



**LOCAL GOVERNMENT (HOLDFAST SHORES) AMENDMENT ACT
1997**

No. 76 of 1997

SUMMARY OF PROVISIONS

1. **Short title**
2. **Commencement**
3. **Amendment of s. 886ba—The Glenelg amusement park and vesting of land**
4. **Insertion of s. 886bb—Coast protection at West Beach**



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ELIZABETHAE II REGINAE

A.D. 1997

No. 76 of 1997

An Act to amend the Local Government Act 1934.

[Assented to 18 December 1997]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Local Government (Holdfast Shores) Amendment Act 1997*.

(2) The *Local Government Act 1934* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 886ba—The Glenelg amusement park and vesting of land

3. Section 886ba of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsections:

(1) In this section—

"the Council" means the City of Holdfast Bay;

"the development site" means the whole of the land comprised in Certificate of Title Register Book Volume 5397 Folio 508, other than the land within the Park;

"the Minister" means the Minister for Government Enterprises;

"the Park" means the land designated as Allotment 3 in the plan deposited in the Lands Titles Registration Office No. DP 49075.

(2) The development site is vested in the Minister for an estate in fee simple.

(3) However, subsection (2) does not operate to extinguish the rights of a lessee or licensee under a lease or licence granted by the Council in relation to any part of the development site before 3 December 1997.

(4) The Registrar-General must, on application by the Minister, register the Minister as the proprietor of an estate in fee simple in the land vested in the Minister under subsection (2).

(4a) The Governor may, by proclamation, fix the seaward boundary of the development site (or any part of the development site) for the purposes of future dealings with the land (and the Registrar-General must then ensure that any relevant Certificate of Title is amended or issued accordingly).;

(b) by striking out from subsection (6) "Section 46 of the *Planning Act, 1982*," and substituting "Section 32 of the *Development Act 1993*".

Insertion of s. 886bb

4. The following section is inserted after section 886ba of the principal Act:

Coast protection at West Beach

886bb. (1) In this section—

"boating facility" means a harbor, marina, boat mooring or boat launching facility;

"coast" has the same meaning as in the *Coast Protection Act 1972*;

"the Minister" means the Minister to whom the administration of the *Coast Protection Act 1972* is committed;

"West Beach area" means an area 500 metres wide running along the coast of Metropolitan Adelaide in Gulf St. Vincent between the northern side of the entrance of the Patawalonga Boat Haven to the sea and the point where a westerly projection of West Beach Road meets the sea, and bounded on the east by the high water mark.

(2) The Minister must take reasonable steps to ensure the effective management of sand in association with the construction of any boating facility within, or adjacent to, the West Beach area—

(a) in order to maintain the navigability of any entrance or access channel associated with any such boating facility; and

(b) in order to protect or, if necessary, restore the coast on account of the obstruction of coastal processes due to the construction of any such boating facility; and

(c) in order to ensure that the enjoyment of the coast by the public generally is not materially diminished due to the construction of any such boating facility.

(3) The Crown is liable for costs associated with any works or operations undertaken for the purposes of any sand management required under subsection (2).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor