisation would only be granted after the reserved matters have been assessed and approved for each specific stage.
- 1a. 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 the following documents and drawings:
 - Highway Inn Properties Pty Ltd—290 Anzac Highway, North Plympton—Transit Orientated Development Proposal—Planning Application—2 July 2007;

- Development Report—Mixed Use Development—Anzac Highway and Marion Road—Plympton—May 2009;
- Plympton Mixed Use Development—Amendment to Development Report—Prepared by Connor Holmes—May 2013;
- Plympton Mixed Use Development—Response Report—Prepared on behalf of the Palmer Group—July 2013;
- Assessment Report for the Development Report for the Plympton Mixed Use Development Anzac Highway and Marion Road—November 2013;
- Letter from Connor Holmes Property Services to the Department of Planning, Transport and Infrastructure dated 28 February 2014;
- Letter from Holmes Partners to the Department of Planning, Transport and Infrastructure concerning the removal of some reserved matters relating to provision of traffic infrastructure for Stage 1 (West Tower) dated 21 September 2015;
- Letter from Holmes Partners to the Department of Planning, Transport and Infrastructure concerning the removal of the requirement for 15% Affordable Housing LMA for Stage 1 dated 2 October 2015; and
- Letter from Renewal SA to Holmes Partners concerning agreement to waive need for 15% Affordable Housing LMA for Stage 1 (undated but referenced to 2/10/15 letter above from Holmes Partners) (ref A 717236).
- HWY Stage 2 Redevelopment Amendment to the Development Report prepared for the Palmer Group October 2017 by Property and Consulting Australia; and
- The Plympton Mixed Use Development – Stage 2 Response Report prepared for the Palmer Group March 2018 by Property and Consulting Australia.
- Drawing C104/05 (Sheets 1-4), amended plan of division prepared by Kevin Burgess & Associates lodged on 11 March 2018.
- Property and Consulting Australia – Plympton Mixed Use Development – Stage 2 – Amendment to the Development Report – Palmer Group – November 2018
- Letter from Property and Consulting Australia to the Department of Planning, Transport and Infrastructure (Response to agency advice, council and public submissions) dated 13 December 2018.
- Amended drawings SK101 Rev J dated 19.12.18, SK100, Rev H 19.12.18, and SK118 Rev B dated 6.11.18.

Building Work

2. Before any building work is undertaken on the site, the building work must be certified by a private certifier, or by some person determined by the Minister for Planning, as complying with the provisions of the Building Rules.

Affordable Housing

3. Prior to the commencement of Stage 2, a legally binding agreement, under Section 57 of the Development Act 1993, between the proponent and the Minister for Housing and Urban Development (or his delegate) dedicating a portion of the residential apartments to the provision of affordable rental housing such that 15% of the total residential development will meet the ‘affordable housing criteria’ as determined by the Minister in Regulation 4 of the South Australian Housing Trust Regulations 2010 (as amended by further notice from time to time). A Plan shall be prepared, to the reasonable satisfaction of Renewal SA, for the development showing the proposed location of the 15% of dwellings that will meet the affordable housing criteria except in Stage 1 (West Tower).

Staging and Completion

4. The proponent must address the reserve matters and submit relevant documentation for approval in accordance with the following failing which I may cancel this provisional authorisation and exercise my power to refuse approval to the development under Section 48 (2) (a):
 - Stage 2—within 12 months hereof the date of this authorisation
 - Stage 3—within 24 months hereof the date of this authorisation
5. Any final development authorisation granted under Section 48 (2) (b) (i) for the Stages below shall be subject to a condition that the proponent must complete substantial work on-site within the following period of the date of this provisional development authorisation, failing which I may cancel the final authorisation:
 - Stage 2—within two years hereof;
 - Stage 3—within four years hereof; and
6. In addition, the proponent must comply with the following staging and timing requirements for completion of the development failing which I may cancel the authorisation:
 - Stage 2—two years from the commencement date of construction of the stage
 - Stage 3—two years from the commencement date of the construction of the stage

Construction Management

7. A Construction Environmental Management and Monitoring Plan (CEMMP) for the pre-construction and construction phases of each stage of the project shall be prepared and implemented to the reasonable satisfaction of the Environment Protection Authority, Department of Planning, Transport and Infrastructure and the City of West Torrens Council.

Built Form

8. The development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
9. The western side of the West Tower shall provide adequate screening to prevent overlooking to the adjacent existing residences to the reasonable satisfaction of the Minister for Planning.
10. Provision shall be made for secure storage of trolleys within the complex at night.
11. That all the apartments shall be attenuated to achieve the required dBA levels. An acoustic plan detailing acoustic treatments (noise attenuation features) would be required. The requirements of the Ministers Specification SA 78B for the control of internal/external sound (February 2013) would need to be addressed where it's in a sound affected area as designated by the Noise and Air Emissions Overlay Maps in the Development Plan. This is in addition to any requirements of the National Construction Code.
12. Appropriate privacy screening is required between balconies of the individual apartments to minimise the potential for overlooking and to restrict access to adjoining apartments to the reasonable satisfaction of the Minister for Planning.
13. Air conditioning or air extraction plant or ducting shall be screened such that no unreasonable nuisance or loss of amenity is caused to residents and users of properties in the locality to the reasonable satisfaction of the Minister for Planning.
14. Finished Floor levels of new buildings shall be elevated a minimum of 350mm from the highest adjacent street water table levels.

Lighting

15. All external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with appropriate Australian Standards and shall be located, directed and shielded and of such limited intensity that no demonstrable nuisance or loss of amenity is caused to any person beyond the site.

16. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths to the satisfaction of Adelaide Airport Limited.

Signage

17. The colours and illumination of signage associated with the site shall not create a glare or distraction to passing drivers and shall not interfere with the operation of adjacent traffic signals.
18. No element of LED or LCD display shall be included in the design of any signs visible from the adjacent road network.
19. Any signs associated with the development shall not interfere with existing traffic control devices or result in distraction or confusion of motorists. Any signs must be simple, effective and easily assimilated. Under no circumstance shall signs be allowed to flash, scroll or move as this would result in undesirable distraction to motorists.
20. Trailer mounted variable signs shall not be used on or adjacent to the subject site for advertising purposes.
21. No additional signs shall be displayed upon the subject land other than those identifying the parking area access points and those shown on the approved plans. If any further signs are required, these shall be the subject of a separate application.

Waste Management

22. Waste collection vehicles shall only service the development between the hours of 7 a.m. and 7 p.m., Monday to Saturday inclusive and shall only undertake collections within the confines of the subject land.
23. The waste and general storage and service/operational areas of the shopping centre and car parking area shall be kept in a neat, tidy, safe and healthy condition at all times.
24. All trade waste and other rubbish shall be stored in covered containers prior to removal and shall be kept screened from public view.

General

25. That service and delivery vehicles associated with the site and utilising the rear service lane will be restricted to the hours between 7am and 8pm only.

Traffic Infrastructure

26. Vehicle movements to and from Marion Road at Elizabeth Avenue and Mabel Street be restricted to left turn in and left turn out only by closing the median openings on Marion Road. As part of this work, the right turn lane on Marion Road for vehicles turning right into Anzac Highway to head east shall be extended to maximise storage at this location.
27. A left turn deceleration lane shall be provided at the Marion Road access to the car park. This shall be designed in accordance with the Austroads Guide to Road Design Part 4 and DPTI standards.
28. The eastern access to the site from Anzac Highway shall be limited to left turn in movements only and the western access on Anzac Highway serving the site shall be limited to left turn out movements only. Both access points shall be designed to maximise pedestrian safety.
29. Vehicle movements at the central two-way access point to the car park on Anzac Highway shall:
 - i) be restricted to left turn in, left turn out and right turn in only. Right turn out movements shall not be permitted to occur in any form. To accommodate right-in movements, the U-turn facility shall be modified to prohibit U-turns from the north-east; or
 - ii) in the event that the design cannot entirely prohibit the above movements, the U-turn on Anzac Highway shall be closed entirely and access restricted to left turn in and left turn out only.
30. The Keep Clear markings at the Anzac Highway two-way access shall be located so that a minimum of two exiting cars can queue adjacent Anzac Highway prior to the commencement of the 'Keep Clear' area.
31. The operation of the Anzac Highway two-way access shall be reviewed after 6 months of operation. In the event that the operation of this access and the adjacent car parking / drive through area results in vehicular conflict adjacent to Anzac Highway, the development shall be modified to ameliorate the impacts. This work shall be undertaken to the satisfaction of DPTI at the applicant's cost.
32. The indented bus stop and taxi rank adjacent the Anzac Highway frontage of the site shall be relocated and or modified to the satisfaction of the Department of Planning, Transport and Infrastructure.
33. The right turn lane on Anzac Highway catering for right turns into Marion Road shall be extended by a minimum of 20 metres.
34. Sufficient land shall be set aside along the Marion Road and Anzac Highway property frontages to accommodate the required road works and to provide DDA compliant footpaths (any new or relocated footpath must be no narrower than the existing footpaths). All land required from the site to facilitate this requirement shall be vested to road at no cost to Council or DPTI.
35. All redundant crossovers shall be removed and be replaced with kerb and gutter to Council standards, with all costs being borne by the applicant.
36. All road works and improvements required to accommodate the proposed development shall be designed and constructed to the satisfaction of DPTI, with all costs (design, construction and project management) being borne by the applicant. With regards to the design, the applicant is required to seek approval for the concept plan from DPTI's Traffic Operations, Network Planning Engineer, Ms Teresa Xavier on telephone (08) 8226 8389, before undertaking any detailed design work. A deed of agreement for the works shall be entered into prior to the commencement of construction and all road works and improvements shall be completed prior to occupation of the development.
37. The loading docks and associated access points shall be designed to facilitate 14.0m semi-trailers.
38. All car parking adjacent the western Anzac Highway access shall be located a minimum of 6.0 metres from the Anzac Highway property boundary and be clearly marked as staff parking only.
39. The on-site parking shall be designed in accordance with the Australian/New Zealand Standard 2890.1:2004 and 2890.6:2009. All facilities for commercial vehicles shall conform to Australian Standard 2890.2:2002.
40. The car park shall be appropriately line marked and signed to ensure the desired flow of traffic through the site.
41. All bicycle parking facilities, shall be designed in accordance with Australian Standard 2890.3-2015 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.

Parking and Access

42. All car parking areas, driveways and vehicle manoeuvring areas shall be properly maintained at all times.

43. All loading and unloading, parking and manoeuvring areas shall be designed and constructed to ensure that all vehicles can safely enter and exit the subject land in a forward direction.
44. That all car parks, driveways and vehicle manoeuvring areas shall conform to Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the State Commission Assessment Panel prior to the occupation or use of the development.
45. Prior to the construction of Stage 2, a detailed car parking design, internal wayfinding and layout plan, shall be prepared to the satisfaction of the Minister for Planning. This plan shall minimise the potential for conflict adjacent to the Marion Road access and ensure unimpeded entry movements from Marion Road.

Stormwater

46. No stormwater shall be permitted to discharge on surface to Anzac Highway or Marion Road. Any modifications to stormwater infrastructure as a direct result of the development shall be at the expense of the developer
47. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road.
48. Details shall be provided to the satisfaction of the West Torrens Council in relation to the redesign and reconstruction of impacted public stormwater infrastructure.

Construction Activities

49. Normal operating hours for construction activities (including truck movements) to and from the site shall be from 7 a.m. to 7 p.m., Monday to Saturday inclusive.
50. Any machinery, plant operating equipment, lighting, building façade designs or sound devices associated with the proposed development shall not impair or impinge upon the enjoyment or safety of residents of the apartment complex, adjoining properties (or occupiers thereof) or the local traffic and pedestrian environment and shall comply with the Environment Protection (Noise) Policy 2007, Environment Protection (Industrial Noise) Policy 1994 and the Environment Protection (Machine Noise) Policy 1994.

Land Division

51. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. SA Water (H0067874).
52. The internal drains shall be altered to the satisfaction of the SA Water Corporation.
53. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
54. Following the granting of new titles, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

Reinstatement works

55. All state-agency, council or utility-maintained infrastructure (i.e. roads, kerbs, drains, crossovers, cabling, pipe work etc) that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to state agency or utility specifications. All costs associated with these works shall be met by the developer.

PART C: NOTES TO PROPONENT

1. In respect of the reserved matters, the following is advised to the proponent:

(a) Building Rules

The proponent must obtain a Building Rules assessment and certification from either the City of West Torrens Council or a private certifier (at the proponent's option) and forward to the Minister all relevant certification documents as outlined in regulation 64 of the Development Regulations 2008.

Pursuant to Regulation 64 of the Development Regulations 2008, the proponent is especially advised that the City of West Torrens Council private certifier conducting a Building Rules assessment must:

- provide to the Minister for Planning a certification in the form set out in Schedule 12A of the Development Regulations 2008, in relation to the building works in question; and
- 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 2008 provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning. The City of West Torrens Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with the provisional development authorisation (including its Conditions and Notes).

(b) Final designs for each component of the development

In regard to reserved matter (a), final design should address the following:

- roof plans for all areas of the development;
- roof areas for the shopping centre buildings shall be constructed out of a non-reflective material;
- details of lighting for the ground level car park;
- details of the colours proposed for the development;
- design of the external car park to incorporate safe and direct paths for cyclists and pedestrians (including crossing points designed to highlight the presence of cyclists and pedestrians);
- plans showing the location of secure bicycle parking for residents of the East and North Tower;
- acoustic treatment details that meet noise criteria as set out in:
 - o AS 1276-1979: methods for determination of sound transmission class and noise isolation class of building partitions;
 - o AS ISO 140.8-2006: acoustics—measurement of sound insulation in buildings and of building elements, laboratory measurements of the reduction of transmitted impact noise by floor coverings on a heavyweight standard floor; and
 - o AS/NZS 1269.2-1998: occupational noise management—noise control management;

- all building work shall comply with the prescriptive requirements of the Building Code of Australia in particular AS2419.1, AS2441, AS 2118.1, AS2444, BCA Spec E1.8, BCA Tables E2.2a and E2.2b, BCA Part E3 and AS2293.1;
- all mechanical plants/air conditioning shall be housed/enclosed within the roof area as part of the design and any noise would be mitigated through the use of noise attenuating design measures;
- air conditioning intakes on buildings should be located as far as is practicable from transport corridors;
- air conditioning systems should include filtration to remove fine particles where ambient air quality is very poor (this is reliant on sealed positive pressure apartments in which access to unfiltered ambient air is not recommended);
- the requirements of the Ministers Specification SA 78B Construction requirements for the control of external sound (February 2013);
- all building work shall comply with the prescriptive requirements of the Building Code of Australia ('BCA') and in particular: fire hydrant coverage to be provided in accordance with AS2419.1, fire hoses to be provided in accordance with AS2441, automatic sprinkler protection to be provided in accordance with AS2118.1, portable fire extinguishers to be provided in accordance with AS2444, a fire control centre to be incorporated in accordance with BCA Spec E1.8, smoke hazard management provisions in accordance with BCA Tables E2.2a and E2.2b, lift installations in accordance with BCA Part E3 and exit and emergency lighting to be installed in accordance with AS2293.1;
- the Metropolitan Fire Service would need to be consulted and involved with the design, approval and commissioning phases as required under the Development Regulations 2008. For further advice on fire safety the contact person is Fire Safety Engineer, David Kubler on telephone 8204 3611. Should variations to the prescriptive requirements of the BCA be proposed, suitably justified 'alternative solutions' should be presented to the Metropolitan Fire Service ('MFS') South Australia for comment and document in accordance with Regulation 28 of the Development Regulations 2008. The MFS recommends that the developer liaise with the Department in the early design phase to ensure that a cost effective installation that would also meet the operational needs of the fire service can be achieved; and
- details on odour management between uses.

(c) *Building Sustainability Plan*

In relation to reserved matter (b), the Building Sustainability Plan should address energy consumption and green house emissions below the current levels to satisfy environmental performance. The approach to the design of this proposal should exceed the requirements of Part J of the National Construction Code on Energy Efficiency and as discussed in the Development Report ('DR') and the amendment to the DR to provide energy efficiency to achieve a 5-star rating (accredited under the Nationwide House Energy Rating Scheme and is limited to assessing the potential thermal efficiency of the dwelling envelope) for the serviced apartment component; and relevant requirements of Part J of the National Construction Code for the commercial component.

(d) *Waste Management Plan*

The Waste Management Plan shall address the following:

- construction associated with the shopping centre tenancies and serviced apartments;
- the operational and ongoing waste for the shopping centre, including recycling and waste minimisation;
- servicing arrangements and waste removal provisions for the whole of the development (including commercial and retail);
- ongoing waste management for the serviced apartment component; and
- reference to Zero Waste SA in partnership with the Property Council and Renewal SA, a better practice guidance for medium density, high density and mixed use developments, which includes the following:
 - o internal design (waste management systems, for example chutes or compactors);
 - o collection areas (ease of access to bins by residents, enclosure sizes, visual amenity);
 - o bin presentation areas (visual amenity, access and egress for collection vehicles); and
 - o waste collection (noise and sensitive adjacent users).

(e) *Traffic and Parking Management Plan*

In regard to the Traffic Parking and Management Plan should address the following:

(a) *Parking Management:*

- the layout of the car parking areas and service bays shall meet the Australian/New Zealand Standard 2890.1:2004, parking facilities—off-street car parking and line markings and Australian Standard 2890.2:2002 parking facilities—off-street commercial vehicle facilities (including service areas);
- the final plans and details should ensure that sufficient secure bicycle parking are provided and that visitor bicycle parking rails are well positioned for passive surveillance. The location of secure bicycle parking for residents and employees should be indicated on the plans. The bicycle parking facilities shall be designed in accordance with Australian Standard 2890.3:2015 and the AUSTROADS, Bicycle Parking Facilities: Guidelines for Design and Installation;
- the on-site parking shall be designed in accordance with the Australian/New Zealand Standard 2890.1:2004 and 2890.6:2009. All facilities for commercial vehicles shall conform to Australian Standard 2890.2:2002;
- the car park shall be appropriately line marked and signed to ensure the desired flow of traffic through the site;
- all bicycle parking facilities shall be designed in accordance with Australian Standard 2890.3:2015 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14—Bicycles;
- access and egress from the car parking areas shall be designed in accordance with the Australian/New Zealand Standard 2890.1:2004, Parking Facilities, Part 1—off-street car parking;
- turning areas and loading bays required for semi-articulated delivery vehicles shall meet Australian Standards for off-street parking facilities (AS 2890.1 for cars and AS 2890.2 for commercial vehicles); and
- lighting shall be provided within the basement car parking area and at the grade car parking area in accordance with the public lighting code in AS 1680.2.1-1993, AS/NZS 1158:2007 and AS/NZS 1680.

(b) *Traffic Management:*

- the entry only into the car park from Anzac Highway shall be designed to maximize pedestrian safety;
- any traffic control devices shall be designed and constructed in accordance with the main standard of the Manual of Uniform Traffic Control Devices—AS 1742;
- driveway grades shall be set in accordance with AS2890;
- the main standard for traffic control devices is the Manual of Uniform Traffic Control Devices—AS 1742. There are many standards under AS 1742 covering the various traffic control devices that may need to be referred to. They are as follows:
 - o AS 1742 Manual of uniform traffic control devices;
 - o general introduction and index of signs—Australian Road Rules supplement;
 - o supp.1 (int);
 - o 1742.2 Part 2: traffic control devices for general use;
 - o 1742.3 Part 3: traffic control devices for works on roads;

- o 1742.4 Part 4: speed controls;
- o 1742.9 Part 9: bicycle facilities;
- o 1742.10 Part 10: pedestrian control and protection;
- o 1742.11 Part 11: parking controls;
- o 1742.13 Part 13: local area traffic management; and
- service vehicles are required to turn left out to Marion Road. The alignment of the exit movement should be tightened up and angled appropriately to force large vehicles to turn left out as intended. 'NO TRUCK' signs should also be considered to prevent service vehicles from turning right out to use the nearby residential streets. Details are required on how this will be achieved.
- further detailing will be required to be agreed upon with Council in relation to the scale, extent, and safe public footpath design elements of the new verge and footpath along Marion Road.

(f) *Landscaping Plan*

In regard to reserve matter (e) the Landscaping Plan should provide the following:

- details shall be provided showing street furniture, shading devices and lighting;
- details of numbers, species selections (including local indigenous plants), soil depth, mature height levels;
- Elizabeth Avenue streetscape details, landscaping and streetscape to Elizabeth Avenue will be addressed in consultation with the City of West Torrens Council;
- location of tanks for water reuse for irrigation purposes;
- the planting of semi-mature trees (not less than 2-3 metres in height) within the car parking area;
- all landscaping approved as part of the application shall be established prior to the occupation of the premises;
- a watering system shall be installed and operated so that all plants receive sufficient water to ensure their survival and growth;
- landscaping shall be designed to incorporate water conservation principles and devices (Water Sensitive Urban Design);
- the proposed landscaping contribution to the Urban Forest program;
- the inclusion of details for any proposed Green infrastructure (green walls/roofs);
- open spaces containing trees and other vegetation should be established between housing and transport corridors to increase natural air filtering processes; and
- trees should be planted along major roadways to increase natural air filtering processes.

(g) *Stormwater Management Plan*

In regard to reserve matter (f) the Stormwater Management Plan should address the following:

- all stormwater design and construction should be in accordance with Australian/New Zealand Standards, AS/NZS 3500-2003 and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property;
- the Environment Protection Authority ('EPA') requires the following be included:
 - o how the first flush will be managed;
 - o how the stormwater will be managed during the construction phase;
 - o that any stormwater discharging from the site will occur in accordance with the Environment Protection (Water Quality) Policy 2003;
 - o how sediment run-off from the site will be minimised as well as sediment stockpiles; and
 - o maintenance of stormwater management and infrastructure;
- the proponent is advised of the requirement to comply with the EPA's 'Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry' during demolition and construction of the development;
- development/s shall have no deleterious effects on the quality or quantity of surface water or the natural environments that rely on this water;
- development/s shall have no deleterious effects on the quality or quantity of groundwater or the natural environments that rely on this water. In particular, the following conditions shall apply:
 - o effluent disposal systems (including leach drains) to be designed and located to prevent contamination of groundwater;
 - o groundwater levels at the site need to be included; and
 - o if any dewatering will be required (an activity that may require an EPA licence).

All extensions to water/wastewater networks will be assessed on their individual commercial merits. Where more than one development is involved, one option will be for SA Water to establish an augmentation charge for that area to equitably share the costs amongst those requiring and/or benefiting from the provision of the additional infrastructure. Any proposed augmentation charge will be assessed on its individual commercial merits;

- if the existing water/wastewater infrastructure requires an extension or new approach mains to serve any proposed development, the developer/s will be required to meet the costs associated with these works;
 - when a proposed development adversely impacts upon the capacity of existing water/wastewater infrastructure the developer will be required to meet the cost of upgrading or augmenting the infrastructure to service the proposed water demands and/or wastewater discharges;
 - the developer is also required to meet the costs of providing all water supply mains within the development site itself, including all water and wastewater pumping stations, pumping mains and water tanks;
 - all new water supply mains constructed to serve commercial/industrial areas shall be a minimum size of 150 mm diameter. This is to provide an adequate water supply for industry as well as for fire protection purposes;
 - similarly all new wastewater collection pipes required to serve commercial/industrial areas shall be a minimum size of 225 mm diameter and all property connections shall be a minimum size of 150 mm diameter. Where areas are being served by existing 150 mm diameter sewers, restrictions may be imposed on the types of development permitted in view of the smaller size mains;
 - construction of water supply, wastewater and recycled water infrastructure will need to comply with SA Water Infrastructure Standards; and
 - any proposed industrial or commercial developments will be subject to an SA Water Trade Waste agreement to permit the discharge of trade waste to the sewer network. Industrial and large dischargers may be liable for quality and quantity loading charges.
2. Crane operations associated with construction should be the subject of a separate application to Adelaide Airport Limited (48 days prior notice required for any crane operations during construction). Crane assessment may also have to be conducted by the Civil Aviation Safety Authority ('CASA').
 3. The developer should note that the height limit applies to antennae, masts and aerials that may be placed on top of the building, so the proponent should ensure that the building (plus envisaged structures on top of the building) do not infringe the Obstacle Limitation Surfaces ('OLS'). The Adelaide Airport Safety Manager has advised the building height would be just under the OLS,

but masts and structures on top of the building would not be allowed. Any external lighting associated with the development or the use of cranes for construction on the site would need to be referred to the Federal Airports Corporation.

4. The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 4.5 metres in width may be required from the Anzac Highway and Marion Road frontages of the site, together with additional land from the Anzac Highway/Marion Road corner for the possible future upgrading of the Anzac Highway/Marion Road intersection. An additional 4.5 metres x 4.5 metres cut-off is required from the Marion Road/Elizabeth Avenue corner of the site. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act 1972 for all new building works located on or within 6 metres of the above requirements. The required consent form should be completed and returned to the Department of Planning, Transport and Infrastructure with three copies of the final stamped approved plans.
5. Some of the subject land may need to be vested as part of the road reserve at no cost to Council and the Department of Planning, Transport and Infrastructure, to ensure that adequate footpath is maintained along Marion Road. Kerb widening to increase the radius of the curve to allow semi-trailers to negotiate the left turn out of Elizabeth Avenue may require some land to be vested as road reserve, at no cost to Council or the Department of Planning, Transport and Infrastructure, to ensure that an adequate public footpath is maintained at this location.
6. The proponent is advised of the General Environmental Duty under Section 25 of the Environment Protection Act 1993 which provides 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.
7. The proponent is advised that the Development Act 1993 outlines the roles and responsibilities of the applicant and the City of West Torrens Council for matters relating to building works during and after construction of the shopping centre and apartment complex development and associated works.
8. The provisions of the Food Act 2001 and associated food regulations apply.
9. In addition to the Building Code of Australia, the proponent must comply with the Commonwealth Disability Discrimination Act 1992 in planning access for the disabled.
10. The Minister has a specific power to require testing, monitoring and auditing under Section 48C of the Development Act 1993.
11. If the development is not substantially commenced within two years of the date of the decision on the last of the reserved matters, the Governor may cancel this development authorisation.
12. The development shall include directional and way finding signage that indicates the short walking distance/time to the tram stop and bus stops.
13. Should additional signage be required, above and beyond the proposed pylon signs on Anzac Highway and Marion Road, these must be assessed to ensure that they would not impact on road safety, particularly given the complexity and nature of movements at this location.
14. The applicant is advised that any additional signage beyond that shown on the scheme does not form part of this application. Any future signage will need to form part of a separate application.
15. In respect to Condition 7, the Construction Environmental Management and Monitoring Plan ('CEMMP') should be prepared taking into consideration and with explicit reference to relevant Environment Protection Authority policies and guideline documents, including the Environment Protection (Noise) Policy 2007 and Environment Protection (Air Quality) Policy 2016. A CEMMP covering both pre-construction and construction phases shall be prepared in consultation with the Environment Protection Authority before its submission to the Minister for approval. The CEMMP shall include the following:
 - reference to and methods of adherence to all relevant Environment Protection Authority ('EPA') policies and codes of practice for construction sites, including the inclusion of a copy of Schedule 1 of the Environment Protection Act 1993 as an Appendix to the Construction Environmental Management and Monitoring Plan to ensure contractors are aware of EPA requirements;
 - Soil Erosion and Drainage Management Plan (including dust management);
 - timing, staging and methodology of the construction process and working hours (refer also to condition outlining working hours);
 - a risk assessment relating to the potential impacts of construction activities that includes the staging of the development;
 - traffic management strategies during construction of both the car park and the shopping centre and apartment complex, including transport beyond the development site;
 - site contamination audit— a Site Contamination Auditor accredited by the EPA under Part 10A of the Environment Protection Act, should be engaged to carry out a Site Contamination Audit. In providing audit advice in this instance, the auditor must consider:
 - i. the nature and extent of any site contamination present or remaining on or below the surface of the site
 - ii. what remediation is or remains necessary for a specified use or range of uses, and
 - iii. based on (i) and (ii) above that the site is suitable for its intended use.

In order to provide this advice, there must have been sufficient assessment of the nature and extent of any site contamination present for the auditor to form an opinion regarding what remediation may be necessary (i.e. the assessment of the site must satisfy the requirements of the auditor). Further assessment should generally not be required.

Where remediation is or remains necessary for the specified use or range of uses, the auditor must have considered and endorsed relevant remediation management plans. The endorsement of the auditor and a copy of the remediation management plan(s) must be provided with the audit advice.

- management of infrastructure services during construction and re-establishment of local amenity and landscaping;
- control and management of construction noise, vibration, dust and mud;
- engineering and structural issues associated with construction of the basement car park and overhead landscaping;
- stormwater and groundwater management during construction;
- identification and management of contaminated soils and groundwater, should these be encountered;
- site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;
- disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste;
- protection and cleaning of roads and pathways;
- overall site clean-up; and
- to address management and site issues during construction and site contamination will need to demonstrate compliance with the National Environment Protection (Ambient Air Quality) Measure (1998) and with the National Environment Protection (Air Toxics) Measure (2011).

16. In respect to Condition 14, an engineered site plan shall be provided to the Department of Planning, Transport and Infrastructure that demonstrates compliance with this condition, with all new floor levels (FFLs), final site levels and adjacent street water table levels provided.
17. In respect to Condition 51, the SA Water Corporation has advised that an investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard.

Given under my hand at Adelaide.

Dated: 13 March 2019

STEPHAN KNOLL
Minister for Planning
Delegate of the Governor

ENVIRONMENT PROTECTION ACT 1993

SECTION 68

Vary the Approval of Category B Containers

I, ANDREA KAYE WOODS, Delegate of the Environment Protection Authority ('the Authority'), pursuant to section 68 of the Environment Protection Act, 1993 (SA) ('the Act') hereby:

Vary the Approval of Category B Containers:

Approve as Category B Containers, subject to the conditions 1, 2, 3 and 4 below, each of the classes of containers identified by reference to the following matters described in the first 4 columns of Schedule 1 of this Notice which are sold in South Australia:

- (a) the product which each class of containers shall contain;
 - (b) the size of the containers;
 - (c) the type of containers;
 - (d) the name of the holders of these approvals
1. That containers of the class to which the approval relates must bear the refund marking specified by the Authority for containers of that class. The Authority specifies the following refund markings for Category B containers:
 - (1) "10c refund at collection depots when sold in SA" or
 - (2) "10c refund at SA/NT collection depots in State/Territory of purchase" or
 - (3) "10c refund at collection depots/points in participating state/territory of purchase"
 2. The holder of the approval must have in place an effective and appropriate waste management arrangement in relation to containers of that class. For the purpose of this approval notice the company named in column 5 of Schedule 1 of this Notice is the nominated super collector.
 3. In the case of an approval in relation to category B containers that the waste management arrangement must require the holder of the approval to provide specified super collectors with a declaration in the form determined by the Authority in relation to each sale of such containers by the holder of the approval as soon as practicable after the sale.
 4. The holder of these approvals must ensure that if a sticker bearing the refund marking has been approved, and is applied to the container, then the sticker must not be placed on any portion of the opening mechanism or in any other place that would require complete or partial removal of the sticker before the contents may be consumed.

SCHEDULE 1

Column 1 Product Name	Column 2 Container Size	Column 3 Container Type	Column 4 Approval Holder	Column 5 Collection Arrangements
Aunty Lila Sparkling Doogh Persian Style Yoghurt Drink Plain	600	PET	Famila Pty Ltd	Statewide Recycling
Aunty Lila Sparkling Doogh Persian Style Yoghurt Drink Mint	1250	PET	Famila Pty Ltd	Statewide Recycling
Aunty Lila Sparkling Doogh Persian Style Yoghurt Drink Plain	1250	PET	Famila Pty Ltd	Statewide Recycling
Aunty Lila Sparkling Doogh Persian Style Yoghurt Drink Mint	600	PET	Famila Pty Ltd	Statewide Recycling

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Ministerial Exemption ME9903043

TAKE NOTICE that pursuant to section 115 of the *Fisheries Management Act 2007*, Flinders Ports Pty Ltd, 296 St Vincent Street, Port Adelaide, South Australia 5015 (the 'exemption holder'), or a person acting as her agent, is exempt from Sections 70 and 72(2)(c) of the *Fisheries Management Act 2007*, Regulations 5 and Clauses 8 and 63 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder (or their nominated agent) shall not be guilty of an offence when taking bivalve mollusc species using the fishing gear described in Schedule 1 (the 'exempted activity'), as part of authorised Outer Harbor dredging operations within the area of waters described in Schedule 2 subject to the conditions specified in Schedule 3 during the period 15 March 2019 until 30 June 2019, unless varied or revoked earlier.

SCHEDULE 1

A scallop dredge, as defined in regulation 3 of the *Fisheries Management (General) Regulations 2017*.

SCHEDULE 2

The areas of waters within the zones outlined in the following table.

Zone	Corner	Latitude	Longitude
A	1	-34° 46' 50.52812"	138° 22' 32.49209"
	2	-34° 46' 58.16170"	138° 22' 30.64164"
	3	-34° 47' 1.55820"	138° 22' 51.30386"
	4	-34° 46' 53.90313"	138° 22' 53.02261"

Zone	Corner	Latitude	Longitude
B	1	-34° 46' 53.90313"	138° 22' 53.02261"
	2	-34° 47' 1.55820"	138° 22' 51.30386"
	3	-34° 47' 6.57194"	138° 23' 21.81241"
	4	-34° 46' 58.92601"	138° 23' 23.58684"
C	1	-34° 47' 18.93206"	138° 25' 25.47135"
	2	-34° 47' 27.75558"	138° 25' 30.87449"
	3	-34° 47' 31.25487"	138° 25' 52.21846"
	4	-34° 47' 23.30603"	138° 25' 52.14567"
D	1	-34° 47' 26.88279"	138° 26' 13.96897"
	2	-34° 47' 34.34657"	138° 26' 11.08031"
	3	-34° 47' 37.03150"	138° 26' 27.46691"
	4	-34° 47' 28.96500"	138° 26' 26.67724"
E	1	-34° 47' 31.32937"	138° 26' 41.10836"
	2	-34° 47' 40.02321"	138° 26' 38.10923"
	3	-34° 47' 37.19357"	138° 27' 0.75133"
	4	-34° 47' 29.64942"	138° 26' 58.30839"
F	1	-34° 47' 29.64942"	138° 26' 58.30839"
	2	-34° 47' 37.19357"	138° 27' 0.75133"
	3	-34° 47' 32.72960"	138° 27' 25.48532"
	4	-34° 47' 25.18791"	138° 27' 22.87501"
G	1	-34° 47' 25.18791"	138° 27' 22.87501"
	2	-34° 47' 32.72960"	138° 27' 25.48532"
	3	-34° 47' 29.61156"	138° 27' 40.48828"
	4	-34° 47' 22.59658"	138° 27' 37.13462"
H	1	-34° 47' 22.59658"	138° 27' 37.13462"
	2	-34° 47' 29.61156"	138° 27' 40.48828"
	3	-34° 47' 14.93501"	138° 28' 14.54811"
	4	-34° 47' 7.28715"	138° 28' 11.57210"
I	1	-34° 47' 7.28715"	138° 28' 11.57210"
	2	-34° 47' 14.93501"	138° 28' 14.54811"
	3	-34° 46' 57.17728"	138° 28' 49.26463"
	4	-34° 46' 51.10151"	138° 28' 40.69971"
J	1	-34° 46' 44.07202"	138° 28' 35.37305"
	2	-34° 46' 50.19392"	138° 28' 41.62903"
	3	-34° 46' 41.11153"	138° 28' 48.72192"
	4	-34° 46' 36.20546"	138° 28' 42.25479"
K	1	-34° 46' 23.02695"	138° 28' 50.46702"
	2	-34° 46' 25.69000"	138° 28' 58.16618"
	3	-34° 46' 16.52684"	138° 29' 5.14572"
	4	-34° 46' 12.89454"	138° 28' 57.55936"

SCHEDULE 3

- 1 The 'exempted activity' may only occur as part of and consistent with dredging operations authorised under licence no: 50556 issued to Flinders Ports Pty Ltd by the Environment Protection Authority to dredge within the Outer Harbor and swing basin area.
- 2 Only the following fishing vessels are able to undertake the 'exempted activity' within the area of waters specified in Schedule 1;
 - Celtic Rose
 - Dell Richey II
- 3 The nominated agents of the 'exemption holder' are;
 - Employees of Richey Fishing Co Pty Ltd, 32 Hawley Esplanade, Hawley Beach, Tasmania 7307.
- 4 Bivalve molluscs collected when undertaking the exempted activity pursuant to this notice must not be released into any waters of the State.
- 5 Species taken when undertaking the exempted activity, with the exception of bivalve molluscs, must be immediately returned to the water.
- 6 At least 1 hour before conducting activities under this exemption, the exemption holder must contact PIRSA Fishwatch on **1800 065 522** and answer a series of questions about the 'exempted activity'. The 'exemption holder' or her agent will need to have a copy of this notice in their possession 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.
- 7 At least 1 day prior to commencing the 'exempted activity' in the area of the Adelaide Dolphin Sanctuary the 'exemption holder' must notify the following officers of the Department of Environment and Water, via email, of the intended dates and times the 'exempted activity' will be undertaken.
 - Verity Gibbs, Marine Parks Protection Officer: verity.gibbs@sa.gov.au
 - Jon Emmett, Regional Coordinator Marine Parks: jon.emmett@sa.gov.au
- 8 The vessels in Clause 2 of Schedule 3 of this exemption must meet the International Maritime Organisation (IMO) - 2011 GUIDELINES FOR THE CONTROL AND MANAGEMENT OF SHIPS' BIOFOULING TO MINIMIZE THE TRANSFER OF INVASIVE AQUATIC SPECIES. Documentation showing the IMO guidelines have been met must be provided to PIRSA Fisheries and Aquaculture 24 hours prior to the commencement of the 'exempted activity'.
- 9 Within 14 days of the completion of the exempted activity the 'exemption holder' must provide a report in writing to PIRSA Fisheries and Aquaculture, (GPO Box 1625, ADELAIDE SA 5001), providing the following details:

- the dates the 'exempted activity' was undertaken on
 - an estimate of the number and weight of species, other than bivalves mollusc species, taken when undertaking the 'exempted activity'
 - an estimate of bivalve mollusc species taken when undertaking the 'exempted activity'.
- 10 A person acting as an agent of the 'exemption holder' must possess a signed letter from the 'exemption holder' stating that they are acting as an agent for the purposes of the 'exempted activity', and identification stating that they are an employee of the Richey Fishing Co Pty Ltd

Dated: 18 March 2019

SEAN SLOAN
Executive Director
Fisheries and Aquaculture
Delegate of the Minister for Primary Industries and Regional Development

GEOGRAPHICAL NAMES ACT 1991

Notice to Assign a Name to a Place

Notice is hereby given pursuant to the provisions of the above Act that I, MICHAEL BURDETT, Surveyor-General and Delegate appointed by the Honourable Stephan Knoll MP, Minister for Transport, Infrastructure and Local Government, Minister of the Crown to whom the administration of the Geographical Names Act 1991 is committed DO HEREBY assign the name **GALLIPOLI HILL** to that feature located on the 1:50,000 Mapsheet Penneshaw (6426-1) at Latitude 35° 49' 51''S and Longitude 137° 48' 50"E.

Copies of the plan for this naming proposal can be viewed at:

- the Office of the Surveyor-General, 101 Grenfell Street, Adelaide
- the Land Services web-site at www.sa.gov.au/landservices/namingproposals

Dated: 21 March 2019

MICHAEL BURDETT
Surveyor-General
Department of Planning Transport and Infrastructure

DPTI: 2018/23043/01

HOUSING IMPROVEMENT ACT 2016

Rent Control

The Minister for Human Services Delegate in the exercise of the powers conferred by the *Housing Improvement Act 2016*, does hereby fix the maximum rental per week which shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each house described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
5 Fairlie Street, Ottoway SA 5013	Allotment 64 Filed Plan 126544 Hundred of Port Adelaide	CT4267/839, CT5548/942	\$125.00
314 Esplanade, Moana SA 5169	Allotment 59 Deposited Plan 3752 Hundred of Willunga	CT5238/946	\$0.00 Unfit for Human Habitation
10 Eringa Court, Craigmore SA 5114	Allotment 210 Deposited Plan 10378 Hundred of Munno Para	CT5098/267	\$176.00

Dated: 21 March 2019

CRAIG THOMPSON
Acting Housing Regulator and Registrar
Housing Safety Authority, SAHA
Delegate of Minister for Human Services

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

Whereas the Minister for Human Services Delegate is satisfied that each of the houses described hereunder has ceased to be unsafe or unsuitable for human habitation for the purposes of the *Housing Improvement Act 2016*, notice is hereby given that, in exercise of the powers conferred by the said Act, the Minister for Human Services Delegate does hereby revoke the said Rent Control in respect of each property.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
127 Federal Avenue, Wallaroo Mines SA 5554	Section 2169 Hundred Plan 211100 Hundred of Wallaroo	CT5490/5, CT5730/632
32 Weigall Street, Eudunda SA 5374	Allotment 59 Deposited Plan 624 Hundred of Neales	CT5391/982
11 Rowett Street, Kapunda SA 5373	Allotment 399 Filed Plan 176471 Hundred of Kapunda	CT5777/656
33 Athol Street, Athol Park SA 5012	Allotment 27 Deposited Plan 118472 Hundred of Yatala	CT5207/566 6208/857, 6208/858, 6208/859

Dated: 21 March 2019

CRAIG THOMPSON
Acting Housing Regulator and Registrar
Housing Safety Authority, SAHA
Delegate of Minister for Human Services

MINING ACT 1971

Notice pursuant to Section 28(5) of the Mining Act 1971

Notice is hereby given in accordance with Section 28(5) of the *Mining Act 1971* that the delegate of the Minister for Energy and Mining intends to grant an Exploration Licence over the area described below.

Applicant: Kelaray Pty Ltd
Location: Lake Torrens area – approx. 70 km northwest of Hawker
Pastoral Leases: Lake Torrens, Wintabatinyana
Term: Two years
Area in km²: 993
Reference number: 2019/00020

Plan and co-ordinates can be found on the Department for Energy and Mining website:

http://www.minerals.dpc.sa.gov.au/exploration/public_notices or by contacting Mineral Tenements on 08 8429 2572.

Community information on mineral exploration licence processes and requirements under the *Mining Act 1971* is available from:

http://energymining.sa.gov.au/minerals/exploration/public_notices/exploration_licence_applications or hard copy on request to Mineral Tenements.

J MARTIN
Mining Registrar
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

South Australia

Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2018

under the *Motor Vehicles Act 1959*

1—Short title

This notice may be cited as the *Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2018*.

2—Commencement

This notice takes effect when it is published in the Gazette.

3—Interpretation

In this notice—

Act means the *Motor Vehicles Act 1959*;

Code of Practice means the ‘Code of Practice for Club Registration - a 90 day conditional registration scheme for historic, left hand drive and street rod vehicles’ published by the Department of Planning, Transport and Infrastructure;

Conditional Registration Scheme or *Scheme* means the scheme for conditional registration of historic, prescribed left hand drive and street rod motor vehicles under section 25 of the Act and regulations 15 and 16 of the Motor Vehicles Regulations 2010;

Department means the Department of Planning, Transport and Infrastructure

Federation means the Federation of Historic Motoring Clubs Inc;

MR334 form means an ‘Approval for Registration of Vehicle on the Club Registration Scheme (MR334)’;

Prescribed log book means a log book in a form approved by the Registrar;

Registrar means the Registrar of Motor Vehicles;

Regulations means the Motor Vehicles Regulations 2010.

4—Recognition of motor vehicles clubs

The motor vehicle clubs specified in Schedule 1 are, subject to the conditions set out in clause 5, recognised for the purposes of regulation 16 of the Regulations.

5—Conditions of recognition

A motor vehicle club specified in Schedule 1 must comply with the following conditions:

- (a) the club must maintain a constitution approved by the Registrar;
- (b) the club must nominate and have members authorised by the Registrar (authorised persons). The club's authorised person(s) are responsible for approving applicants and motor vehicles for registration under the Scheme. This includes confirming that Scheme applicants are financial members of a club; any other details as required by the Registrar on the MR334 form; and to inspect members' vehicles when requested to do so by the Registrar;
- (c) the club must issue a prescribed log book to club members for each of their vehicles to record vehicle use;
- (d) the club must cancel a member's prescribed log book when a member resigns, must ensure that a statutory declaration is provided when a member's log book is lost or destroyed, must keep details of members' prescribed log book return sheets and forward copies of the same to the Registrar or Federation annually as required;
- (e) the club must create and maintain records detailing all its financial members, its authorised persons, all vehicles for which an MR334 form has been issued, all statutory declarations received and prescribed log books issued and returned to the club;
- (f) the club must keep records for a period of 5 years from the date of the document and these records must include all duplicate MR334 forms, all records of motor vehicle inspections undertaken in accordance with paragraph (b), all statutory declarations provided by members for the purposes of paragraphs (d), all prescribed log books issued by reference to their serial number, the member's name and the vehicle for which it was issued, and to make all such records available for inspection or provide copies of the records at the request of the Registrar for audit purposes;
- (g) the club must ensure, as far as practicable, that all members comply with the Code of Practice;
- (h) the club, as far as practicable, must report to the Registrar or the Federation details of members and motor vehicles not complying with the conditions and criteria set out in the Code of Practice for the Scheme;
- (i) the club must provide to the Registrar, within 2 months after the end of the club's financial year, an annual report detailing members from that financial year with vehicles registered under the Scheme who are no longer financial members of the club;
- (j) the club must notify the Registrar, in writing, within 14 days of resolution to cease operation as a club and must provide the club records specified in paragraph (f) to the Registrar within 14 days of its dissolution.

Note—

Under regulation 16(3)(c) of the *Motor Vehicles Regulations 2010*, the Registrar may, by notice in the Gazette, withdraw the recognition of a motor vehicle club if satisfied that the club has contravened or failed to comply with a condition applying to its recognition by the Registrar, or if there is other good cause to withdraw the recognition.

Schedule 1—Recognised motor vehicle clubs

Historic, left-hand drive and street rod motor vehicle clubs

Southern Districts Car Club

Made by the Registrar of Motor Vehicles

On 8 March 2019

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Application for Grant of Associated Activities Licence AAL 270

Pursuant to section 65(6) of the *Petroleum and Geothermal Energy Act 2000* (the Act) and Delegation dated 29 June 2018, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Beach Energy Limited
Great Artesian Oil and Gas Pty Ltd

The application will be determined on or after 19 April 2019.

Description of Application Area

All that part of the State of South Australia, bounded as follows:

Commencing at a point being the intersection of latitude 27°46'10" S GDA94 and longitude 139°21'25" E GDA94, thence east to longitude 139°21'40" E GDA94, south to latitude 27°47'35" S GDA94, west to longitude 139°20'30" E GDA94, north to latitude 27°47'05" S GDA94, east to longitude 139°20'50" E GDA94, south to latitude 27°47'15" S GDA94, east to longitude 139°21'00" E GDA94, south to latitude 27°47'20" S GDA94, east to longitude 139°21'15" E GDA94, north to latitude 27°46'35" S GDA94, east to longitude 139°21'25" E GDA94, and north to the point of commencement.

AREA: 2.44 square kilometres approximately

Dated: 19 March 2019

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Application for Grant of Associated Activities Licence AAL 271

Pursuant to section 65(6) of the *Petroleum and Geothermal Energy Act 2000* (the Act) and Delegation dated 29 June 2018, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

Beach Energy Limited
Great Artesian Oil and Gas Pty Ltd

The application will be determined on or after 19 April 2019.

Description of Application Area

All that part of the State of South Australia, bounded as follows:

Commencing at a point being the intersection of latitude 27°38'06" S GDA94 and longitude 139°22'55" E GDA94, thence east to longitude 139°23'55" E GDA94, south to latitude 27°38'50" S GDA94, west to longitude 139°23'40" E GDA94, north to latitude 27°38'40" S GDA94, west to longitude 139°23'25" E GDA94, south to latitude 27°38'50" S GDA94, west to longitude 139°22'55" E GDA94, and north to the point of commencement.

AREA: 2.10 square kilometres approximately

Dated: 19 March 2019

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

SUSPENSION OF GAS STORAGE EXPLORATION LICENCES

GSELS 668, 669, 670 and 671

Pursuant to section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the abovementioned Gas Storage Exploration Licences have been suspended for the period from 28 February 2019 until 27 February 2020 inclusive, pursuant to delegated powers dated 29 June 2018.

The expiry date of GSELS 668, 669, 670 and 671 is now determined to be 30 November 2023.

Dated: 18 March 2019

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Petroleum Exploration Licence PEL 515

Pursuant to section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the abovementioned Petroleum Exploration Licence has been suspended for the period from 26 March 2019 until 25 March 2020 inclusive, pursuant to delegated powers dated 29 June 2018.

The expiry date of PEL 515 is now determined to be 6 May 2023.

Dated: 13 March 2019

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PHYLLOXERA AND GRAPE INDUSTRY ACT 1995

REVOCATION OF DELEGATION PURSUANT TO SECTION 28

In relation to the appointment of Members of the Phylloxera and Grape Industry Board of South Australia pursuant to Section 5

Pursuant to section 28 of the *Phylloxera and Grape Industry Act 1995* ("the Act") I, Tim Whetstone, the Minister for Primary Industries and Regional Development in the State of South Australia, being the Minister of the Crown to whom the administration of the Act is for the time being committed, hereby revoke all previous delegations of my functions and powers under section 5 of the Act to appoint members of the Phylloxera and Grape Industry Board of South Australia.

Dated: 14 March 2019

HON TIM WHETSTONE MP
Minister for Primary Industries and Regional Development

REMUNERATION TRIBUNAL

REPORT NO. 2 OF 2019

*Remuneration of Members of the Judiciary, Presidential Members of the SAET, Presidential Members of the SACAT, the State Coroner, and Commissioners of the Environment, Resources and Development Court***INTRODUCTION**

1. The Remuneration Tribunal ("the Tribunal") has jurisdiction under section 13 of the *Remuneration Act 1990* ("the Act"), to determine the remuneration payable to Judges, Magistrates and holders of the public offices listed in that section of the Act. Section 14 of the Act provides that the Tribunal may be conferred additional jurisdiction by any other Act or by proclamation by the Governor, to determine the remuneration of other specified offices.

BACKGROUND

2. In previous reviews of judicial remuneration in South Australia, the Tribunal has had regard to the national framework of salaries paid to judicial officers throughout the Commonwealth.
3. It would be accurate to describe the concept of a national framework of judicial salaries as a guiding principle for the purpose of considering judicial remuneration in South Australia. However, whilst adopting this guiding principle, the Tribunal has ensured that discretion has been preserved for the purpose of making an independent judgement of an appropriate level of judicial remuneration from time to time.
4. The Tribunal has avoided any Determination that judicial salaries in South Australia will automatically follow any Determination or legislative regulation of judicial remuneration in another jurisdiction. Nonetheless, it is a feature of the history of the Tribunal's determination of judicial salaries in South Australia that the level of salary of a Puisne Judge of the Supreme Court has been determined taking into consideration, among other things, the salary of a Puisne Judge of Supreme Courts throughout the States and Territories and the salaries of Federal Court Judges.

PROCEDURAL HISTORY

5. Section 10(2) of the Act provides that prior to the making of a Determination, the Tribunal must allow an affected person, or persons of an affected class, a reasonable opportunity to make submissions orally or in writing to the Tribunal. Section 10(4) provides that the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
6. On 30 October 2018, the Tribunal wrote to the Judicial Remuneration Coordinating Committee ("JRCC") and the Magistrates Association of South Australia ("MASA"), notifying of the Tribunal's intention to conduct a review of the remuneration of the relevant office holders. The Tribunal also wrote to the Honourable Premier of South Australia ("the Hon. Premier"), as the Minister responsible for the Act.

7. In addition, on 30 October 2018, the Tribunal distributed a notice to judicial officers and on 7 November 2018, a notification of the review was placed on the Tribunal's public website.
8. The Tribunal convened a hearing on 31 January 2019 to hear oral submissions. The following persons attended:
 - 8.1 The Honourable Justice Tim Stanley, on behalf of the JRCC; and
 - 8.2 Ms Caitlin Hartvigsen-Power, on behalf of the Hon. Premier, as Minister responsible for the Act.

SUBMISSIONS

9. Submissions were received by the JRCC and the Crown Solicitor's Office ("CSO"), on behalf of the Hon. Premier.
10. The JRCC submitted that:
 - 10.1 The Tribunal should continue to set judicial salaries in a national framework.
 - 10.2 In conformity with that policy, the salary of a Puisne Judge of the Supreme Court of South Australia should be increased to \$458,840 per annum.
 - 10.3 The increase to the judicial and other officers should be no less than the percentage increase, and from the same operative date, applicable to the salary of a Puisne Judge of the Supreme Court.
 - 10.4 The increase should operate from 1 January 2019.
11. The CSO, on behalf of the Hon. Premier, submitted that:
 - 11.1 Whilst noting that the Tribunal has previously made decisions within a "national framework", the Tribunal should not adopt the recent determination by the Commonwealth Remuneration Tribunal ("CRT"), which awarded a wage increase to the Federal Judiciary of 2.0% on grounds that:
 - 11.1.1 The economic evidence in respect of South Australia does not justify such an increase;
 - 11.1.2 Over the past nine years, the South Australian Judiciary has received substantial increases in salary having particular regard to general increases within the State Public Sector (including executives); and
 - 11.1.3 In making decisions within a "national framework" the Tribunal should, and has, guarded against automatically adopting salary outcomes determined by the CRT.
 - 11.2 The Tribunal should increase South Australian judicial remuneration by 1.0% from 1 June 2019, consistent with the economic conditions in South Australia and taking into account the historically significant increases to South Australian judicial salaries.

COMPARISON OF FEDERAL, STATE AND TERRITORY JUDICIAL SALARIES

12. The Tribunal has examined Federal, State and Territory judicial salaries.
13. The relevant judicial salaries of Supreme Court Judges and Federal Court Judges as at the time of this review are set out below. It will be noted that at the present time the salary of a Supreme Court Judge in South Australia is the lowest in Australia with the exception of Western Australia and lower than both the respective median and average salary. Moreover, this has been the case for most of 2018.
14. The situation in Western Australia is made problematic by a legislative freeze on the jurisdiction and powers of the Independent Salaries and Allowances Tribunal in that State due to a fiscal emergency affecting the State's finances. The situation in South Australia is not analogous.

Jurisdiction	Judge of the Supreme Court Salary	Operative Date
New South Wales	\$464,310	1-Jul-18
Northern Territory	\$458,840	1-Jan-18
Victoria	\$458,840	17-Oct-18
Australian Capital Territory	\$458,840	1-Jul-18
Tasmania	\$455,570	31-May-18
Queensland [†]	\$449,840	1-Jul-17
Western Australia ^Ω	\$441,057	1-Jul-16
Commonwealth (federal court judge used)	\$458,840	1-Jul-18
Median Salary (all states and territories ex SA)	\$458,840	
Average Salary (all states and territories ex SA)	\$455,767	
SA (salary prior to this Determination)	\$449,840	1-Jun-18

[†]The salary of judges of the Supreme Court in Queensland is linked to the salary of a Federal Court Judge by the *Judicial Remuneration Act 2007* (QLD) and is set to increase to \$458,840 in early 2019.

^ΩThe salary of judges of the Supreme Court in Western Australia is subject to the restrictive provisions of the *Salaries and Allowances (Debt and Deficit Remediation) Act 2018* (WA), which prevents the WA Tribunal, until July 2021, from causing an increase in that salary.

FAIR WORK ACT 1994 (SA)

15. The Tribunal is required by Section 101 of the *Fair Work Act 1994* (SA) to have due regard to, and may apply, principles, guidelines, conditions practices or procedures adopted by the South Australian Employment Tribunal ("SAET"), the successor to the Industrial Relations Commission of South Australia ("IRCSA"). Section 101 of that Act is set out as follows:

101—State industrial authorities to apply principles

- (1) *In arriving at a determination affecting remuneration or working conditions, a State industrial authority must have due regard to and may apply and give effect to principles, guidelines, conditions, practices or procedures adopted by SAET under this Part.*
- (2) *However, principles adopted under this Part are not applicable to enterprise agreements.*
- (3) *In this section—*

State industrial authority means—

 - (a) SAET; or
 - (b) the Remuneration Tribunal; or

- (c) *the Commissioner for Public Sector Employment; or*
 - (d) *another person or body declared by regulation to be a State industrial authority.*
16. The Tribunal has had due regard accordingly, as required by the relevant legislative provisions. On the last occasion SAET adjusted wages and salaries generally within the scope of its jurisdiction, an increase of 3.5% was determined as appropriate. This determination was broadly consistent with that of the Fair Work Commission (“FWC”), which applied a 3.5% increase to wages and salaries prescribed by Federal Awards operative from 1 July 2018. The practice of SAET and IRCSA before it usually reflected similar quantitative outcomes to those determined by the Fair Work Commission for the purposes of annual adjustments to wages and salaries prescribed by Federal Awards.

THE ECONOMIC CONTEXT

17. The National Economy is expected to continue to grow. The Commonwealth Government’s Mid-Year Economic and Fiscal Outlook 2018-19 includes the following:

“Australia’s economy continues to perform well. Real GDP is expected to grow by 2¾ per cent in 2018-19, in line with the economy’s estimated potential growth rate. Growth is expected to strengthen to 3 per cent in 2019-20. This growth outlook is forecast to support continuing employment growth, helping to keep the unemployment rate around recent lows.”

18. While revising previous forecasts downwards, the most recent economic outlook from the Reserve Bank of Australia states as follows:

“Year-ended growth is expected to be around 3 per cent over 2019 and 2¾ per cent over 2020 (Graph 5.1). Accommodative monetary policy and tighter labour market conditions are expected to provide ongoing support to growth in household income and consumption.”

19. The 2018-19 State Budget Statement contains an economic outlook statement for the South Australian economy. That statement is set out below:

“Economic outlook

The economic challenges arising from the cessation of car manufacturing in South Australia have been relatively well accommodated, with continuing overall employment growth and a fall in the unemployment rate. The declines in production and employment in the manufacturing industry have been offset by growth in service based industries, led by health care and social assistance.

Employment in South Australia is likely to continue to be supported by public sector investment in transport projects, by private sector investment (including OZ Minerals’ Carrapateena project and Senvion’s Ceres wind farm project). In the medium term, naval shipbuilding projects (future frigates and submarines) offer the potential for significant job opportunities, including in supply chain firms.

Although retail spending growth has seen gradual declines from its recent peak in late 2014, it is likely that recent strong employment growth, continued sources of inexpensive consumer credit and growing tourist numbers will be supportive of household spending going forward. A number of surveys have confirmed strong business confidence in South Australia in recent months. This bodes well for growth in the state.

Forecasts and projections for South Australia from 2018–19 onwards take into consideration the expected performance of the international, national and state economies over the medium term. Forecasts and projections also depend on key assumptions around population growth rates and the relative performance of the state’s economic sectors. Taking into consideration the relevant information on the past trends of the South Australia economy and having allowed for sensitivities in key assumptions, South Australia’s GSP is forecast to increase by 2¼ per cent in real terms in 2018–19, following similar growth in 2017–18. South Australian employment is forecast to grow by 1½ per cent in 2018–19, revised up from 1 per cent in the mid-year budget review. South Australia’s SFD is forecast to grow by 2½ per cent in 2018–19, revised up from 2¼ per cent since the mid-year budget review as a result of stronger than expected economic conditions.”

20. According to the 2018-19 Mid-Year Budget Review¹, the Government’s 2018-19 State Budget is on track to deliver a return to surplus and maintain projected surpluses across each year of the forward estimates.

¹ 2018-19 Mid-Year Budget Review, Department of Treasury and Finance, published on 13 December 2018

21. The determination of judicial salaries should have appropriate regard to the economic context in which such determinations are made and the relevant economic circumstances experienced by the community which the judiciary serves.
22. The Tribunal has taken these matters into account when balancing the relevant considerations for the purposes of our discretionary judgement of the appropriate level of judicial salaries.
23. The Tribunal also noted that the most recent data published by the Australian Bureau of Statistics shows the Wage Price Index for Public Sector in South Australia has increased at an annualised rate of 2.5%² for the year ending December 2018.

² Australian Bureau of Statistics, Wage Price Index, Public Sector, South Australia, for the year ending December 2018, series 6345.0

PUBLIC SECTOR REMUNERATION

24. The Premier’s submission focuses on various aspects of changes in the level of remuneration applicable to public sector employees. The *South Australian Modern Public Sector Enterprise Agreement: Salaried 2017*, which covers approximately 37,000 public employees, provides for a weighted average salary increase of 2.3% in 2019. Other significant employment areas in the public sector are subject to enterprise bargaining and 2019 adjustments to wages and salaries are not known for those employment areas at the time of this review.
25. The Premier submits that when reviewing judicial remuneration, the Tribunal should have particular regard to changes in the level of remuneration of the South Australian Executive Service (“SAES”).
26. The Tribunal considers that, while general consideration of changes in employee remuneration in the public sector forms a background to the review of judicial remuneration, there are limits to the utility of such consideration.
27. On the material before the Tribunal, isolating a particular class of public servant as the basis for the adjustment of judicial salaries is not compatible with the determination of judicial salaries within a national framework of such salaries. While there may be a small number of senior officials performing important legal functions, the Tribunal considers that there is insufficient similarity or comparability of the responsibilities, role, functions, qualifications and competencies across the SAES, generally, with those of judicial officers.
28. Moreover, the remuneration of the members of the SAES is determined by the Executive. Having regard to the provisions of section 15 of the Act, which are set out below, the Tribunal considers an approach which subjects the determination of the remuneration of the judiciary to decisions of the Executive is contrary to the intention of the Act:

“15—Tribunal to have regard to principle of judicial independence

The Tribunal must, where appropriate in determining remuneration under this Act, have regard to the constitutional principle of judicial independence.”

CONCLUSION

29. The table of judicial salaries above and the relevant observations thereto indicate a compelling case to adjust the salaries of judicial officers to reflect the median salary in that table, having regard to the Tribunal’s policy of determining judicial salaries within a national framework. The Tribunal considered that, on the material before it, that policy remains appropriate. The Tribunal did not consider it appropriate to depart from that policy based upon the outcomes and effects of previous reviews of judicial remuneration. Accordingly, the Tribunal determined that the salary of a Puisne Judge of the Supreme Court should be adjusted to reflect the median salary level in the national framework of judicial salaries shown in the table above. The Tribunal considered that other judicial salaries should move in harmony. The Tribunal considered that the effect of the adjustment will not have a material effect on the South Australian economy or the fiscal position of the Government.

OPERATIVE DATE

30. The Tribunal has decided that the accompanying Determination 2 of 2019 will come into operation on and from 1 January 2019.

COMMUNICATION ALLOWANCE

31. The Tribunal has had regard to the relevant statistical measure which comprises the basis of the Communications Allowance applicable to judicial office holders, and has concluded that the amount of the Communications Allowance will remain as provided for in Determination 6 of 2013.

CONSOLIDATION OF DETERMINATIONS

32. The following Determinations have been consolidated into the accompanying Determination (Determination 2 of 2019):
- 32.1 Determination 6 of 2013 – Communications Allowance for Judges and Related Office Holders
 - 32.2 Determination 15 of 2017 – Judicial Security Allowance
 - 32.3 Determination 1 of 2018 – Supervising Regional Manager Allowance (Magistrates)
 - 32.4 Determination 8 of 2018 – Manager Family Violence List Allowance (Magistrates)
 - 32.5 Determination 9 of 2018 – Additional Salary for Presidential Members of the South Australian Civil and Administrative Tribunal.

Dated: 14 March 2019

JOHN LEWIN
President

PETER ALEXANDER
Member

PAMELA MARTIN
Member

REMUNERATION TRIBUNAL**DETERMINATION NO. 2 OF 2019**

Remuneration of Members of the Judiciary, Presidential Members of the SAET, Presidential Members of the SACAT, the State Coroner, and Commissioners of the Environment, Resources and Development Court

SCOPE OF DETERMINATION

1. The Remuneration Tribunal (“the Tribunal”) has jurisdiction under section 13 of the *Remuneration Act 1990* (“the Act”), to determine the remuneration payable to Judges, Magistrates and holders of the public offices listed in that section of the Act. Section 14 of the Act provides that the Tribunal may be conferred additional jurisdiction by any other Act or by proclamation by the Governor, to determine the remuneration, or a specified part of the remuneration, of other specified offices.
2. This Determination sets out the remuneration payable to members of the judiciary, the holders of public offices listed in section 13 of the Act, and certain statutory office holders.

SALARY**3. Members of the Judiciary**

- 3.1 Annual salaries for the following members of the judiciary will be:

	per annum operative 1 January 2019
Chief Justice of the Supreme Court	\$513,860
Puisne Judges of the Supreme Court	\$458,840
Masters of the Supreme Court	\$405,190
Chief Judge of the District Court	\$458,840
Other District Court Judges	\$405,190
Masters of the District Court	\$357,850
Chief Magistrate*	\$388,420
Supervising Magistrates	\$353,090
Assistant Supervising Magistrate of the Adelaide Magistrates Court	\$346,030
Magistrates	\$329,170
Magistrate appointed Warden under the <i>Mining Act 1971</i> as amended and performing the duties of Senior Warden paid the salary shown for as long as that person continues to perform such duties.	\$346,850

*A judicial officer who is appointed to the office of the Chief Magistrate whose primary office is a Judge of the District Court is entitled to the salary of a District Court Judge, as prescribed by section 6A of the *Magistrates Act 1983* and section 6 of the *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*.

- 3.2 Where a person is appointed as Acting Chief Justice of the Supreme Court or as Acting Chief Judge of the District Court and such appointment extends for a continuous period of more than one week, the person appointed shall be paid a salary

equal to the salary specified herein for the Chief Justice or the Chief Judge, as appropriate, for the whole of the period the appointment is in effect.

- 3.3 Annual allowances for the following members of the judiciary will be as follows, and will be payable in addition to any entitlement to salary under this Determination:

	per annum operative 1 January 2019
Senior Judge, Youth Court and Senior Judge, Environment Resources and Development Court, appointed as such, paid the allowance shown for as long as that person continues to perform such duties and is designated as 'Senior'.	\$11,360
Magistrate appointed to the position of Supervising Regional Manager by the Chief Magistrate with the concurrence of the Attorney-General, to perform special duties as specified by the Chief Magistrate, and associated with the role of Supervising Regional Manager, for as long as that person continues in that position and performs the duties of that position.	\$32,300
Magistrate directed by the Chief Magistrate with the concurrence of the Attorney-General to perform special administrative duties in a region (Regional Manager) or in a residential country area (Country Resident Magistrate) paid the allowance shown for as long as that person continues to perform such duties.	\$23,930
Magistrate appointed to the position of Manager Family Violence List by the Chief Magistrate with the concurrence of the Attorney-General, to perform special duties, relating to family violence state-wide, for as long as that person continues in that position and performs the duties of the position.	\$23,930
Magistrate directed by the Chief Magistrate with the concurrence of the Attorney-General to perform special administrative duties at a particular court (Magistrate-in-Charge) paid the allowance shown for as long as that person continues to perform such duties.	\$9,320
Magistrate appointed as a Deputy State Coroner on a full-time ongoing basis paid the allowance shown for as long as that person continues to perform such duties.	\$9,040

4. Statutory Office Holders

- 4.1 Annual salaries for the following statutory office holders will be:

	per annum operative 1 January 2019
The State Coroner whilst he continues to perform this function under his current conditions of employment	\$372,900
Additional salary component for a Judge of the District Court whom holds the appointment, and performs the functions of, the President of the South Australian Employment Tribunal.	An amount equal to 10 per cent of the salary of a judge of the District Court
Additional salary payable to a Deputy President of the South Australian Employment Tribunal who is delegated the previous duties of the now defunct role of the President of the Industrial Relations Commission	\$20,540
Additional salary payable to a puisne judge of the Supreme Court appointed as President of the South Australian Civil and Administrative Tribunal, on account of holding the office of President of the South Australian Civil and Administrative Tribunal	An amount equal to 10 per cent of the salary of a puisne judge of the Supreme Court
Commissioners of the Environment, Resources and Development Court	\$306,380

COMMUNICATION ALLOWANCE

5. A communication allowance of \$1,254 per annum for expenditures for the purpose of mobile telephone, landline telephone and internet usage incurred in relation to the conduct of a judicial officer's duties shall be payable to the following office holders:

The Chief Justice, Judges and Masters of the Supreme Court;
 The Chief Judge, Judges and Masters of the District Court;
 The Judges and Magistrates of the South Australian Employment Tribunal;
 The Chief Magistrate and the Magistrates of the Magistrates Court;
 The State Coroner and the Deputy Coroner;
 The Commissioners of the Environment, Resources and Development Court and Commission; and
 The President and Deputy Presidents of the South Australian Employment Tribunal.

6. The allowance is payable fortnightly and at a fortnightly rate of the annual amount payable at clause 5 of this Determination.

JUDICIAL SECURITY ALLOWANCE

7. A security allowance of \$1,000 per annum for expenditures for the purpose of personal security at the judicial officer's residence shall be payable to the following office holders:

The Chief Justice, Judges and Masters of the Supreme Court;
 The Chief Judge, Judges and Masters of the District Court;
 The Judges and Magistrates of the South Australian Employment Tribunal;
 The Chief Magistrate and the Magistrates of the Magistrates Court;
 The State Coroner and the Deputy Coroner;
 The Commissioners of the Environment, Resources and Development Court and Commission; and
 The President and Deputy Presidents of the South Australian Employment Tribunal.

8. The allowance is payable fortnightly and at a fortnightly rate of the annual amount payable at clause 7 of this Determination.

ACCOMMODATION AND MEAL ALLOWANCES

9. Accommodation and Meal Allowances pursuant to the Tribunal's Determination 14 of 2018 shall continue to apply, as amended from time to time.

CONVEYANCE ALLOWANCE

10. Conveyance Allowance pursuant to the Tribunal's Determination 15 of 2018 shall continue to apply, as amended from time to time.

DATE OF OPERATION

11. This Determination will come into operation on and from 1 January 2019.

Dated: 14 March 2019

JOHN LEWIN
President

PETER ALEXANDER
Member

PAMELA MARTIN
Member

SHOP TRADING HOURS ACT 1977*Trading Hours - Exemption*

NOTICE is hereby given that pursuant to section 5(9)(b) of the *Shop Trading Hours Act 1977* (the Act), I, Rob Lucas MLC, Treasurer, do hereby declare:

- Non-exempt shops, excluding shops that are solely or predominantly the retail sale of motor vehicles or boats, situated within the Metropolitan Shopping District and Glenelg Tourist Precinct exempt from the provisions of the Act between the hours of:
 - 11.00 am and 5.00 pm on Monday, 22 April 2019.

This exemption is subject to the following conditions:

- Normal trading hours prescribed by section 13 of the Act shall apply at all other times.
- All employees working during these extended hours will do so on a strictly voluntary basis.
- Any and all relevant industrial instruments are to be complied with.
- All work health and safety issues (in particular those relating to extended trading hours) must be appropriately addressed.

Dated: 15 March 2019

HON ROB LUCAS MLC
Treasurer

TRANSPLANTATION AND ANATOMY ACT 1983 (SA)**PURSUANT TO PART IV SECTION 33***Instrument of Authorisation*

I, STEPHEN WADE, MINISTER FOR HEALTH AND WELLBEING hereby revoke only the authorisation of the Bone and Joint Research Laboratory within the Division of Tissue Pathology of the Institute of Veterinary and Medical Sciences at Frome Road, Adelaide dated 26 March 2008 under Section 33(4) of the *Transplantation and Anatomy Act 1983*.

Pursuant to section 33(4) of the *Transplantation and Anatomy Act 1983*, I hereby authorise SA Pathology to carry out anatomical examinations and the teaching and study of anatomy at the Royal Adelaide Hospital within the Level 1 Mortuary and the Level 5 Learning and Development space located at North Terrace, Adelaide, South Australia.

This authorisation applies for the use of pre-prepared cadaveric whole arm specimens for the purpose of conducting a hand skills surgical training workshop in April 2019, held by the Department of Plastic & Reconstructive Surgery, Royal Adelaide Hospital.

This authorisation has effect for 4 months from the date of signing of this instrument.

This authorisation can be varied or revoked by the Minister for Health at any time.

Dated: 14 March 2019

HON STEPHEN WADE MLC
Minister for Health and Wellbeing

WILDERNESS PROTECTION ACT 1992*Proposal to Proclaim an Addition to the Cape Torrens Wilderness Protection Area*

PURSUANT to section 22 of the *Wilderness Protection Act 1992* (the Act), I, David Speirs, Minister for Environment and Water in the State of South Australia, hereby give notice that the Wilderness Assessment Report outlining the proposed addition to the Cape Torrens Wilderness Protection Area is now available for public comment.

The land proposed to be added to the wilderness protection area is portion of Section 67, Hundred of Gosse.

Copies of the report may be viewed at or obtained from the offices of the Department for Environment and Water at:

- http://www.environment.sa.gov.au/managing-natural-resources/Park_management/Wilderness_protection_in_South_Australia;
- Natural Resource Centre - Adelaide, Ground Floor, 81-95 Waymouth Street, Adelaide, S.A. 5000; and
- Natural Resource Centre - Kingscote, 37 Dauncey Street, Kingscote, S.A., 5223.

Any person may make representations in connection with the report during the period up to and including 21 June 2019.

Written comments should be forwarded to Amy Allen, Policy Officer, Protected Areas Unit, Department for Environment and Water, G.P.O. Box 1047, Adelaide, S.A. 5001 or e-mailed to: amy.allen2@sa.gov.au. Submissions may also be made online at <https://yoursay.sa.gov.au/>.

Dated: 21 March 2019

DAVID SPEIRS MP
Minister for Environment and Water

South Australia

Police (Drug Testing) Amendment Act (Commencement) Proclamation 2019

1—Short title

This proclamation may be cited as the *Police (Drug Testing) Amendment Act (Commencement) Proclamation 2019*.

2—Commencement of Act

The *Police (Drug Testing) Amendment Act 2017* (No 48 of 2017) comes into operation on 1 April 2019.

Made by the Governor

with the advice and consent of the Executive Council
on 21 March 2019

19POL002CS

South Australia

Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Act (Commencement) Proclamation 2019

1—Short title

This proclamation may be cited as the *Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Act (Commencement) Proclamation 2019*.

2—Commencement of Act and suspension of certain provisions

- (1) Subject to subclause (2), the *Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Act 2017* (No 54 of 2017) comes into operation on 1 May 2019.
- (2) The operation of sections 4, 5, 6, 9 and 11 of the Act is suspended until a day or time or days or times to be fixed by subsequent proclamation or proclamations.

Made by the Governor

with the advice and consent of the Executive Council
on 21 March 2019

MTIL19/012CS

South Australia

Youth Court (Designation and Classification of Magistrate) Proclamation 2019

under section 9 of the *Youth Court Act 1993*

1—Short title

This proclamation may be cited as the *Youth Court (Designation and Classification of Magistrate) Proclamation 2019*.

2—Commencement

This proclamation comes into operation on 19 April 2019.

3—Designation and classification of magistrate

The magistrate named in Schedule 1 is—

- (a) designated as a magistrate of the Youth Court of South Australia; and
- (b) classified as a member of the Court's principal judiciary; and
- (c) declared to be a member of the Court's principal judiciary for a term of 2 years.

Schedule 1—Magistrate of the Court

Oliver Rudolf Gerhard Koehn

Made by the Governor

with the advice and consent of the Executive Council
on 21 March 2019

AGO0030-19CS

South Australia

Police (Drug Testing) Variation Regulations 2019

under the *Police Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Police Regulations 2014*

- 4 Variation of regulation 29—Interpretation
 - 5 Insertion of regulation 29A
 - 29A Approval of apparatus for conduct of drug screening tests
 - 6 Variation of regulation 30—Commissioner may give approvals and authorisations for purposes of this Part
 - 7 Substitution of regulation 31
 - 31 General requirements
 - 8 Variation of regulation 32—Oral fluid sample processes
 - 9 Variation of regulation 41—Evidence etc
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Police (Drug Testing) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which the *Police (Drug Testing) Amendment Act 2017* comes into operation.

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 *Police Regulations 2014*

4—Variation of regulation 29—Interpretation

Regulation 29(1), definition of *prescribed drug*—delete the definition and substitute:

prescribed drug means—

- (a) cocaine;
- (b) delta-9-tetrahydrocannabinol;
- (c) diacetylmorphine;
- (d) methylamphetamine;

- (e) 3, 4-methylenedioxymethamphetamine (MDMA);

5—Insertion of regulation 29A

After regulation 29 insert:

29A—Approval of apparatus for conduct of drug screening tests

The following apparatus is approved for the conduct of drug screening tests:

Securetec Drugwipe S

6—Variation of regulation 30—Commissioner may give approvals and authorisations for purposes of this Part

Regulation 30(2) and (3)—delete subregulations (2) and (3) and substitute:

- (2) Subject to subregulation (3), the Commissioner may, for the purposes of Part 6 Division 2 of the Act, authorise a member of SA Police to do any or all of the following:
- (a) to operate breath analysing instruments;
 - (b) to conduct drug screening tests;
 - (c) to take oral fluid samples;
 - (d) to take urine samples.
- (3) The Commissioner may not authorise a member of SA Police to take oral fluid or urine samples, or to conduct breath analyses or drug screening tests, unless the Commissioner is satisfied that the member has completed to a satisfactory level a course of training approved by the Commissioner.

7—Substitution of regulation 31

Regulation 31—delete the regulation and substitute:

31—General requirements

- (1) If a test subject (other than a person to whom section 41C(1) of the Act applies) has been required to submit to drug testing under Part 6 Division 2 of the Act—
- (a) any drug screening test may not be commenced more than 8 hours after the subject has come off duty or more than 8 hours following a critical incident or high risk driving occurrence (as the case may be); and
 - (b) any biological sample that is required to be taken from the test subject must not be taken more than 8 hours after the subject has come off duty or more than 8 hours following a critical incident or high risk driving occurrence (as the case may be).
- (2) The performance of a drug screening test commences when a direction is first given to the test subject to provide a sample of oral fluid to be used for the drug screening test.

- (3) The following applies to the taking of a biological sample from a test subject by an authorised member for the purposes of drug testing:
 - (a) if the authorised member considers that a sample of oral fluid can be taken—the authorised member must take a sample of oral fluid;
 - (b) if the authorised member considers that a sample of oral fluid cannot be taken but that a sample of urine can—the authorised member must take a sample of urine;
 - (c) if the authorised member considers that neither a sample of oral fluid nor a sample of urine can be taken—the authorised member must arrange for a medical practitioner or registered nurse to take a sample of blood.

8—Variation of regulation 32—Oral fluid sample processes

- (1) Regulation 32(1)(b) and (c)—delete paragraphs (b) and (c) and substitute:
 - (b) when the authorised member is satisfied that the test subject has provided a satisfactory sample of the test subject's oral fluid, the member must place the sample, in approximately equal proportions, in 2 containers suitable for the purpose;
- (2) Regulation 32(1)(i)—delete paragraph (i) and substitute:
 - (i) a copy of the signed certificate must be delivered to the test subject together with a written notice advising that a container containing part of the oral fluid sample taken from the test subject and marked with the identification number specified in the notice will be available for collection by or on behalf of the test subject at a specified place.

9—Variation of regulation 41—Evidence etc

- (1) Regulation 41—after subregulation (10) insert:
 - (10a) A certificate purporting to be signed by an authorised member and to certify that an apparatus referred to in the certificate is or was of a kind approved by regulation 29A for the conduct of drug screening tests is, in the absence of proof to the contrary, proof of the matter so certified.
 - (10b) A certificate purporting to be signed by an authorised member and to certify that a person named in the certificate submitted to a drug screening test on a specified day and at a specified time and that the drug screening test indicated that a prescribed drug may then have been present in the oral fluid of the person is, in the absence of proof to the contrary, proof of the matters so certified.
 - (10c) A certificate purporting to be signed by an authorised member and to certify that apparatus used to conduct a drug screening test was in proper order and that the drug screening test was properly conducted is, in the absence of proof to the contrary, proof of the matters so certified.
- (2) Regulation 41(13)(c)—delete paragraph (c)

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 21 March 2019

No 23 of 2019

MPOL17/05CS

South Australia

Motor Vehicles (South Eastern Freeway Offences) Variation Regulations 2019

under the *Motor Vehicles Act 1959*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Motor Vehicles Regulations 2010*

- 4 Insertion of regulation 97AA
97AA Exemption from cumulative application of new section 139BD notice of disqualification if existing suspension is under prescribed provision
 - 5 Variation of regulation 98—Guidelines for disclosure of information
 - 6 Variation of Schedule 4—Demerit points
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles (South Eastern Freeway Offences) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which the *Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Act 2017* comes into operation.

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 *Motor Vehicles Regulations 2010*

4—Insertion of regulation 97AA

After regulation 97 insert:

97AA—Exemption from cumulative application of new section 139BD notice of disqualification if existing suspension is under prescribed provision

- (1) Subject to subregulation (2), if—
 - (a) a person (whether before, on or after the commencement of this regulation) has been given, or is given, a notice of disqualification within the meaning of section 139BD of the Act; and

- (b) at the time that the notice is (but for the operation of section 139BD(9)) due to take effect (being a time on or after the commencement of this regulation), the person holds a licence or learner's permit that is already suspended under a prescribed provision (whether the suspension was imposed before, on or after that commencement),

the person is exempt from the requirement of section 139BD(9) of the Act that the notice of disqualification will instead take effect on the termination of that prior suspension.

- (2) Subregulation (1) does not apply if—
- (a) the notice of disqualification is a notice under section 81BC(2) of the Act; and
 - (b) the prescribed provision under which the licence or permit is suspended is section 45D of the *Road Traffic Act 1961*; and
 - (c) the notice of disqualification relates to the same offence as the notice under section 45D giving rise to the suspension.

- (3) In this regulation—

prescribed provision means—

- (a) section 38(1) of the *Fines Enforcement and Debt Recovery Act 2017*; or
- (b) section 80(2a)(e) of the *Motor Vehicles Act 1959*; or
- (c) section 82(1)(b) of the *Motor Vehicles Act 1959*; or
- (d) section 83 of the of the *Motor Vehicles Act 1959*; or
- (e) section 45B of the *Road Traffic Act 1961*; or
- (f) section 45D of the *Road Traffic Act 1961*; or
- (g) section 47IAA of the *Road Traffic Act 1961*.

5—Variation of regulation 98—Guidelines for disclosure of information

Regulation 98(10), definition of ***prescribed offence***, (a)—after "45A," insert:

45C,

6—Variation of Schedule 4—Demerit points

- (1) Schedule 4, clause 4—after the item relating to section 45A insert:

45C(1)	<i>Driver of truck or bus on prescribed road exceeding the speed limit by 10 kph or more</i>	6
45C(2)	<i>Driver of truck or bus on prescribed road failing to engage low gear</i>	6

- (2) Schedule 4, clause 4, item relating to section 79B(2)—after "*Being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence*" insert:

Contravention where the owner is a natural person and the prescribed offence in which the vehicle appears to have been involved is an offence against the following section of the *Road Traffic Act 1961*:

s 45C(1)—*Driver of truck or bus on prescribed road exceeding the speed limit by 10 kph or more*

6

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 21 March 2019

No 24 of 2019

MTIL19/012CS

South Australia

Road Traffic (Miscellaneous) (South Eastern Freeway Offences) Variation Regulations 2019

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 2014*

- 4 Variation of regulation 3—Interpretation
 - 5 Insertion of regulation 11A
 - 11A Prescribed particulars of notice of licence disqualification or suspension (section 45D of Act)
 - 6 Variation of regulation 13—Prescribed form of notice of licence disqualification or suspension (sections 45B(1), 45D(2) and 47IAA(2) of Act)
 - 7 Insertion of regulation 13A
 - 13A Exemption from cumulative application of new disqualification or suspension if existing suspension is under a prescribed provision
 - 8 Insertion of regulation 61A
 - 61A South Eastern Freeway: prescribed road (section 45C of Act)
 - 9 Variation of Schedule 4—Expiation of offences
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) (South Eastern Freeway Offences) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which the *Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Act 2017* comes into operation.

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 *Road Traffic (Miscellaneous) Regulations 2014*

4—Variation of regulation 3—Interpretation

Regulation 3(1), definition of *speeding offence*, (a)—after "section 45A" insert:
or 45C(1)

5—Insertion of regulation 11A

After regulation 11 insert:

11A—Prescribed particulars of notice of licence disqualification or suspension (section 45D of Act)

- (1) For the purposes of section 45D(5)(a) of the Act, the prescribed particulars of a notice of licence disqualification or suspension given to a person that must be forwarded to the Registrar are as follows:
 - (a) the person's name;
 - (b) the person's address;
 - (c) the person's date of birth;
 - (d) if the person produces the person's licence—the person's licence number;
 - (e) the date and time of the offence to which the notice relates;
 - (f) whether the notice relates to—
 - (i) an offence against section 45C(1) or (2) of the Act; or
 - (ii) an offence against section 79B of the Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45C(1) of the Act;
 - (g) the date and time of the issue of the notice;
 - (h) an indication as to when the disqualification or suspension of licence should commence.
- (2) For the purposes of section 45D(5)(b) of the Act, the prescribed particulars that must be included in a notice of licence disqualification or suspension sent, by post, to a person by the Registrar are as follows:
 - (a) the person's name;
 - (b) the person's address;
 - (c) the person's date of birth;
 - (d) the person's licence number;
 - (e) the date and time of the offence to which the notice relates;
 - (f) whether the notice relates to—
 - (i) an offence against section 45C(1) or (2) of the Act; or
 - (ii) an offence against section 79B of the Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45C(1) of the Act;
 - (g) the date and time of the issue of the notice;
 - (h) the date and time of the commencement of the disqualification or suspension of licence.

6—Variation of regulation 13—Prescribed form of notice of licence disqualification or suspension (sections 45B(1), 45D(2) and 47IAA(2) of Act)

Regulation 13—delete "section 45B(1) and section 47IAA(2)" and substitute:

sections 45B(1), 45D(2) and 47IAA(2)

7—Insertion of regulation 13A

After regulation 13 insert:

13A—Exemption from cumulative application of new disqualification or suspension if existing suspension is under a prescribed provision

(1) If—

- (a) a notice of licence disqualification or suspension or notice of immediate licence disqualification or suspension is given to a person under section 45B(1), 45D(2) or 47IAA(2) of the Act, or an order that a person be disqualified from holding or obtaining a driver's licence referred to in section 169B of the Act is made in relation to a person; and
- (b) at the time that the notice or order is (but for the operation of section 45B(10)(a)(i)(B) or (ii)(B), 45D(15)(a)(i)(B) or (ii)(B), 47IAA(12)(a)(ii) or 169B(1)(b) of the Act) due to take effect, the person holds a driver's licence that is already suspended under a prescribed provision,

the person is exempt from the requirement under section 45B(10)(a)(i)(B) or (ii)(B), 45D(15)(a)(i)(B) or (ii)(B), 47IAA(12)(a)(ii) or 169B(1)(b) (as the case may be) that the notice or order will instead take effect at the end of that prior suspension.

(2) Subregulation (1)—

- (a) only applies where the time at which the notice or order is due to take effect (the time referred to in subregulation (1)(b)) occurs on or after the commencement of this regulation; but
- (b) applies whether the notice or order was given, or the prior suspension was imposed, before, on or after that commencement.

(3) In this regulation—

prescribed provision means—

- (a) section 38(1) of the *Fines Enforcement and Debt Recovery Act 2017*; or
- (b) section 80(2a)(e) of the *Motor Vehicles Act 1959*; or
- (c) section 82(1)(b) of the *Motor Vehicles Act 1959*; or
- (d) section 83 of the *Motor Vehicles Act 1959*.

8—Insertion of regulation 61A

After regulation 61 insert:

61A—South Eastern Freeway: prescribed road (section 45C of Act)

For the purposes of the definition of *prescribed road* in section 45C of the Act, the following portion of road is prescribed:

That portion of RN 04500 South Eastern Freeway—

- (a) that is to the left of the far right side of the part of the Freeway that is for traffic travelling in a generally north-westerly direction; and
- (b) that—
 - (i) commences at an imaginary straight line at right angles to the south-eastern kerb of the Freeway through the point of coordinates 138° 41' 54.727" E 34° 59' 40.838" S GDA 94 (a location approximately 500 metres north-west of the Waverley Ridge Road overpass over the Freeway); and
 - (ii) ends at an imaginary straight line parallel to, immediately before and continuing in line with, the stop line at the exit from the Freeway at the intersection between the Freeway, Cross Road, Glen Osmond Road, Portrush Road and Mount Barker Road (the stop line immediately adjacent to and approximately in line with the point of coordinates 138° 38' 39.136" E 34° 57' 48.679" S GDA 94).

9—Variation of Schedule 4—Expiation of offences

Schedule 4, Part 2, table—after the item relating to section 45A of the *Road Traffic Act 1961* insert:

45C(1)	<i>Driver of truck or bus on prescribed road exceeding the speed limit by 10 kph or more</i>	\$1 036
45C(2)	<i>Driver of truck or bus on prescribed road failing to engage low gear</i>	\$1 036

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 21 March 2019

No 25 of 2019

MTIL19/012CS

South Australia

Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) (South Eastern Freeway Offences) Variation Regulations 2019

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

- 4 Insertion of regulation 9C
9C Low gear offence (rule 108) not applicable to drivers of trucks or buses on prescribed road
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) (South Eastern Freeway Offences) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which the *Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Act 2017* comes into operation.

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 *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

4—Insertion of regulation 9C

After regulation 9B insert:

9C—Low gear offence (rule 108) not applicable to drivers of trucks or buses on prescribed road

Despite anything in rule 108 (Trucks and buses low gear signs), rule 108(1) does not apply to the driver of a truck or bus driving on a length of road to which a trucks and buses low gear sign applies if that length of road is a length of prescribed road for the purposes of section 45C of the Act (Speed and gear restrictions for trucks and buses on prescribed roads).

Note—

A *prescribed road* for the purposes of section 45C of the Act is a portion of RN 04500 South Eastern Freeway (or adjacent land) defined in regulation 61A of the *Road Traffic (Miscellaneous) Regulations 2014*.

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 21 March 2019

No 26 of 2019

MTIL19/012CS

South Australia

Opal Mining (Fees) Regulations 2019

under the *Opal Mining Act 1995*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Fees

Schedule 1—Fees

1—Short title

These regulations may be cited as the *Opal Mining (Fees) Regulations 2019*.

2—Commencement

These regulations come into operation on 1 April 2019.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Opal Mining Act 1995*;

extra large precious stones claim means a precious stones claim with an area exceeding 5 000 m² (but not exceeding 20 000 m²);

large precious stones claim means a precious stones claim with an area exceeding 2 500 m² but not exceeding 5 000 m²;

small precious stones claim means a precious stones claim with an area of 2 500 m² or less.

4—Fees

- (1) The fees set out in Schedule 1 are payable as specified in that Schedule.
- (2) The Director may, on application, in the Director's discretion, waive payment of the whole or a part of a fee, or refund a fee (in whole or in part).

Schedule 1—Fees

1	Application for the issue or renewal of a precious stones prospecting permit	\$85.00
2	Application for the issue of a duplicate precious stones prospecting permit	\$16.80
3	Application for the issue of—	
	(a) a set of identification plates (other than the first set of plates)	\$9.10
	(b) a replacement identification plate	\$7.10
4	Application for the registration of—	
	(a) a small precious stones claim	\$50.00
	(b) a large precious stones claim	\$100.00

	(c) an extra large precious stones claim	\$150.00
	(d) an opal development lease	\$120.00
5	Application for the renewal of the registration of—	
	(a) a small precious stones claim	\$150.00
	(b) a large precious stones claim	\$300.00
	(c) an extra large precious stones claim	\$450.00
6	Lodgment or withdrawal of a caveat	\$75.50
7	Lodgment of a bond	nil
8	Submission for registration of an opal mining cooperation agreement	\$93.80
9	Lodgment for registration of—	
	(a) a native title mining agreement	\$198.90
	(b) a native title mining determination	\$198.90
10	Inspection of the Mining Register	\$45.90
11	Extraction of a precious stones claim report	\$7.20
12	Application for an exemption from the obligation to comply with a provision of the Act	\$100.00
13	Recovery of a post stored at an office of the Mining Registrar	\$24.40
14	Application for an exemption from the requirement to remove posts	\$11.40
15	Application for an authorisation under the Act	\$16.90
16	Registration of any other document	\$16.90

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 21 March 2019

No 27 of 2019

MEM 19-004CS

South Australia

Opal Mining Variation Regulations 2019

under the *Opal Mining Act 1995*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Opal Mining Regulations 2012*

- 4 Variation of regulation 6—Identification plates
 - 5 Variation of regulation 7—Replacement or surrender of permit
 - 6 Variation of regulation 18—Removal of posts
 - 7 Revocation of regulation 35
 - 8 Revocation of Schedule 2
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Opal Mining Variation Regulations 2019*.

2—Commencement

These regulations come into operation on 1 April 2019.

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 *Opal Mining Regulations 2012*

4—Variation of regulation 6—Identification plates

- (1) Regulation 6(8)(b)—delete "fee specified in Schedule 2" and substitute:
prescribed fee
- (2) Regulation 6(9)—delete "appropriate" and substitute:
prescribed

5—Variation of regulation 7—Replacement or surrender of permit

- (1) Regulation 7(2)(c)—delete "fee specified in Schedule 2" and substitute:
prescribed fee
- (2) Regulation 7(3)—delete "appropriate" and substitute:
prescribed

6—Variation of regulation 18—Removal of posts

Regulation 18(8)—delete "appropriate" and substitute:
prescribed

7—Revocation of regulation 35

Regulation 35—delete the regulation

8—Revocation of Schedule 2

Schedule 2—delete the Schedule

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 21 March 2019

No 28 of 2019

MEM 19-004CS

CITY OF CHARLES STURT

DEVELOPMENT ACT 1993

*Draft Findon Road, Kidman Park (North)**Mixed Use (Residential and Commercial) Development Plan Amendment (Privately Funded)—Public Consultation*

Notice is hereby given that the City of Charles Sturt pursuant to Sections 24 and 25 of the Development Act 1993, has prepared the draft Findon Road, Kidman Park (North) Mixed Use (Residential and Commercial) Development Plan Amendment (DPA) (Privately Funded) to amend the Charles Sturt Council Development Plan.

The focus of the DPA is the affected area within the existing Urban Employment Zone in Kidman Park. The DPA proposes to include the affected area within a Mixed Use Zone to facilitate medium density residential uses and commercial opportunities.

The public consultation period for the draft DPA will extend from 21 March 2019 until 23 May 2019, with a public meeting scheduled to occur on 17 June 2019.

For more information and to view the DPA online visit www.yoursaycharlessturt.com.au

Hard copies of the DPA are available for viewing during the consultation period at:

- Woodville Civic Centre & Library – 72 Woodville Road, Woodville
- Hindmarsh Library – 139 Port Road, Hindmarsh
- Findon Library - Findon Shopping Centre, Cnr Findon and Grange Roads, Findon
- Henley Beach Library – 378 Seaview Road, Henley Beach
- West Lakes Library - Cnr West Lakes Boulevard and Brebner Drive, West Lakes

Copies of the draft DPA can also be purchased at the Civic Centre, 72 Woodville Road, Woodville (\$20 for a hard copy or \$5 for a CD).

Written submissions on the draft DPA will be received until 5pm, Thursday 23 May 2019. Submissions should be addressed to:

Post: Chief Executive Officer, City of Charles Sturt, PO Box 1, Woodville SA 5011
Online: www.yoursaycharlessturt.com.au
Email: jgronthos@charlessturt.sa.gov.au

Copies of all submissions received will be available for inspection at the Civic Centre from Friday 24 May 2019 until the conclusion of the public meeting, and will also be available for viewing online at www.yoursaycharlessturt.com.au

Submissions should clearly indicate whether you wish to be heard at the public meeting.

The public meeting will be held on Monday 17 June 2019 at 6pm at the Civic Centre, 72 Woodville Road, Woodville. The public meeting may not be held if no submissions are received or if no-one requests to be heard.

For further information about the draft DPA contact Jim Gronthos, Senior Policy Planner on (08) 8408 1265 or via email: jgronthos@charlessturt.sa.gov.au

Dated: 21 March 2019

MR PAUL SUTTON
Chief Executive Officer

KANGAROO ISLAND COUNCIL

Close of Roll for Supplementary Election

Due to the resignation of two members of the Council, a supplementary election will be necessary to fill two vacancies for Area Councillor. The voters roll for this supplementary election will close at 5.00pm on Friday 29 March 2019.

You are entitled to vote in the election if you are on the State electoral roll. If you have recently turned 18 or changed your residential or postal address you must complete an electoral enrolment form, available from post offices or online at www.ecsa.sa.gov.au

If you are not eligible to enrol on the State electoral roll you may still be entitled to enrol to vote if you own or occupy a property. Contact the Council to find out how.

Nominations to fill the vacancy will open on Friday 26 April 2019 and will be received until 12 noon on Friday 10 May 2019.

The election will be conducted entirely by post with the return of ballot material to reach the Returning Officer no later than 12 noon on Tuesday 11 June 2019.

Dated: 21 March 2019

MICK SHERRY
Returning Officer

KANGAROO ISLAND COUNCIL

LOCAL GOVERNMENT ACT 1999

Resignation

NOTICE is hereby given in accordance with Section 54(6) of the *Local Government Act 1999* that Sharon Kauppila has resigned as Councillor effective 5pm 12 February 2019.

Dated: 12 February 2019

G GEORGIOPOULOS
Acting Chief Executive Officer

DISTRICT COUNCIL OF YANKALILLA

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure – Portion of Sorata Street, Cape Jervis

Notice is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Yankalilla proposes to make a Road Process Order to close portion of Sorata Street adjoining Allotment 1 in DP 36741, Cape Jervis, more particularly delineated and lettered 'A' on Preliminary Plan No. 19/0005.

Closed Road 'A' is to be merged with the adjoining Allotment 1 in DP 36741.

A copy of the plan and a statement of persons affected are available for public inspection at the Council Office at 1 Charles St, Yankalilla 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 at PO Box 9, YANKALILLA SA 5204 **within 28 days of this notice** and a copy must be forwarded to the Surveyor-General at GPO Box 1354 Adelaide 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated: 21 March 2019

NIGEL MORRIS
Chief Executive Officer

NATIONAL ELECTRICITY LAW

The Australian Energy Market Commission (AEMC) gives notice under the National Electricity Law as follows:

Under ss 102 and 103, the making of the *National Electricity Amendment (Meter installation – advanced meter communications) Rule 2019 No. 1* (Ref. ERC0246) and related final determination. All provisions commence on **1 July 2019**.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission

Level 6, 201 Elizabeth Street
Sydney NSW 2000

Telephone: (02) 8296 7800

www.aemc.gov.au

Dated: 21 March 2019

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

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

GENCHEFF Sophia late of 13 Fitzroy Terrace Fitzroy of no occupation who died 2 July 2018

JONES Gloria Jean late of 19 Cornhill Road Victor Harbor of no occupation who died 6 August 2018

McNEIL Pamela Joan late of 4 Blackburn Avenue Glenelg North Retired Shop Assistant who died 31 December 2018

PEACEFULL David George late of 17 Morrow Avenue Evanston Park Motor Vehicle Loss Assessor who died 28 May 2018

ROSELT David Andrew late of 11A Tennyson Terrace Murray Bridge Agronomist who died 10 July 2018

Notice is hereby given pursuant to the Trustee Act 1936, 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 office of Public Trustee at GPO Box 1338, Adelaide, 5001, full particulars and proof of such claims, on or before the 19 April 2019 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons 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 same to the Public Trustee.

Dated: 21 March 2019

N S RANTANEN
Acting Public Trustee

NOTICE SUBMISSION

Notices for publication must be submitted before 4 p.m. Tuesday, the week of intended gazettal.

Proofs of formatted content are supplied for all notice submissions. Alterations must be returned before 4 p.m. Wednesday.

The *SA Government Gazette* is compiled and published each Thursday. Requests to withdraw submitted notices must be received before 10 a.m. on the day of publication.

Gazette notices should be emailed as Word files—and signed PDF files if applicable—in the following format:

- Title (name of the governing legislation/department/organisation)
- Subtitle (description of notice)
- A structured body of text
- Date of authorisation
- Name, position, and department/organisation of the authorising person

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