

DECISION NOTIFICATION FORM

Section 126(1) of the *Planning, Development and Infrastructure Act 2016*

TO THE APPLICANT:

Name:	Tallwood Pty Ltd
Postal address:	Suite 4, 166 Main South Road, Morphett Vale SA 5162
Email:	pmann775@outlook.com

IN REGARD TO:

Development application no.: 711/P006/18	Lodged on: 18 March 2019
Nature of proposed development: Variation to a previously approved Major Development – ‘Mannum Waters’ Residential Marina Development – Holiday Village and Adventure Water Park	

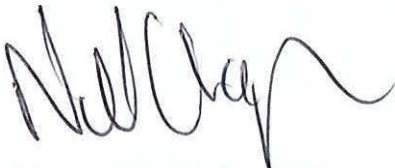
LOCATION OF PROPOSED DEVELOPMENT:

Street address: 157 Belvedere Road, Mannum			
Lot no.: Piece 1006, DP119554	Hundred: Finniss	Volume: 6216	Folio: 17

DECISION:

Decision type	Decision	Decision date	No. of conditions	No. of reserved matters	Entity responsible for decision
Provisional development authorisation	GRANTED		60	4	Minister for Planning
Building certification	STILL REQUIRED	-	-	-	TO BE DETERMINED
Development authorisation	STILL REQUIRED	-	-	-	Minister for Planning

FROM THE RELEVANT AUTHORITY: Minister for Planning



**HON NICK CHAMPION MP
MINISTER FOR PLANNING**

DATE OF DECISION: 16/6/22

PREAMBLE:

- a. On 30 October 2008 notice of the Governor's decision to grant a provisional development authorisation under Section 48 of the *Development Act 1993* ('the Act'), in respect of the construction of the 'Mannum Waters' Residential Marina Development (Major Development) at Mannum, was published in the *South Australian Government Gazette* at p 4948. The proposal was the subject of an Environmental Impact Statement and an Assessment Report, pursuant to Section 46B of the Act.
- b. Simultaneously, the Governor delegated his power to grant a variation to the development authorisation to the Development Assessment Commission (now the State Commission Assessment Panel) pursuant to Section 48 (8) of the Act.
- c. Variations to the development authorisation were notified in the *Gazette* on 17 March 2011 at p 776 (variation to the layout plan for the commercial area and the boat maintenance area), on 30 June 2011 at p 2758 (variations to the layout plan for an additional stormwater detention basin, replacement of a road bridge with a pedestrian/cycle bridge and a modified layout of roads, waterway and residential allotments) and on 27 February 2014 at p 1134 (expansion of the commercial houseboat mooring area, the deletion of a bridge, the relocation of the public boat ramp, the relocation of the southern exit to/entrance from the River Murray and an expansion/reconfiguration of the constructed wetlands).
- d. By letter dated 18 March 2019, Tallwood Pty Ltd, being the beneficiary of the development authorisation, sought a variation to the authorisation to permit the inclusion of a holiday village (conceptual site) and adventure water park (conceptual site) into the master layout plan.
- e. By notice published in the *Gazette* on 1 August 2019, the then Minister for Planning made a variation to the major development declaration (dated 31 March 2005) to include two additional forms of development - a proposed holiday village and an adventure water park.
- f. The variation to the major development has been the subject of an Amendment to the Environmental Impact Statement and an Amendment to the Assessment Report under Section 47 of the *Development Act 1993*.
- g. Since 1 July 2019 the *Development Act 1993* has applied in relation to the proposed major development variation pursuant to and as modified by regulation 11(3) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Regulations).
- h. I am satisfied that the Environmental Impact Statement and Assessment Report (as previously approved and amended) in relation to this impact assessed development is appropriate and have had regard, when considering the proposed variation, to all relevant matters under Section 115 of the *Planning, Development and Infrastructure Act 2016*.
- i. I have therefore decided to grant a provisional development authorisation to the variation application pursuant to Section 115(8) of the *Planning, Development and Infrastructure Act 2016*.
- j. For ease of reference, previous conditions attached to the approval and subsequent variations to the 'Mannum Waters' residential marina development authorisation are reprinted hereunder. Minor editorial changes have been made to update references to legislation, policies and government agency names.

RESERVED MATTERS:

1. Final detailed plans and designs for the Holiday Village (which may be staged), including site plans, building floor plans, elevations, cross-sections, finishes and colours, details of cut and fill, access roads and car parking.
2. Final detailed plans and designs for the Adventure Water Park (which may be staged), including site plans, building floor plans, elevations, cross-sections, finishes and colours, details of cut and fill, access roads and car parking.
3. A Hydrological Management and Monitoring Plan, prepared in consultation with the Environment Protection Authority, the Department for Environment and Water, the Murraylands and Riverland Landscape Board and the Mid Murray Council. The Plan must:

- (a) address the coordinated hydrological management of all waterbodies within the 'Mannum Waters' residential marina site, including hydrological regimes for the constructed wetlands and the Baseby Linear Wetland;
 - (b) detail the approach for establishing a real-time based water monitoring programme that would provide responsive management for ensuring suitable water flows through the waterbodies achieves suitable water quality (especially for salinity control); and
 - (c) detail the approach for linking the pumping systems for the inlets / outlets for the various waterbodies with the monitoring network to provide an automated system for hydrological management.
4. Building Rules compliance for each stage or component of the development, to be assessed and certified by an accredited professional (or by a person determined by the Minister for Planning), with a copy of all relevant certification documentation provided to the Minister for Planning.

CONDITIONS OF PLANNING CONSENT:

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

Current Authorisation

- Development application dated 28 June 2005.
- Environmental Impact Statement (Volumes 1 & 2), Mannum Waters Marina and Residential Development, prepared by Tallwood Pty Ltd, dated May 2007.
- Response to Submissions, Mannum Waters Marina and Residential Development, prepared by Tallwood Pty Ltd, dated November 2007.
- Correspondence from Tallwood Pty Ltd to Planning SA dated 1 February 2008 and 18 February 2008 containing additional information and modified plans.
- Assessment Report prepared by the Minister for Urban Development and Planning, dated August 2008.
- Application from Tallwood Pty Ltd for approval of Reserved Matters dated 15 February 2010, including the following documents:
 - (i) Reserved Matters – Information for Assessment (dated January 2010);
 - (ii) Construction Plan – Stages 1 to 4 (dated January 2010);
 - (iii) Mid Murray Council Development Deed (undated);
 - (iv) Construction Environmental Management and Monitoring Plan (dated January 2010);
 - (v) Environmental Management Implementation Plan (dated July 2009);
 - (vi) Operational Environmental Management and Monitoring Plan (dated January 2010);
 - (vii) Geotechnical Report – Geotechnical Investigation, Mannum Waters Marina Development (dated 30 September 2009);
 - (viii) Environmental Site Assessment – Phase 1, 'Mannum Waters' Site (dated 12 October 2007);
 - (ix) Environmental Site Assessment – Phase 2, Proposed Mannum Water Development (dated 28 July 2009);
 - (x) Environmental Site Assessment – Phase 2, SA Water Site (dated 15 December 2009);
 - (xi) Site Preparation, Revegetation, Hydrology and Management Plan for the Constructed Anabranche Wetland and Ephemeral Wetland System (dated January 2010);
 - (xii) Soil Erosion and Drainage Management Plan (dated January 2010);
 - (xiii) Stormwater Management and Monitoring Plan (dated January 2010);
 - (xiv) Revegetation Plan (dated January 2010);
 - (xv) Revegetation Management Plan (dated January 2010);
 - (xvi) Landscape Plan (dated January 2010);
 - (xvii) Traffic Management Plan (dated January 2010);
 - (xviii) Flood Management Plan (dated January 2010);
 - (xix) Entrance Channel, Marina Basin and Waterways Management and Monitoring Plan (dated January 2010);
 - (xx) Riverine and Wetland Management and Monitoring Plan (dated January 2010);
 - (xxi) Constructed Anabranche Channel Wetland Management Plan (dated January 2010);
 - (xxii) Waste and Pollutant Source Management Plan (dated January 2010);
 - (xxiii) Spill Contingency Plan (dated January 2010);
 - (xxiv) Wastewater Environmental Management Plan (dated January 2010);
 - (xxv) Weed and Feral Animal Management Plan (dated January 2010); and
 - (xxvi) Native Vegetation Clearance Application (dated January 2010).
- Site Contamination Audit Report – Residential Portion of 'Area A', Mannum Waters Development prepared by Soil & Groundwater Consulting dated 3 March 2010.
- Application from Tallwood Pty Ltd for approval of minor variations to the layout plan dated 24 February 2011.
- Application from Tallwood Pty Ltd for approval of minor variations to the layout plan dated 28 March 2011 and 14 June 2011 and the following plans:

- (i) Proposed Plan of Division, prepared by Weber Frankiw and Associates Pty Ltd, dated 25 May 2011; and
- (ii) Mannum Waters Stages 1-4 D.N 711/D010/09 Bioretention Basin Enlargements, prepared by Herriot Consulting, dated January 2010 revision 16-05-11.
- Application from Tallwood Pty Ltd for approval of minor variations to the layout plan dated 9 September 2013.
- Application from Tallwood Pty Ltd for approval of a variation to the marina sewer system and the boat refuelling facility, including the following documents:
 - (i) Letter from Tallwood Pty Ltd to the Department of Planning, Transport and Infrastructure dated 22 August 2018; and
 - (ii) Report titled 'Installation of a Marine Refuelling Facility on the Murray River at Mannum Waters Boat Ramp, Mannum South Australia', dated 15 February 2017, and Addendum dated 7 March 2018, prepared by BT River Fuels.

Varied Authorisation – Holiday Village and Adventure Water Park – April 2022

- Amendment to the Environmental Impact Statement, Mannum Waters Holiday Village and Adventure Water Park, prepared by Tallwood Pty Ltd, dated 15 June 2020.
- Response to Submissions, Mannum Waters Holiday Village and Adventure Water Park, prepared by Tallwood Pty Ltd, dated September 2021.

To the extent of any inconsistency, and subject to any contrary intention, a later document will prevail over an earlier one.

2. Prior to the commencement of each stage of works, a final development authorisation will be required to be granted by the Minister for Planning (or the Minister's delegate) in respect of the reserved matters.
3. Subject to Condition 2, no building works on any part of the approved development can commence until a building rules assessment (in the form of a certificate of compliance) has been provided by an accredited (building) professional (or a person recognised by the Minister for this purpose), and a final development authorisation granted by the Minister for Planning (or the Minister's delegate).
4. All works and site activities shall be undertaken in accordance with an approved Construction Environmental Management and Monitoring Plan.
- ~~5. Waterways shall not be flooded with water from the River Murray for a period of two years from the date of 30 October 2008.~~
6. All contamination management or remediation works shall be undertaken in accordance with an approved Site Contamination Audit Report and Remediation Plan and to the reasonable satisfaction of the Environment Protection Authority.
7. Transport routes for the delivery of construction materials shall be selected to the reasonable satisfaction of the Mid Murray Council.
8. Stockpiled soils shall be suitably managed to control dust emissions, erosion and weed infestation.
9. Armour rock used for waterway revetments shall not be contaminated by fine sediment.
10. The proponent must maintain a 50-metre wide strip of land adjacent the river's edge as public land.
11. The wastewater collection and treatment system shall be designed to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2015 are met, and to ensure that effluent does not overflow or escape from any drains, pipes, sumps, tanks, storage/treatment basins into any watercourse, or into stormwater drains which do not drain into the effluent collection, treatment and disposal system; except where the effluent complies with criteria in the above policy.
12. All marina moorings shall be connected to a vacuum sewer system.
13. The proponent shall provide underground public lighting, power supply, water supply and telephone supply to each allotment in accordance with, and to engineering design standard plans approved by the electricity, mains water and telephone public utility authorities.
14. The proponent shall ensure that all waters discharged to the River Murray are equal to, or better than, the quality of water in the River Murray at the point of discharge.

15. The land to be used for land-based allotments shall be formed to prevent stormwater flows entering into the waterways without suitable treatment.
16. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and reuse.
17. All buildings shall have a floor level above the 1956 flood level.
18. All infrastructure relating to the management of stormwater (including rainwater tanks) shall be located above the 1956 flood level and/or be designed so as not to be affected by flooding.
19. All residential allotments that are a minimum of 40 metres in length shall be constructed to have a finished slope of approximately 1:16 (3.6 degrees).
20. All residential allotments that are a minimum of 70 metres in length shall be constructed to have a finished slope of approximately 1:42 (1.4 degrees).
21. Setbacks from building envelopes to pool level shall be no less than 19 metres for all residential allotments that are a minimum of 40 metres in length and 40 metres for all residential allotments that are a minimum of 70 metres in length.
22. Undeveloped allotments shall be left in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.
23. Riparian buffer strips shall be established by the proponent for all waterfront allotments, prior to titles being issued for residential allotments. The buffer shall be a minimum of five metres wide and be planted with suitable species of native vegetation.
24. The edges of all residential waterways shall be designed and constructed to replicate a natural river bank as far as practicable.
25. Road designs shall not affect existing natural lines in such a way as to cause flooding. All roads and drainage works shall be built according to approved designs.
26. Appropriate navigational aids shall be erected in prominent locations, in consultation with the Department for Infrastructure and Transport, prior to use of the facility for boating purposes.
27. Access systems for all floating boat moorings shall be capable of adjustment or be readily adaptable to variable river levels and all marina mooring structures shall be designed in accordance with the Australian Standard AS 3962-2001 Guidelines for Design of Marinas and AS 4997-2005 Guidelines for the Design of Maritime Structures.
28. The public boat ramp facility shall be designed in accordance with the South Australian Boating Advisory Committee's Guidelines for Planning, Design and Construction of Boat Launching Facilities.
29. The boat refuelling area and boat effluent/greywater pump-out connection points shall be designed to meet the requirements of the Environment Protection Authority, the Department for Infrastructure and Transport and the Country Fire Service (CFS) respectively, and shall be in place prior to commencement of operation of the marina.
30. The proponent shall ensure satisfactory oil-spill and fire-fighting facilities and contingency plans, determined in consultation with responsible officers within the Department for Infrastructure and Transport and the Metropolitan Fire Service (MFS) or the Country Fire Service (CFS) (as applicable), are in place prior to commencement of operation of the marina.
31. The water contained in the marina basin shall be kept as a minimum to a quality appropriate for secondary contact recreation, public amenity and the maintenance of aquatic ecosystems, as stipulated from time to time by the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters.
32. Normal operating hours for construction activities and truck movements to and from the site shall be from 7.00am to 7pm, Monday to Saturday inclusive. Only if it is considered necessary by the proponent, shall construction be undertaken on Sundays, in which case construction hours shall be from 9.00 am to 6.00pm.
33. The Environment Protection (Noise) Policy 2007 shall be complied with during construction activities and truck movements.



34. Landscaping and street scaping of the site shall commence prior to the issuing of Certificates of Title for each stage of the land division, and when established shall be maintained in good health and condition at all times. A plant shall be replaced if or when it dies or becomes seriously diseased within the first growing season after the plant dies or becomes seriously diseased. A weed control program shall also be implemented.
35. Permanent water flow and water quality monitoring stations shall be established at suitable sites within the development, to the reasonable satisfaction of the Department for Environment and Water prior to the commencement of operation.
36. All water pumps within the development must be metered to the reasonable satisfaction of the Department for Environment and Water.
37. The Mid Murray Council shall be given seven days notice, prior to the commencement of works, and be provided with the name and contact facilities for the person responsible for co-ordinating site works by this approval.
38. A site audit report, completed by an Environmental Auditor (Contaminated Land), must be presented to all purchasers of allotments.
39. A Management Plan must be prepared for the Crown Reserve north of the entrance channel, in consultation with the Mid Murray Council and the Department for Environment and Water, prior to the transfer of land to the Mid Murray Council.
40. ~~The final design of the southern waterway exit to/entrance from the River Murray must be prepared in consultation with the Mid Murray Council, the Environment Protection Authority and the Department of Environment, Water and Natural Resources, and be finalised to the reasonable satisfaction of the Department of Planning, Transport and Infrastructure.~~

Holiday Village and Adventure Water Park

41. The proponent shall have substantially commenced the development within two (2) years from the date of this authorisation, and substantially completed the development within five (5) years of the date of this authorisation, failing which an extension of time may be sought from the Minister for Planning or the authorisation may be cancelled.
42. Except where minor amendments may be required by other legislation or by other conditions imposed below, all buildings, structures and infrastructure comprised in or required for the purposes of the major development shall be constructed, used, operated and maintained in accordance with the approved final plans, drawings, designs and specifications as approved by the Minister for Planning.
43. Should the development cease during the period between the commencement of earthworks and final completion, the proponent shall undertake all necessary steps to reinstate the land and make good any damage or disturbance to the reasonable satisfaction of the Minister for Planning.
44. The proponent must, prior to the commencement of construction for each project element / stage, submit to the Minister for approval a Construction Environmental Management Plan (CEMP), prepared in consultation with the Environment Protection Authority; the Department of Environment and Water; the Murraylands and Riverland Landscape Board and the Mid Murray Council. The CEMP must identify measures to manage and monitor (at a minimum) the following matters:
 - (a) soil erosion and drainage;
 - (b) groundwater;
 - (c) flora and fauna;
 - (d) weeds and pests;
 - (e) air quality and greenhouse gas emissions;
 - (f) noise and vibration;
 - (g) traffic;
 - (h) waste streams (in accordance with the EPA waste hierarchy); and
 - (i) local community impacts.

The CEMP shall be prepared taking into consideration, and with explicit reference to, relevant *Environment Protection Act 1993* policies and guidance documents, including but not limited to:

- the Environment Protection (Air Quality) Policy 2016.
- the Environment Protection (Noise) Policy 2007.
- the Environment Protection (Water Quality) Policy 2015.

- the Environment Protection (Waste to Resources) Policy 2010.
 - the Environment Protection Authority Bunding and Spill Management Guideline 2016.
 - Environment Protection Authority Handbooks for Pollution Avoidance.
 - the Environment Protection Authority Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry 1999.
 - the Environment Protection Authority guideline 'Construction environmental management plan (CEMP) 2019'.
 - any other legislative requirements, Guidelines and Australian Standards requiring compliance.
45. The construction of the holiday village and adventure water park shall be undertaken in accordance with the final approved plans and designs and the approved CEMP.
46. The CEMP shall be monitored by the proponent to ensure implementation of the mitigation measures for the predicted impacts and shall be reviewed every six (6) months by the proponent to ensure mitigation measures are effective. Each review shall be made publicly available and a copy provided to the Minister for Planning until the construction phase is complete.
47. The proponent must, prior to the commencement of construction for each project element / stage, submit to the Minister for Planning for approval a revised Operational Environmental Management and Monitoring Plan (OEMMP), prepared in consultation with the Environment Protection Authority; the Department of Environment and Water; the Murraylands and Riverland Landscape Board and the Mid Murray Council. The OEMMP must identify measures to manage and monitor (at a minimum) the following matters:
- (a) soil erosion and drainage;
 - (b) flora and fauna;
 - (c) weeds and pests;
 - (d) air quality;
 - (e) noise and vibration;
 - (f) waste streams (in accordance with the EPA waste hierarchy); and
 - (g) local community impacts.
48. The operation of the major development shall be undertaken in accordance with the final approved OEMMP and Hydrological Management and Monitoring Plan.
49. The OEMMP shall be monitored by the proponent to ensure compliance with mitigation measures for the predicted impacts and shall be reviewed at regular intervals (being at least every 6 months for the first 2 years of operation) and updated as necessary.
50. All water pumps within the development must be metered to comply with the [Meter Implementation Plan for the River Murray Prescribed Watercourse](#) and the [South Australian Licensed Water Use Meter Specifications](#).
51. Council, utility or state agency maintained infrastructure that is demolished, altered, removed or damaged during the construction of the major development shall be reinstated to Council, utility or state agency specifications as applicable. All costs associated with these works shall be met by the proponent.
52. All road infrastructure upgrades shall be completed to the standard required to enable use of the identified vehicle type and traffic volumes, to the satisfaction of the Minister for Planning.
53. All road infrastructure upgrades, unless otherwise identified, are to be funded by the proponent.
54. All external lighting, including for car parking areas and buildings at the site shall be designed and constructed to conform with *Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting* and shall be located, directed and shielded, and of such limited intensity, as far as reasonably practicable, that no unreasonable nuisance is caused to any person beyond the boundary of the site.
55. All vehicle car parks, driveways and vehicle entry and maneuvering areas at or providing access to and from the site shall be designed and constructed in accordance with the relevant Australian Standards and appropriately line marked, and shall be constructed, drained and paved with bitumen, concrete or paving bricks (or other such material as agreed to by the Minister for Planning), in accordance with sound engineering practice.
56. All loading and unloading, parking and maneuvering areas at or providing access to and from the site shall be designed and constructed to ensure that all vehicles can safely traffic the site and enter and exit the subject land in a forward direction.

57. All stormwater design and construction at the site shall be in accordance with Australian Standards and recognised engineering best practice to ensure that stormwater does not adversely affect any adjoining property, or public road.
58. All liquids or chemical substances 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' (2016).
59. The development shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
60. Unless otherwise specifically provided for in these conditions or otherwise agreed to in writing with the Minister, all costs necessary for compliance with these conditions shall be met solely by the proponent.

CONDITIONS OF BUILDING CERTIFICATION:

To be determined.

ADVISORY NOTES:

- a. The proponent is advised that all conditions must be met including monitoring, mitigation and reporting requirements as detailed in relevant management plans. Failing to comply with a condition is considered a breach of the *Planning, Development and Infrastructure Act 2016*, under which this authorisation is given, and the Minister for Planning may direct the proponent to make good any breach. The Minister may also take such action as is required because of any situation resulting from the breach, including the cessation of the operation of the development.
- b. An accredited professional undertaking Building Rules certification 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).
- c. Construction of each component of the development may commence only after a Building Rules assessment and certification has been undertaken in relation to that component and has been issued by an accredited professional undertaking Building Rules assessments, and the Minister for Planning has received a copy of the relevant certification documentation. 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.
- d. Detailed plans and designs will need to be submitted to the Minister for Planning for assessment and approval for the holiday village and adventure water park. A Traffic Impact assessment should be provided on the entry/exit points to Belvedere Road, including an investigation into the speed and adding auxiliary lanes and lighting. Investigation should also include the stock crossing to the West of the site on Belvedere Road. Road access designs should be prepared in consultation with the Mid Murray Council.
- e. The proponent is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- f. The following activities in relation to the components of the development hereby approved and/or requiring future approval will require licences under the *Environment Protection Act 1993*:
 - i. Earthworks Drainage: the conduct of earthworks operations in the course of which more than 100 kilolitres of waste water containing suspended solids in a concentration exceeding 25 milligrams per litre is discharged directly or indirectly to marine waters or inland waters.
 - ii. Dredging: removing solid matter from the bed or any marine waters by any digging or suction apparatus, but excluding works carried out for the establishment of a visual aid to navigation and any lawful fishing or recreational activity.

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

- g. The Water allocations required for the initial fill of the water bodies and subsequent ongoing evaporative losses need to be calculated according to the requirements for *Artificial Water Bodies* established under the *Landscapes South Australia Act 2019*. The responsibilities for obtaining suitable allocations is as follows:
- i. Tallwood P/L and its successors will need to acquire water allocations equivalent to the volume required for the initial fill of the western expansion of the existing anabranh waterway and the western wetland in the first full water accounting period.
 - ii. LANDN P/L and its successors will need water allocations equivalent to the volume required for the initial fill of the Adventure Water Park in the first full water accounting period (or part of that water accounting period) and for each subsequent water use year after the initial fill of the waterbody, an allocation will be required to cover the ongoing evaporative losses from the Adventure Park Lake in each accounting period.
 - iii. Mid Murray Council and its successors will need water allocations equivalent to the ongoing evaporative losses from the western expansion of the existing anabranh waterway and the western wetland in each water accounting period from the transfer of the assets from Tallwood P/L.

The above parties should note that use from water accounts is reconciled at the end of each quarter, being 30 September, 31 December, 31 March and 30 June each year and that penalties for overuse apply even if any overuse from one quarter is balanced in a subsequent quarter (that is, the account is put back into credit).

- h. The proponent is advised of the Duty of Care under the *River Murray Act 2003*, which requires that a person shall ensure that their actions do not cause harm to the River Murray.
- i. In accordance with the *National Heavy Vehicle Law (South Australia) Act 2013*, the proponent must apply to the National Heavy Vehicle regulator to obtain permits for use of Restricted Access Vehicles and/or High Productivity Vehicles on public roads, where access for such vehicle is currently not available. This might include such things as construction equipment and vehicles carrying large indivisible construction materials.
- j. The proponent is reminded of its obligations under the *Aboriginal Heritage Act 1988* that excavation, damage, disturbance of, or interference with, any Aboriginal site, object or ancestral remains is unlawful without ministerial authorisation under sections 21 and 23 of the Act.
- k. The proponent, and all agents, employees and contractors, such as construction crew, is reminded of the need to be conversant with the provisions of the *Aboriginal Heritage Act 1988*, particularly the requirement to immediately contact the Department of the Premier and Cabinet - Aboriginal Affairs and Reconciliation in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.
- l. The proponent is reminded of its obligations under the *Native Vegetation Act 1991* (and the *Native Vegetation Regulations 2017*), whereby any native vegetation clearance must be undertaken in accordance with the Act (where necessary).
- m. The proponent, and the Council after hand-over, should comply with the *Public Health Act 2011* in regard to the maintenance of suitable water quality within the marina basin, residential waterways, stormwater retention ponds and the constructed anabranh/wetland system to protect public health and amenity.
- n. For the purposes of condition 31, it is noted that the expression 'secondary contact recreation' includes activities such as wading, boating and fishing in which some human contact with the water may occur, but in which the probability of bodily immersion or the intake of significant amounts of water is minimal.
- o. It is recommended that the proponent approach the Mid-Murray District Council with a view to the Council enacting by-laws to manage activities associated with the:
 - Entrance channel and waterways to ensure safe navigation and to protect water quality.
 - Boat ramp, boat lift and boat maintenance facilities (including car parking and access).
 - Refuelling facility and boat effluent/greywater pump-out connection points.
 - Residential development and reserves (including stormwater management devices and the pedestrian bridge).
 - Constructed anabranh waterway, recreational waterbody and wetland system.
 - Crown land reserve along the river bank and associated wetlands and buffer zones.
- p. A common building scheme encumbrance or equivalent device for the purpose of ensuring compliance with design standards for residential and other buildings will be required at the land division stage.

- q. Binding legal arrangements (e.g. easements, encumbrances, charge-back arrangements etc, as appropriate) between the proponent and allotment owners must be put in place, prior to application to the Registrar General for the issue of new Certificates of Title, to ensure financial and management responsibilities related to the maintenance of edge treatments, the maintenance of the riparian buffer strip and the design and appearance of structures are clearly allocated.
- r. The proponent will need to satisfy the requirements of the Mid Murray Council relating to the provision of 12.5% Open Space as part of any land division application.
- s. Approvals from the Environment Protection Authority and the Department of Health would need to be sought for the Waste Water Treatment Plant and the use of reclaimed water for irrigation purposes. An Environmental Management Plan for Wastewater and an Irrigation Plan would be required.
- t. Should the proponent wish to vary the approved development, an application to the Minister for Planning must be submitted, provided that the variation application remains within the ambit of the Environmental Impact Statement (and as amended) and Assessment Report (and as amended) referred to in this development authorisation. If a variation application involves substantial changes to the proposal, pursuant to section 114 of the *Planning, Development and Infrastructure Act 2016*, the proponent may be required to prepare an amended Environmental Impact Statement 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 the decision made pursuant to section 115 of the *Planning, Development and Infrastructure Act 2016*.
- u. The Minister for Planning has a specific power to require testing, monitoring and auditing under section 117 of the *Planning, Development and Infrastructure Act 2016*
- v. It is noted that the provisional development authorisation granted herein does not apply to any residential, commercial, retail, tourist-related or other buildings, for which a separate application for approval, addressed to Council, will be required. Additional design and infrastructure/service plans will be required by Council when application is made for approval for any such buildings.

CONTACT DETAILS OF CONSENT AUTHORITIES:

Name: Minister for Planning	Type of consent: Provisional development authorisation
Postal Address: c/- DTI-PLUS, GPO 1815, ADELAIDE SA 5001	
Telephone: 08 7109 7060	Email: spcapplications@sa.gov.au