



FOI Reference Number: DEW21/038

Office of the Chief Executive

81-95 Waymouth Street
Adelaide

GPO Box 1047
Adelaide SA 5001
Australia

Ph: +61 8 8204 9000

www.environment.sa.gov.au

Dear [REDACTED]

I refer to your Internal Review application received by the Department for Environment and Water (DEW) on 26 November 2021, pursuant to section 29 of the Freedom of Information Act 1991 (the Act), which entitles a review of a FOI determination (application number DEW21/038).

Section 19(2)(b) states that if an agency fails to determine an application within 30 days after receiving the application, the agency is to be taken to have determined the application by refusing access. Section 19(2a) permits an agency to make a determination after the period within which it is was required to deal with the application, however on this occasion [REDACTED] initiated an Internal Review process, to expediate a determination.

Your original FOI application received on 18 August 2021 sought access to:

"All documents (including calculations, spreadsheets, reports, minutes, memos, letters, emails and notes whether in written or electronic form) relating to or evidencing –

1. any unsolicited proposal submitted to the Department for Environment and Water in respect of the land at 248 Tapanappa Road, Deep Creek, SA 5204 (as comprised in Section 10 of CR 6255/498); and

2. the consideration of any unsolicited proposal in respect of the land at 248 Tapanappa Road, Deep Creek, SA 5204 by the Department of Environment and Water,

including all notes of meetings and telephone conversations between officers of the Department for Environment and Water and any other government department or agency or any other party".

Timeline: between 1/03/2015 to 18/08/2021

As confirmed with [REDACTED] of your office on 10 September 2021, the scope of the request was reduced to:

"Any document that records a decision (whether preliminary in nature (potentially changed/superseded over time), or formalised) regarding any unsolicited proposals in

respect of the land of 248 Tapanappa Road, Deep Creek SA 5204 (as comprised in Section 10 of CR 6255/498). A document that records a decision must directly relate to an intended outcome or path to an intended outcome at that point in time.

- *The word 'decision' is to exclude all low level processing decisions (such as a decision to 'hold/accept a meeting' or a decision made in response to a staff member seeking generic processing administrative guidance etc).*
- *In relation to 'decision/s' documented in 'DEW Unsolicited Proposals Governance Committee' records, only decisions relating to 248 Tapanappa Road, Deep Creek SA 5204 are requested, any other unsolicited proposal decision in relation to other land parcels across South Australia, should not be considered for release under this FOI application.*

Timeframe: between 18/08/2019 - 18/08/2021

DETERMINATION

An internal review has been undertaken, as Principal Officer, I wish to advise that I have determined to vary the original determination. As DEW had not made a determination by the due date of the original Freedom of Information application, it was necessary to assess all documentation and make a determination on each document in scope of the application.

Searches of the DEW's records found eighteen (18) documents held by this agency within scope of your request. As DEW Principal FOI Officer, I have varied the original determination of all in scope documents, to provide full access to thirteen (13) documents, and partial access to five (5) documents.

Section 20 of the Act provides that an agency may refuse access to a document or parts of a document, if it is an exempt document under the Act. The documents, or parts of the document to which I am refusing access and the reasons for the refusal are summarised in the attached document schedule and explained in further detail below.

Document numbers 1, 6 and 7

These attachments have been excluded from your determination, noting the documents do not include decisions (either preliminary in nature or formalised) in relation to 248 Tapanappa Road, Deep Creek.

Document numbered 7

Part 3-Access to documents, Division 1-General

20-Refusal of Access

Section 20(1)(c) of the Act states that if a document is available for purchase, access to the document can be refused.

I hereby determine to refuse access to part of document number 7, which contains land parcel valuation information which is otherwise available for purchase, should it be of interest to you. I have provided details of how to purchase this information in the attached document schedule.

Document numbers 1, 4 and 16

Schedule 1, Clause 9(1)(a)(i) states:

Schedule 1, Clause 9 — Internal working documents

(1) A document is an exempt document if it contains matter —

(a) that relates to—

(i) any opinion, advice or recommendation that has been obtained, prepared or recorded; and

...

(b) the disclosure of which would, on balance, be contrary to the public interest.

(2) A document is not an exempt document by virtue of this clause if it merely consists of-

(a) matter that appears in an agency's policy document; or

(b) factual or statistical material.

The full release of these document would involve the unreasonable disclosure of internal working document, thus those parts are exempt pursuant to Clause 9(1)(a)(i) of the FOI Act. To claim exemption clause 9, the scrutiny of a public interest test is required, this information follows this section of the determination letter.

Document numbered 7

Schedule 1, Clause 10 (1) states:

10 — Documents subject to legal professional privilege

(1) A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.

(2) A document is not an exempt document by virtue of this clause merely because it contains matter that appears in an agency's policy document.

The full disclosure of this document would divulge information that is subject to legal professional privilege and is therefore considered exempt from release under clause 10(1) of Schedule 1 of the Act.

Document numbers 1, 4 and 16

Schedule 1, Clause 16 (1)(a)(iv) states:

16 — Documents concerning operations of agencies

(1) A document is an exempt document if it contains matter the disclosure of which-

(a) could reasonably be expected-

...

(iv) to have a substantial adverse effect on the effective performance by an agency of the agency's functions; and

...

(b) would, on balance, be contrary to the public interest.

(2) A document is an exempt document if-

(a) it relates to an agency engaged in commercial activities; and

(b) it contains matter the disclosure of which could prejudice the competitiveness of the agency in carrying on those commercial activities.

The full release of these document would involve the unreasonable disclosure of information concerning the operations of government agencies, thus those parts are exempt pursuant to Clause 16(1)(a)(iv) of the FOI Act. To claim exemption clause 16, the scrutiny of a public interest test is required.

Public Interest Test

Clause 9(1)(a)(i), and 16(1)(a)(iv) of Schedule 1 of the Act requires weighing up the public interest when determining to allow access to the above information.

Factors I have considered in favour of the public interest from any such release are:

- Meeting the objects of the FOI Act, which promotes public access to documents. (9) and (16)
- The importance of transparency and openness and the interest the public has in the operations of agencies and Government. (9) and (16)

Factors I have considered contrary to the public interest for any such release are:

- Disclosure of the agencies operations/recommendations in relation to a project in its preliminary phase that has not yet had endorsement by Executive (decision making) may have an adverse effect in the agency's ability to perform it's functions. Release of this information prematurely, could reasonably be expected to:
 - cause discourse across the community, that would likely disrupt the project timeline and project deliverables.
 - negatively impact day to day business decision making processes and project designs if unnecessary apprehension or second guessing is

increased, in an otherwise, already robust and meticulous decision making process.

- negatively impact the agencies abilities to achieve its financial objectives.
- cause distrust in the community with the agency and State Government as a whole, by releasing information prior to developing an effective communication and customer engagement strategy. (9) and (16)

In making my determination, I have considered the public interest factors in favour of disclosure, particularly the objects of the Act which promote full disclosure of documents. I have considered whether the public interest would be served by the premature disclosure of an agency's project in the preliminary phase when it has not been endorsed by Executive.

Based on the above public interest considerations, I have determined on balance that the factors against disclosure weigh more heavily than those in favour of disclosure, therefore these documents are exempt pursuant to clause 9(1)(a)(i), and 16(1)(a)(iv) of the Act.

On this occasion the department is required to provide the determination electronically.

In accordance with [PC045 – Disclosure logs for Non-personal information](#) once a determination has been provided, the agency is required to make available on our website information and documents that have been disclosed. Information will be publicised online at <http://www.environment.sa.gov.au/about-us/freedom-of-information/foi-disclosure-log>.

FEES AND CHARGES

There is no charge for processing this application.

YOUR APPEAL RIGHTS

As outlined in the attached documentation, if you are dissatisfied with this determination you are entitled to exercise your rights of review with the Ombudsman or appeal to the South Australian Civil and Administrative Tribunal (SACAT) within 30 calendar days.

Should an FOI applicant believe an agency has failed to identify all of the documents within the scope of their FOI application, they can make a complaint to the Ombudsman under the Ombudsman Act 1972. Attachment four of this determination outlines this process. You can also visit: www.ombudsman.sa.gov.au

For more information about making a complaint or seeking a review you can contact the Ombudsman SA on telephone 8226 8699. Information about making an application to SACAT can be obtained at www.sacat.sa.gov.au on telephone 1800 723 767.

For further information on this matter please contact a FOI Officer, on telephone 8463 6625 or via email at dew.foi@sa.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Schutz', with a stylized flourish extending from the end.

JOHN SCHUTZ

Chief Executive, Department for Environment and Water

19/01/2022

Encl: 1. Documents Schedule
2. Release documentation
3. Your Rights to Review and Appeal



Freedom of Information application: DEW21-038 - [REDACTED] - Unsolicited Proposal, Deep Creek

"Any document that records a decision (whether preliminary in nature (potentially changed/superseded over time), or formalised) regarding any unsolicited proposals in respect of the land of 248 Tapanappa Road, Deep Creek SA 5204 (as comprised in Section 10 of CR 6255/498). A document that records a decision must directly relate to an intended outcome or path to an intended outcome at that point in time.

- The word 'decision' is to exclude all low level processing decisions (such as a decision to 'hold/accept a meeting' or a decision made in response to a staff member seeking generic processing administrative guidance etc).

- In relation to 'decision/s' documented in 'DEW Unsolicited Proposals Governance Committee' records, only decisions relating to 248 Tapanappa Road, Deep Creek SA 5204 are requested, any other unsolicited proposal decision in relation to other land parcels across South Australia, should not be considered for release under this FOI application.

Timeframe: between 18/08/2019 - 18/08/2021

No.	Date	Author	Document Description	Determination	Clause	Reason
1	11/02/2021	G Frost - DEW	Email Two attachments forwarded in email (listed below), time stamped Monday 9, November, 2020: 2:40 PM excluded from release as they are not documents that record a 'decision' Attachment 1: 2020 Condition Assessment Tapanappa Road House Jan 2020.pdf; Attachment 2: Tenancy Agreement.pdf	Partial Release	9(1)(a)(i) 16(1)(a)(iv) Attachments excluded	Internal working documents Documents concerning operations of agencies Document contains the mention of two (2) attachments. The attachments contain information not requested by [REDACTED] therefore are not released as part of this determination.
2	22/03/2021	H Millar - DEW	Email	Full Release		
3	22/03/2021	A Munchenberg - Stanley Samuels Real Estate Agent	Email	Full Release		
4	25/03/2021	S Paul - DEW	Email	Partial Release	9(1)(a)(i) 16(1)(a)(iv)	Internal working documents Documents concerning operations of agencies
5	26/03/2021	H Millar - DEW	Email	Full Release		

No.	Date	Author	Document Description	Determination	Clause	Reason
6	31/03/2021	Unsolicited Proposals Governance Committee	Unsolicited Proposals Governance Committee Minutes Meeting Minute documentation titled Attachment 2.2.2 'Southern Ocean Retreats attachments' is excluded from release as it does not record a 'decision'.	Partial Release	Redacted material Attachment excluded	Document contains information not requested by the [REDACTED] (unrelated unsolicited proposals / information that does not relate to 248 Tapanappa Road, Deep Creek) Document contains the mention of one (1) attachment relating to 248 Tapanappa Road, Deep Creek. The attachment does not contain a decision, therefore is not released as part of this determination.
7	31/03/2021	Unsolicited Proposals team	Unsolicited Proposals Governance Committee Attachment 2.2.1 Southern Ocean Retreats Stage 1 Assessment paper Attachments listed 1 to 7 (on page 3): Attachment 1 contains minor decisions regarding the scope, thus has been included in the release material. Attachments 2 to 7 is excluded from release as these documents do not record a 'decision'.	Partial Release	10(1) 20(1)(c) Attachment excluded	Documents subject to legal professional privilege Refusal of access to information that is otherwise available for purchase through Land Services SA https://www.landservices.com.au/contact-us Document contains the mention of seven (7) attachments. Six of the seven attachments contain information not requested by [REDACTED] therefore are not released as part of this determination.
8	14/04/2021	T Van Driel - DEW	Letter	Full Release		
9	15/04/2021	T Van Driel - DEW	Email	Full Release		
10	16/04/2021	M Egeler - DEW	Email	Full Release		
11	28/06/2021	T Van Driel - DEW	Email	Full Release		
12	29/06/2021	T Van Driel - DEW	Email	Full Release		
13	29/06/2021	T Van Driel - DEW	Notes from phone call	Full Release		

No.	Date	Author	Document Description	Determination	Clause	Reason
14	9/07/2021	J Podoliak - DEW	Email	Full Release		
15	3/08/2021	M Williams - DEW	Email	Full Release		
16	5/08/2021	T Van Driel - DEW	Email	Partial Release	9(1)(a)(i) 16(1)(a)(iv)	Internal working documents Documents concerning operations of agencies
17	6/08/2021	B Simes - DEW	Email	Full Release		
18	16/08/2021	H Millar - DEW	Email	Full Release		

From: Frost, Gary (DEW)
Sent: Thursday, 11 February, 2021 9:13 AM
To: DEW:New Business
Subject: RE: DEW assets in Deep Creek Conservation Park

Sensitive: Commercial

Hi Helena,

Good chatting to you this morning. Just to summarise and answer your question, I have had chats with AMLR rangers and 2 meetings with Grant Pelton and Stuart Paul regarding the operational requirement for the Tapanappa House within Deep Creek. As I understand it, both Grant Pelton and Stuart Paul believe there is no reason to keep Tapanappa. This opinion was also confirmed via discussions with Richard De Groot and Paul Unsworth.

I am in the process of providing Mike Williams with a briefing outlining 16 - Documents concerning the operations of agencies, 9 - Internal Working Document
 Ideally I anticipate finalising the briefing within 4 weeks and then it needs to travel through Tania, Grant, Stuart and then to Mike Williams for his consideration.

Hope this helps

Gary Frost

Senior Project Officer

Asset Management, Project and Asset Services | National Parks and Wildlife Service South Australia
 Department for Environment and Water
 P (08) 8214 4872 | M PC045 redaction
 Level 9, 81-95 Waymouth Street
 Adelaide 5000

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: DEW:New Business <DEWNewBusiness@sa.gov.au>
Sent: Wednesday, 10 February, 2021 5:06 PM
To: Frost, Gary (DEW) <Gary.Frost@sa.gov.au>
Cc: Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>; Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Subject: RE: DEW assets in Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Thankyou Gary

Are you able to shed any light on the department's current position of this property please.

My understanding is that it was earmarked for demolition, however if Southern Ocean Retreats believe it could utilise it for tourism accommodation it would not be demolished. Please confirm that is your understanding so that I can proceed with contacting the property manager to arrange for builders to access the site to determine what might be done there so that SOR can make a business decision as to whether to pursue the matter.

Kind Regards

Helena Millar

Case Manager

Tourism and Economic Development

P (08) 8595 2177 |

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Frost, Gary (DEW)

Sent: Friday, 5 February 2021 11:02 AM

To: DEW:New Business <DEWNewBusiness@sa.gov.au>

Subject: RE: DEW assets in Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Helena,

Apologies for letting this slip. Attached is a snippet from the 10/06/2020 Asbestos Report for Tapannapa House 05031-04-1.

Have attached the SAMIS Drawing as well for reference. Looks like asbestos in switch board only.

INSPECTION REPORT, RECOMMENDED ACTIONS
AND REGISTER ONLY

TYPE: ASBESTOS

for

Deep Creek Conservation Park (F)
Deep Creek Conservation Park
Boat Harbour Road, (08) 85980263, 0419 8106 739, DELAMERE, SA, 5204
Site Number: 05031

Printed on: 10/06/2020

DPTI Asbestos Services Team
DPTI.TSAsbestosServices@sa.gov.au
Ph: (08) 8402 1716

NOTE: Building and room numbers referred to in this report are as per the asset drawings and may not correspond to identification of buildings and room numbers on site. This asbestos register should be read in conjunction with the SAMIS site and floor plans.

ASSET: Deep Creek Conservation Park > Building 04

ELEMENT TYPE: Switchboards
MATERIAL TYPE: Zelemite
QUANTITY: Not Identified (<0.5 square metres)
USE: Mounting/Backing Board
FINISH TYPE: Not Identified
FRIABILITY: Non Friable
CONDITION: Is In Medium Condition
ACCESSIBILITY: Is Accessible

Back verandah - south elevation.

CATEGORY: 3

RECOMMENDED ACTION: Use care during maintenance, replace if disturbed

ACTION TAKEN:

DATE:

ASSET: Deep Creek Conservation Park > Building 04

<https://porteco.samis.sa.gov.au/porteco/HmrReport.aspx?assetid=383303&categoryco...> 10/06/2020

Hazardous Materials Report

Page 8 of 23

ELEMENT TYPE: Building Exterior
MATERIAL TYPE: No Asbestos

West elevation; external porch planking non asbestos as tested TEMS 003/54947

ASSET: Deep Creek Conservation Park > Building 04

ELEMENT TYPE: Building Exterior
MATERIAL TYPE: No Asbestos

Western elevation porch; Non asbestos internal sheet wall cladding as tested TEMS 003/54946 2016

Gary Frost: Senior Project Officer

[Chat with me in Teams \(only available for internal staff\)](#)

Asset Management, Project and Asset Services | National Parks and Wildlife Service South Australia

Department for Environment and Water

P (08) 8124 4872 | M PC045 redaction

Level 9, 81-95 Waymouth Street

Adelaide 5000

environment.sa.gov.au | **parks.sa.gov.au**



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: DEW:New Business

Sent: Friday, 5 February 2021 10:16 AM

To: Frost, Gary (DEW) <Gary.Frost@sa.gov.au>

Cc: Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>

Subject: RE: DEW assets in Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Gary

I'm just following up on this again and would appreciate if you could provide a response.

Please don't hesitate to give me a call to discuss.

Kind Regards

Helena Millar

NBT Co-Investment Fund Team

Tourism and Economic Development | National Parks and Wildlife Service South Australia

Department for Environment and Water

P (08) 8124 4066

81-95 Waymouth Street, Adelaide, SA, 5000

GPO Box 1047, Adelaide, SA, 5001

environment.sa.gov.au | **parks.sa.gov.au**



Helping South Australians conserve, sustain and prosper

From: Millar, Helena (DEW)
Sent: Monday, 14 December 2020 3:12 PM
To: Frost, Gary (DEW) <Gary.Frost@sa.gov.au>
Cc: Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>
Subject: RE: DEW assets in Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sorry, one other thing, **is there an asbestos report for this site?** Please provide a copy if there is one.

Sensitive: Commercial
Classified by Gary.Frost@sa.gov.au

From: DEW:New Business
Sent: Monday, 14 December, 2020 3:07 PM
To: Frost, Gary (DEW) <Gary.Frost@sa.gov.au>
Cc: Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>
Subject: RE: DEW assets in Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Hi Gary

Myself and Paul Unsworth met with Barry Duykers & Maria last week to take a look at the Tapanappa Road House.

Barry thinks they might be able to do something with the site and has asked me to look into this further.

Are you able to advise what would be required to enable him to bring in the appropriate qualified building experts to further investigate what might be possible at the site?

Do you have a copy of the current lease agreement (the one I have is a DPTI version dated in 2015 for one year – is there another newer version given DPTI are no longer managing the site?) **I understand from the real estate property manager that this is the only version.**

I understand that the current lease agreement is a periodical lease which means that the tenant could be requested to vacate the premises (within a certain time frame) if requested by the Minister. **Do you know what DEW's position on this is and what the process would be? My understanding is that it was proposed that the buildings were to be demolished. Can you confirm this?**

Please feel free to give me a call.

Kind Regards

HS Millar

Helena Millar
Case Manager
Tourism & Economic Development
Business Partnerships
Ph 8595 2177

Sensitive: Commercial
Classified by Gary.Frost@sa.gov.au

From: Frost, Gary (DEW) <Gary.Frost@sa.gov.au>
Sent: Monday, 9 November, 2020 2:40 PM
To: Millar, Helena (DEW) <Helena.Millar@sa.gov.au>
Subject: FW: DEW assets in Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]
Attachments: 2020 Condition Assessment Tapanappa Road House Jan 2020.pdf; Tenancy Agreement.pdf

Sensitive: Commercial

Hi Helena,

Here you go.

Gary Frost

Senior Project Officer

Asset Management, Project and Asset Services | National Parks and Wildlife Service South Australia
Department for Environment and Water
P (08) 8214 4872 | M PC045 redaction
Level 9, 81-95 Waymouth Street
Adelaide 5000

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Frost, Gary (DEW)

Sent: Thursday, 5 November 2020 9:11 AM

To: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>

Cc: Pelton, Grant (DEW) <Grant.Pelton@sa.gov.au>; O'Loughlin, Tania (DEW) <Tania.Oloughlin@sa.gov.au>;
Buckland, Shane (DEW) <Shane.Buckland@sa.gov.au>

Subject: RE: DEW assets in Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Tarnya,

Apologies for the delay.

Attached is the 2020 Condition Assessment conducted by Shannon Architects for Tapanappa Road House at Deep Creek. The architect ballpark costings was \$142,000 excluding extension to upgrade to a basic standard only. The architect makes clear that a detailed costing would be required for exact amounts to upgrade the property.

Also attached as requested is the tenant's agreement managed through Stanley Samuels Real Estate Agent. This is the original agreement between tenant and DPTI. The tenant is now on a periodic tenancy and Stanley Samuels provided the following advice:

The Landlord needs to provide at least 90 days written notice to end a Periodic Agreement for no specific reason, or can give 60 days' written notice if:

- the property owner wants to live in the property
- major renovations are needed

- demolition is planned
- the property has been sold and the contract states that the property will be vacant.

After a 60 day notice is given a Landlord cannot enter into another tenancy for 6 months unless the South Australian Civil and Administrative Tribunal (SACAT) gives consent.

Gary Frost

Senior Project Officer

Asset Management, Project and Asset Services | National Parks and Wildlife Service South Australia
 Department for Environment and Water
 P (08) 8214 4872 | M PC045 redaction
 Level 9, 81-95 Waymouth Street
 Adelaide 5000

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>
Sent: Wednesday, 4 November, 2020 3:30 PM
To: Frost, Gary (DEW) <Gary.Frost@sa.gov.au>; Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>; Egeler, Martina (DEW) <Martina.Egeler@sa.gov.au>
Cc: Nitschke, Katanya (DEW) <Katanya.Nitschke@sa.gov.au>; DEW:New Business <DEWNewBusiness@sa.gov.au>; Buckland, Shane (DEW) <Shane.Buckland@sa.gov.au>; O'Loughlin, Tania (DEW) <Tania.Oloughlin@sa.gov.au>
Subject: RE: DEW assets in Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Thanks Gary. Grant's correspondence below is dated Dec 2019 and since then there has been other correspondence between Grant and Barry Duykers relating to this site.

Katanya is it possible you can please send through a copy of the correspondence Grant sent to the proponent, Barry Duykers re: Tapanappa in September this year please? I am under the impression from Barry's email below that Grant deferred the future of this site to TED? Is this correct?

Barry has written to our Director seeking resolution. And with this in mind we propose to give an inspection notice to the lessee requesting a site inspection to ascertain the state of the building and determine if building is suitable for potential tourism accommodation upgrades. The proponent may then want to proceed with submitting a proposal to the NBT Co-Investment Fund. Should this take place then the proposal will be assessed accordingly seeking 'land owners' approval in this case NPWS.

Meanwhile, we won't know the future of the site until at least if we know if there is interest and a willingness to lease the house for tourism accommodation. If what Mr Duykers says below is true, and I have no reason to doubt it then Martina in consultation with the region and Project and Assets Services will proceed with making arrangements for a site inspection with Mr Duykers in attendance.

Gary – do you have the asset report for the property on Tapanappa Rd? If so, can we please share this with the proponent? Photos of the property? Which will help inform their decision to apply to the NBT CIF for a co-contribution grant. I understand the proponent may want to improve the property to then use it as another accommodation offering to support the Wild South Coast Way.

Also, do you have a copy of the tenancy agreement so that we can review and make arrangements for a site inspection following the appropriate protocol to view the house and giving notice to do so.

With thanks, Tarnya

Sensitive: Commercial
Classified by tarnya.vandriel@sa.gov.au on 4/11/2020 3:29:37 PM

From: Frost, Gary (DEW)
Sent: Tuesday, 3 November 2020 12:07 PM
To: Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>; Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>; Egeler, Martina (DEW) <Martina.Egeler@sa.gov.au>
Cc: Nitschke, Katanya (DEW) <Katanya.Nitschke@sa.gov.au>; De Groot, Richard (DEW) <Richard.Degroot@sa.gov.au>; DEW:New Business <DEWNewBusiness@sa.gov.au>; Buckland, Shane (DEW) <Shane.Buckland@sa.gov.au>; O'Loughlin, Tania (DEW) <Tania.Oloughlin@sa.gov.au>
Subject: RE: DEW assets in Deep Creek Conservation Park [DLM=For-Official-Use-Only]

For Official Use Only

Hi All,

At the moment, 16 - Documents concerning the operations of agencies, 9 - Internal Working Document

Below is an email from Grant Pelton regarding the Tapanappa Road House. Grant's firm advice would be not making any commitment to third parties 16 - Documents concerning the operations of agencies, 9 - Internal Working Document

At this stage decisions have not been made regarding the future of Tapanappa. 16 - Documents concerning the operations of agencies, 9 - Internal Working Document

From: Pelton, Grant (DEW) <Grant.Pelton@sa.gov.au>
Sent: Monday, 2 December, 2019 12:43 PM
To: Paul, Stuart (DEW) <Stuart.Paul@sa.gov.au>; McInerney, April (DEW) <April.Mcinerney@sa.gov.au>; O'Loughlin, Tania (DEW) <Tania.Oloughlin@sa.gov.au>
Cc: O'Loughlin, Tania (DEW) <Tania.Oloughlin@sa.gov.au>; Buckland, Shane (DEW) <Shane.Buckland@sa.gov.au>
Subject: RE: enquiry re DCCP house [DLM=For-Official-Use-Only]

For Official Use Only

No we don't Stu, which is why we need Tan, Shane and Garry engaged in any of these discussions. 9 and 16
16 - Documents concerning the operations of agencies, 9 - Internal Working Document

At this point my firm advice would be we don't make any commitments to third parties

G

Gary Frost

Senior Project Officer

Asset Management, Project and Asset Services | National Parks and Wildlife Service South Australia
Department for Environment and Water
P (08) 8214 4872 | M PC045 redaction
Level 9, 81-95 Waymouth Street
Adelaide 5000

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>

Sent: Monday, 2 November, 2020 1:47 PM

To: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>; Egeler, Martina (DEW) <Martina.Egeler@sa.gov.au>

Cc: Nitschke, Katanya (DEW) <Katanya.Nitschke@sa.gov.au>; De Groot, Richard (DEW)

<Richard.Degroot@sa.gov.au>; DEW:New Business <DEWNewBusiness@sa.gov.au>; Frost, Gary (DEW)

<Gary.Frost@sa.gov.au>

Subject: Re: DEW assets in Deep Creek Conservation Park [DLM=For-Official-Use-Only]

Hi again Tarnya,

I'm not sure who has the relationship with the lessee. I have never met him. As mentioned I have heard that he has written to Grant in the past, PC045 redaction

PC045 redaction I think we need direction/endorsement from the appropriate delegate/level to go down the path of removing him and offering it to SOR prior to anyone indicating to him that might be the case. It may be that the appropriate delegate (who ever that is) might want to demolish rather than keep the building.

Regards

Paul Unsworth

Ranger in Charge
Fleurieu & Willunga Basin District
Parks & Regions
Department for Environment and Water
P (08) 8552 0302 M PC045 redaction
d ti

From: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>

Sent: Monday, 2 November 2020 3:04 AM

To: Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>; Egeler, Martina (DEW) <Martina.Egeler@sa.gov.au>

Cc: Nitschke, Katanya (DEW) <Katanya.Nitschke@sa.gov.au>; De Groot, Richard (DEW)

<Richard.Degroot@sa.gov.au>; DEW:New Business <DEWNewBusiness@sa.gov.au>

Subject: RE: DEW assets in Deep Creek Conservation Park [DLM=For-Official-Use-Only]

Thank you Paul,

Barry would like to apply to DEW's NBT Co-Investment Fund for a grant to renovate and manage the property for tourism accommodation – which as you mention below is aligned to DEW's National Parks and Wildlife vision.

With this in mind, who has the relationship with the current lessee so that DEW can arrange a site visit/inspection with the potential grant applicant?

Martina and or Paul can you please advise so we can progress this matter as quickly as possible as Jo needs to respond to Barry. Jo will need to advise Barry that DEW in the short term has no intention of demolishing the building and is open to accepting NBT CIF applications for this site. DEW's case management team/support service can then facilitate a site inspection with the region but only if it is appropriate as the current lessee lives on site.

With thanks, Tarnya

For Official Use Only
Classified by Paul.Unsworth@sa.gov.au

From: Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>

Sent: Monday, 2 November, 2020 10:23 AM

To: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>; Egeler, Martina (DEW) <Martina.Egeler@sa.gov.au>

Cc: Nitschke, Katanya (DEW) <Katanya.Nitschke@sa.gov.au>; De Groot, Richard (DEW)

<Richard.Degroot@sa.gov.au>

Subject: Re: DEW assets in Deep Creek Conservation Park [DLM=For-Official-Use-Only]

Hi Tarnya,

Barry is correct that there are 3 options to be considered. AMLR have no operational need for the building. It is former staff accommodation and rangers have not lived on park for several years. The quality and price of the accommodation and the disturbance factor from the public make it an unattractive option.

The current tenant was given the lease(?) in order to offset the weekly cost that, at that time, was charged by DPTI for property maintenance. This weekly charge no longer occurs, so the reason for renting it out is no longer there. I am aware that the current tenant has approached Grant and others, asking to purchase the property. This is not possible as it is located within DCCP. PC045 redaction

I believe that bringing the building up to standard would be a significant cost, and as AMLR has no use for the building, the upgrade is unlikely to happen. Unless Southern Ocean retreats are able to upgrade the building and take on management then AMLR's preference would be to demolish.

Having tourist accommodation rather than private residential accommodation is more in line with NPWS work.

Regards

Paul Unsworth
Ranger in Charge
Fleurieu & Willunga Basin District
Parks & Regions

From: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>
Sent: Sunday, 1 November 2020 11:25 PM
To: Egeler, Martina (DEW) <Martina.Egeler@sa.gov.au>
Cc: Nitschke, Katanya (DEW) <Katanya.Nitschke@sa.gov.au>; Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>
Subject: FW: DEW assets in Deep Creek Conservation Park [DLM=For-Official-Use-Only]

Hi Martina and Paul

Can you please provide advice re; this property. Isn't the current incumbent leasing the property on an annual basis and if so do they have an intention to stay or go in the near future?

Katanya do you know if TED or leasing were copied into the letter from Grant to Mr Barry Duykers? If so could you provide a copy please? TED – Jo will then respond accordingly.

It appears that Barry wants to apply for a grant to do up the property with a view to leasing out as tourist holiday accommodation. Paul do you know if DEW has made a decision re: either of these options: continued private rental or demolition?

We need to sort out:

- 1) Does DEW want / intent to demolish the building? Yes or NO
- 2) If NO – then Martina what is the process from here? Can we allow a potential proponent to do a site inspection accompanied by a DEW employee with a view to submitting a grant application? What do we tell the current lessee? What obligations do we have to the current lessee who is on a 1 yearly rental?

We may need to seek probity advice on this matter.

With thanks, Tarnya

For Official Use Only
Classified by Jo.Podoliak@sa.gov.au

From: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Sent: Monday, 2 November, 2020 9:18 AM
To: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>
Subject: FW: DEW assets in Deep Creek Conservation Park [DLM=For-Official-Use-Only]

For Official Use Only

I thought we had dealt with this since they had no interest? Anyway can you follow-up and provide some advice back to me about the way forward. Cheers, Jo.

Jo Podoliak

Director - Tourism & Economic Development

National Parks & Wildlife Service

Department for Environment and Water

P (08) 8463 6949 | M PC045 redaction



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Southern Ocean Retreats <enquiries@southernoceanretreats.com.au>

Sent: Sunday, 1 November, 2020 5:49 PM

To: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>

Subject: DEW assets in Deep Creek Conservation Park

Dear Mr Podoliak,

On 6 July this year we met with District Ranger Paul Unsworth as part of a Nature Based Tourism Co-investment Fund proposal in Deep Creek Conservation Park.

In the course of that meeting mention was made of the future of the property located at 248 Tapanappa Road in Deep Creek.

Following further enquiries to the Department we subsequently contacted Grant Pelton who suggested we send an email requesting clarification as to the Department's intentions in relation to this property.

Mr Pelton undertook to refer to the matter to yourself as Director, Tourism & Economic Development and a copy of that correspondence is attached below.

As yet we have not received a response from the Department.

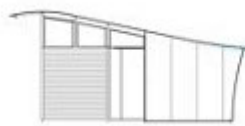
During our initial discussions back in July three options were mooted: continued private rental, demolition, or holiday rental to the general public via us as the lessee in Deep Creek Conservation Park.

So as to assist us in planning our forward works schedule we would appreciate an indication of the Department's intentions for this property.

Kind regards,

Barry Duykers
Southern Ocean Retreats

Phone: (08) 85984169



SOUTHERN OCEAN RETREATS

Deep Creek Conservation Park

From: Southern Ocean Retreats [<mailto:enquiries@southernoceanretreats.com.au>]

Sent: Tuesday, 15 September 2020 4:55 PM

To: 'Grant.Pelton@sa.gov.au' <Grant.Pelton@sa.gov.au>

Subject: DEW assets in Deep Creek Conservation Park

Dear Grant,

Further to our telephone conversation yesterday I'm writing to seek clarification on the Department's position in relation to several buildings in Deep Creek Conservation Park that have previously served as staff accommodation.

One is located at 85 Blowhole Beach Road and was previously used as the Senior Ranger's residence. It is currently vacant.

The other is located at 248 Tapanappa Road and was previously used as accommodation for the Assistant Ranger. It is currently being used for private long term accommodation.

Depending on the state of these buildings we may be interested in incorporating them as part of our range of holiday accommodation in Deep Creek.

We would need to undertake a building inspection prior to entering into an agreement to ensure any work required is viable.

As you know Southern Ocean Retreats would be responsible for all ongoing maintenance and repair work to bring the asset up to, and to maintain a standard that is suitable for holiday accommodation.

Should this be the case it is our preference that these assets be subject to the same terms and conditions as set out in our current lease for the other buildings managed by Southern Ocean Retreats.

Given the lengthy ROI for capital expenditure incurred by lessees in these arrangements we would appreciate an expeditious timeframe within which to resolve this matter.

Kind regards,

Barry Duykers
Southern Ocean Retreats

Phone: (08) 85984169



SOUTHERN OCEAN RETREATS

Deep Creek Conservation Park

Like us on Facebook to stay up to date with special offers (www.facebook.com/southernoceanretreats)

Subscribe to our newsletter for the latest news on Deep Creek and our region
www.southernoceanretreats.com.au)

From: Millar, Helena (DEW)
Sent: Monday, 22 March, 2021 4:16 PM
To: Unsworth, Paul (DEW); De Groot, Richard (DEW)
Cc: Oster, Simon (DEW)
Subject: RE: Tapanappa House

For Official Use Only

Hi Paul/Richard

As part of Stage 1, the Unsolicited Proposals Committee will be provided with the background information and endorse whether it is appropriate to progress to stage 2. It is USP because it needs to be determined appropriate to deal direct with SOR (which given the circumstances is pretty clear as the existing lease does not allow anyone else to undertake accommodation development within the DCCP).

The risks identified to date are:-

- the current tenant may object;
- the terms and conditions; and
- what will happen at the expiry of any new lease if it is issued.

Stage 2 will involve more in depth information and due diligence including risk mitigation measures and conditions of lease. Any decision to terminate the existing lease and issue a new lease to SOR will be made by Mike down the track.

At this stage I am just trying to identify if there are any regional objections (from our verbal discussions in December 2020 there did not appear to be but just confirming) so that I can give the USP committee an indication of the existing relationship the region has with SOR as any significant issues should be raised now.

The lease team has advised that SOR are pretty good lessees and the Crown Lands Senior property officer said the proposal appears to be a good use of the site.

Please note that the Property Manager has advised that he does not feel that there will be any issue with the tenant.

Hope that clarifies but don't hesitate to contact me if you have further questions.

Kind Regards

Helena Millar
Case Manager

Tourism and Economic Development
P (08) 8595 2177 |

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Unsworth, Paul (DEW)
Sent: Monday, 22 March 2021 3:25 PM
To: De Groot, Richard (DEW) <Richard.Degroot@sa.gov.au>
Cc: Oster, Simon (DEW) <Simon.Oster@sa.gov.au>; Millar, Helena (DEW) <Helena.Millar@sa.gov.au>
Subject: FW: Tapanappa House [DLM=For-Official-Use-Only]

For Official Use Only

Richard,

I think we need to have clarification through Stuart/Mike on support for this, given recent discussions.

PC045 redaction

we need to have a clear direction either way prior to committing.

Regards

Paul Unsworth

District Ranger

AMLR Region | National Parks and Wildlife Service South Australia

Department for Environment and Water

P (08) 8552 0302 | M 0428 541 560

3 Eyre Terrace Victor Harbor SA 5211

PO Box 721 Victor Harbor SA 5211

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: DEW:New Business

Sent: Monday, 22 March 2021 2:43 PM

To: Oster, Simon (DEW) <Simon.Oster@sa.gov.au>; Unsworth, Paul (DEW) <Paul.Unsworth@sa.gov.au>

Subject: RE: Tapanappa House [DLM=For-Official-Use-Only]

For Official Use Only

Hi Simon & Paul

Just letting you both know that Barry Duykers and Jayne have lodged an unsolicited proposal to lease the Tapanappa Road House.

Could you please answer the following:-

1. Confirm support of this proposal by the region?
2. Do you have any concerns with this proposal? – current tenant is likely to be unhappy with being removed from the property.
3. Do you have any concerns with Southern Ocean Retreats as current lessee within the park?-no
4. Advise what zone this property is within and whether tourist accommodation is permitted;It is in the Conservation Zone. I can't see anything in the Management Plan regarding restrictions in the Conservation Zone and the SOR DC homestead is in the same zone and same Management Unit (Leaselands)
5. Advise whether any consultation should take place with any or all of the following:-
 - 5.1 Friends of Parks – DCCP
 - 5.2 Aboriginal Group (Ngarinjerri?)

If so, do you have any contact details.

I am hoping to get this proposal to the next Unsolicited Proposal Committee meeting next week.

Kind Regards

Helena Millar

Case Manager

Tourism and Economic Development

P (08) 8595 2177 |

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: DEW:New Business

Sent: Wednesday, 17 February 2021 10:50 AM

To: enquiries@southernoceanretreats.com.au; Oster, Simon (DEW) <Simon.Oster@sa.gov.au>

Subject: Tapanappa House inspection [DLM=For-Official-Use-Only]

For Official Use Only

Hi Barry & Simon

I have requested the property manager advise the tenant of your inspection of the property with the builder on Saturday 27th of February at 1pm.

If you could provide me with an update the following week that would be appreciated.

Kind Regards

Helena Millar

NBT Co-Investment Fund Team

Tourism and Economic Development | National Parks and Wildlife Service South Australia

Department for Environment and Water

P (08) 8124 4066

81-95 Waymouth Street, Adelaide, SA, 5000

GPO Box 1047, Adelaide, SA, 5001

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

Kind Regards

Helena Millar

Case Manager

Tourism and Economic Development | National Parks & Wildlife Service South Australia

Department for Environment and Water

P (08) 8595 2177 |

PO Box 231

Berri SA 5343

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Ashley <ash@stanleysamuels.com.au>
Sent: Monday, 22 March, 2021 2:45 PM
To: Millar, Helena (DEW)
Subject: RE: Deep Creek Periodic lease

Categories: Important

Hi Helena,

Periodic lease agreements do not have a date that the tenancy ends. They continue until either the tenant or landlord give written notice to end the tenancy.

The tenant must give at least 21 days written notice or one month's written notice if rent is paid monthly. The landlord can agree to accept less than the required notice. This agreement should be in writing.

The landlord needs to give at least 90 days written notice to end a periodic agreement for no specific reason, or can give 60 days' written notice if:

- the property owner wants to live in the property
- major renovations are needed
- demolition is planned
- the property has been sold and the contract states that the property will be vacant.

After a 60 day notice is given a landlord cannot enter into another tenancy for 6 months unless the South Australian Civil and Administrative Tribunal (SACAT) gives consent..

Kind Regards,

Ashley Munchenberg
 Property Consultant
 t 8297 3010
 p 3 / 813 South Road, Clarence Gardens SA 5039
 e ash@stanleysamuels.com.au
 w stanleysamuels.com.au

stanleysamuels
 Property management specialists

From: Millar, Helena (DEW) [mailto:Helena.Millar@sa.gov.au]
Sent: Monday, 22 March 2021 1:37 PM
To: ash@stanleysamuels.com.au
Subject: RE: Deep Creek = Tapanappa Road house [DLM=For-Official-Use-Only]

For Official Use Only

Hi Ashley

Please see your email below (highlighted section). I apologise but I cannot recall or find your advice as to what the standard notice period would be should the Department choose to terminate the lease.

Can you please advise.

Kind Regards

Helena Millar

Case Manager

Tourism and Economic Development

P (08) 8595 2177 |

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Ashley [<mailto:ash@stanleysamuels.com.au>]

Sent: Monday, 14 December 2020 5:06 PM

To: DEW:New Business <DEWNewBusiness@sa.gov.au>

Subject: RE: Deep Creek = Tapanappa Road house [DLM=For-Official-Use-Only]

The expiration does not matter as it automatically reverts to a Periodic Lease.

The "Landlord" detail could possibly be argued to be a sticking point but in reality, I don't believe it would ever become one given that the ownership has not changed, merely the department name. Either way, this Tenant is not the liable to argue in my opinion.

When this property was added to the portfolio to manage the instruction was to continue with the Periodic Lease in place. Should you (the Department) choose to terminate the lease it can be done so with the standard notice period as previously mentioned.

Kind Regards,

Ashley Munchenberg

Property Consultant

t 8297 3010

p 3 / 813 South Road, Clarence Gardens SA 5039

e ash@stanleysamuels.com.au

w stanleysamuels.com.au

stanleysamuels

Property management specialists

From: DEW:New Business [<mailto:DEWNewBusiness@sa.gov.au>]

Sent: Monday, 14 December 2020 5:00 PM

To: ash@stanleysamuels.com.au

Subject: RE: Deep Creek = Tapanappa Road house [DLM=For-Official-Use-Only]

Hmmm interesting. I don't think its worth anything given

- a) Its expired;
- b) Its between DPTI and the tenant and DPTI – who no longer manage the property;

What was the arrangement when you took over management? Was this taken into consideration/attempted to be rectified or were there reasons why is was not addressed?

Is it deemed that the tenant is by default in a periodic lease arrangement?

What does it mean when it comes to a decision going forward? Ie. What notification would be required IF it was decided that it was no longer appropriate for the current occupation to occur? This may be a departmental question, but given the lease arrangement was by DPTI, I wonder if it automatically reverts to Minister for Environment and Water as Custodian of the Crown estate who has authority to issue such notice (as would normally be the case if it were a DEW lease)?

Regards
Helena

For Official Use Only
Classified by ash@stanleysamuels.com.au

From: Ashley <ash@stanleysamuels.com.au>

Sent: Monday, 14 December, 2020 3:21 PM

To: DEW:New Business <DEWNewBusiness@sa.gov.au>

Subject: RE: Deep Creek = Tapanappa Road house [DLM=For-Official-Use-Only]

Hi Helena,

Unfortunately the only lease agreement (for what it is worth) is as attached.

This was executed before we managed the property.

Kind Regards,

Ashley Munchenberg
Property Consultant
t 8297 3010
p 3 / 813 South Road, Clarence Gardens SA 5039
e ash@stanleysamuels.com.au
w stanleysamuels.com.au

stanleysamuels
Property management specialists

From: DEW:New Business [<mailto:DEWNewBusiness@sa.gov.au>]

Sent: Monday, 14 December 2020 3:10 PM

To: ash@stanleysamuels.com.au

Subject: RE: Deep Creek = Tapanappa Road house [DLM=For-Official-Use-Only]

Hi Ashley

Just letting you know the site meeting last week went well.

Do you have a copy of the existing lease agreement you can provide to me?

It is likely I will need to arrange another site meeting in the new year to enable more extensive investigations to be undertaken. I will come back to you again when I know more.

Thanks

Kind Regards

Helena Millar

Case Manager

Tourism and Economic Development | National Parks & Wildlife Service South Australia

Department for Environment and Water

P (08) 8595 2177 |

PO Box 231

Berri SA 5343

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

For Official Use Only

Classified by ash@stanleysamuels.com.au

From: Ashley <ash@stanleysamuels.com.au>

Sent: Tuesday, 17 November, 2020 2:43 PM

To: Millar, Helena (DEW) <Helena.Millar@sa.gov.au>

Subject: RE: Deep Creek = Tapanappa Road house [DLM=For-Official-Use-Only]

Thanks Helena,

I'll issue the due notice to the Tenant and arrange access. Did you want a representative from Stanley Samuels in attendance?

Kind Regards,

Ashley Munchenberg

Property Consultant

t 8297 3010

p 3 / 813 South Road, Clarence Gardens SA 5039

e ash@stanleysamuels.com.au

w stanleysamuels.com.au

From: Millar, Helena (DEW) [<mailto:Helena.Millar@sa.gov.au>]
Sent: Tuesday, 17 November 2020 2:26 PM
To: ash@stanleysamuels.com.au
Subject: Deep Creek = Tappanapa Road house [DLM=For-Official-Use-Only]

For Official Use Only

Hi Ashley

As discussed last week, we would like to inspect this property.

Could you please make arrangements / advise the tenant that we would like to attend the property on **Tuesday 8th of December at approximately 11.15 am**. It is anticipated that we will require up to an 1hr at the site.

Please confirm this date and time are acceptable and let me know of any requirements. Please note that any impacts that Covid may present will be monitored closer to the time and the meeting cancelled should the situation deteriorate.

Kind Regards

Helena Millar

Case Manager

Tourism and Economic Development | National Parks & Wildlife Service South Australia
Department for Environment and Water
P (08) 8595 2177 |
PO Box 231
Berri SA 5343

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Paul, Stuart (DEW) <Stuart.Paul@sa.gov.au>
 Sent: Thursday, 25 March, 2021 10:52 PM
 To: Williams, Mike (DEW) <Mike.Williams@sa.gov.au>
 Subject: Re: 248 Tapanappa Road deep Creek

Hi Mike

Yes, I spoke with Richard about it this afternoon. The DEW 9 and 16 assessment suggests that we should demolish the house when the tenant pulls out ie. the house is of no strategic value to us, it has a private tenant in it and it has a significant rehab cost attached as a result of the condition assessment work done

The regions recommendation is that we move to lease it to Southern Ocean Retreats who I am advised will foot the bill for restoration themselves and then take out a long term commercial lease over. We need to engage with Jo's team if this is our preferred approach

PC045 redaction who is the current private lessee wants to buy it freehold but that's not recommended (would require excision from the park) and is an onerous and lengthy process.

Final option is long term lease to the current tenant, PC045 redaction but this would require us to invest in ongoing maintenance and upgrade and the costs of this would likely exceed revenue.

The preferred option here in my view is to lease to Southern Ocean Retreats conditional on them doing the rehab work, long term lease and reasonable commercial rental return.

Will engage Jo here if this is your preferred option

Thanks
 Stuart

From: Millar, Helena (DEW)
Sent: Friday, 26 March, 2021 4:28 PM
To: enquiries@southernoceanretreats.com.au
Subject: RE: Rental of house at Tapanappa Road

Sensitive: Commercial

Hi Barry

Thank you for your email Barry. As discussed on Wednesday 24 March 2021, your unsolicited proposal application submitted on 9 March 2021 is currently undergoing stage 1 assessment and will be presented to the Unsolicited Proposals Committee next week after which you will be informed of the outcome of the first stage. Should your proposal be approved to go to Stage 2 detailed assessment and Stage 3 – direct negotiation and preparation of lease documents etc.; we anticipate this process will take a number of months so approximately late 2021 for it to be finalised which will be dependent on a number of aspects progressing smoothly.

As you are aware, there is an existing tenant at the premises and therefore any notice to terminate that lease will require both the Minister for Environment & Water to make that decision and the mandatory timeframe in accordance with the Residential Tenancies Act 1995 Section 83(1)(3) – The period of notice under this section must be at least 90 days.

Consequently it is not possible to make the property at 248 Tapanappa Road available for medium term rental until such time as your unsolicited proposal is finalised and the existing lease with the current tenant is determined. We look forward to working with you and progressing your proposal as quickly as possible. I will call you on at the end of next week after the meeting to let you know the outcome of the Stage 1 assessment.

Kind Regards

Helena Millar
 Case Manager

Tourism and Economic Development
 P (08) 8595 2177 |

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Southern Ocean Retreats [mailto:enquiries@southernoceanretreats.com.au]
Sent: Wednesday, 24 March 2021 3:03 PM
To: Millar, Helena (DEW) <Helena.Millar@sa.gov.au>
Subject: Rental of house at Tapanappa Road

Hi Helena,

Further to our telephone conversation earlier today I am writing to explore the possibility of making the property at 248 Tapanappa Road available for medium term rental whilst our formal application process is being considered.

We have been approached by a construction company requiring accommodation for one of its staff undertaking work in Deep Creek. This would be for a period of 8-10 months.

Due to our forward bookings we are not able to accommodate the person at our existing cottages.

Given that our application to utilize the property for holiday rental is in its early stages it would seem a great opportunity to bridge this period whilst the Department considers our proposal.

Kind regards,

Barry Duykers
Southern Ocean Retreats

Phone: (08) 85984169



Like us on Facebook to stay up to date with special offers (www.facebook.com/southernoceanretreats)

Subscribe to our newsletter for the latest news on Deep Creek and our region (www.southernoceanretreats.com.au)



DEW Unsolicited Proposals

Minutes

Meeting time:	11.47am - 12.15pm	
Date:	Wednesday 31 March 2021	
Location:	DEW:81 Weymouth 10.1 Training Room - Teams VC (10) & Microsoft Teams	
Attendees:	√	Jo Podoliak, Director, Tourism and Economic Development (Chair)
	√	Shaun O'Brien, Director, Finance/CFO
	√	Paul Wurdemann, Manager, Finance (Ex Officio attendance with Shaun O'Brien)
	√	Dan Jordan, Director, Water Security, Policy and Planning
	√	Mark Osborne, Media Manager, Community Engagement
	√	Sarah Reachill, Coordinator, SEB Program (proxy for Merridie Martin)
	√	Carol Vu, Principal Policy Officer (Probity) (Ex Officio)
	√	Tarnya Van Driel, Manager Business Partnerships, TED (Ex Officio)
	√	Yani Grbich, Case Manager, TED (Ex Officio)
	√	Helena Millar, Case Manager, TED (Ex Officio)
	√	Kaye Jenkins, Case Manager, TED (Ex Officio) (Minutes)
Apologies:	x	Merridie Martin, Director, Heritage and Native Vegetation

Agenda item	Time	Item	Approved/ noted	Responsible
Information redacted as agreed by applicant - does not relate in any capacity to 248 Tapanappa Road, Deep Creek				

Agenda item	Time	Item	Approved/ noted	Responsible
Information redacted as agreed by applicant - does not relate in any capacity to 248 Tapanappa Road, Deep Creek				
2.		Items for Decision		
Information redacted as agreed by applicant, information relates to an unrelated Unsolicited Proposal in South Australia				
2.2.	11.52am	Southern Ocean Retreats Deep Creek lease - Stage 1 Assessment 2.2.1 Southern Ocean Retreats Stage 1 Assessment paper 2.2.2 Southern Ocean Retreats attachments <p>Case Manager Helena Millar provided an overview of the Southern Ocean Retreats (SOR) proposal and existing lease arrangements in Deep Creek Conservation Park. The cottage/former ranger's residence is currently leased to PC045 redaction who owns adjacent property. The original term of PC045 redaction residential lease has expired and is now a periodical lease. PC045 redaction has recently requested a longer tenure. The request for tenure is thought to have arisen due to property site visits by DEW and SOR.</p> <p>Shaun O'Brien asked if SOR is only interested in leasing the cottage area or greater footprint. The Case Manager confirmed just the cottage area.</p> <p>Tarnya Van Driel outlined that SOR's existing lease includes a condition for first right of refusal for new tourism accommodation in the park, effectively providing exclusivity which potentially makes their application meet the 'Uniqueness criteria'.</p> <p>The Committee noted SOR's proposal presents commercial value for money and Government benefits and addresses tourist accommodation needs, particularly against the current residential lease. It also appears to have uniqueness.</p> <p>The Committee approved progressing the proposal to Stage 2 Assessment, subject to detailed analysis against the No Competing</p>	Approved	Helena Millar

Agenda item	Time	Item	Approved/ noted	Responsible
		<p>Proposals and Uniqueness criteria. Specifically, assessment of: <small>PC045 re</small> <small>PC045 redaction</small> existing agreement and any obligations to end the lease (i.e. 90 days' notice, <i>Residential Tenancies Act 1995</i> requirements, etc); and SOR's existing lease and any first rights/ exclusivity for tourist accommodation, noting this may require CSO advice.</p> <p>The Committee also recommended high-level correspondence be sent to SOR, advising the case manager will be in contact to discuss Stage 2 Assessment requirements (i.e. building reports and quotes, etc).</p> <p>ACTION: Case manager to send high-level correspondence to SOR, advising case manager will be in contact to discuss Stage 2 Assessment requirements.</p>		
3.		Items for Noting		

Information redacted as agreed by applicant, information relates to an unrelated Unsolicited Proposal in South Australia

Information redacted as agreed by applicant, information relates to an unrelated Unsolicited Proposal in South Australia

Information redacted as agreed by applicant, information relates to an unrelated Unsolicited Proposal in South Australia

Agenda item	Time	Item	Approved/ noted	Responsible
Information redacted as agreed by applicant, information relates to an unrelated Unsolicited Proposal in South Australia				

4.		Items for Discussion		
Information redacted as agreed by applicant - does not relate in any capacity to 248 Tapanappa Road, Deep Creek				

Agenda item	Time	Item	Approved/ noted	Responsible
Information redacted as agreed by applicant - does not relate in any capacity to 248 Tapanappa Road, Deep Creek				
Information redacted as agreed by applicant, information relates to an unrelated Unsolicited Proposal in South Australia				
6.3.	12.15	The Chair closed the meeting at 12.15pm.	Noted	Chair

DEW Unsolicited Proposals

Stage 1 Assessment



File ID: [F0003227203](#)

Southern Ocean Retreats lease of 248 Tapanappa Road, Deep Creek

Description	Details	
Date of Application Received	9 March 2021 Barry Duykers, Joint Owner of Southern Ocean Retreats	
Date of Submission to DEW USP Committee	31 March 2021 - Stage 1 Assessment report submitted to USP Committee meeting	
Overview of Proposal	On 9 March 2021, Southern Ocean Retreats (the Proponent) submitted an unsolicited proposal to the Department for Environment and Water to lease property at 248 Tapanappa Road, Deep Creek, within Deep Creek Conservation Park. They propose to enter into a lease agreement under the same terms and conditions as are in place for the other properties they lease from DEW within Deep Creek CP and renovate the property to make it suitable for holiday accommodation to meet the growing demand for visitor accommodation in Deep Creek CP. The property comprises a former park ranger residence and shed and is currently tenanted for residential purposes by a non-DEW employee.	
Recommendation	It is recommended that the USP Committee: <ul style="list-style-type: none"> Note the proposal and Stage 1 Assessment; Approve progressing the proposal to Stage 2: Detailed Assessment; and Note the intention to send the draft correspondence to the proponent, advising of this decision. 	
USP Committee Decision	[Post-meeting, detail Committee's decision and any actions]	Approved/ Not Approved
Is Proposal Viable? (see Desktop Assessment below)	The proposal appears to be viable as: <ul style="list-style-type: none"> The Proponent will be responsible for all costs associated with renovating the property to the appropriate standard needed to enable the property to be used for tourist accommodation; The Proponent has an existing tenure agreement with DEW for a number sites within Deep Creek CP for tourist accommodation. This gives them the opportunity to undertake the development at this location; The Proponent has successfully operated tourist accommodation within Deep Creek CP for many years; and The Proponent's development of the property will alleviate DEW of demolition costs at the site. 	Yes
Schedule of Requirements (See Criteria 1-5)		
Criteria	Criteria Met on Desktop Assessment?	Yes/No
1. No Competing Proposals	The property is currently held under a lease agreement by Managing Director of Urban Habitats and pays \$150 pw. The property does not reside permanently at the property. The fixed term of the lease expired on 18 March 2016 and was managed by Asset Management on behalf of the Minister for Transport and Infrastructure (the Landlord). The agreement is currently managed as a periodic lease by Standley Samuels (property management specialists). Should DEW choose to do so, the residential lease agreement can be terminated by providing the tenant with at least 90 days	Yes

	<p>written notice. This current lease arrangement to PC045 redaction provides minimal rent return, does not provide any benefits to the park or its visitors, and does not appear to have been intended as a long-term arrangement.</p> <p>DEW has been approached on a number of occasions by parties expressing interest in developing accommodation within Deep Creek CP. The nature of the Proponent's existing lease agreement gives them first right to develop "Holiday Accommodation Facilities", such as cottages and cabin style accommodation. See copy of lease dated 28 October 1993 (Attachment 5). Effectively the proponent has exclusivity over tourist accommodation (excluding camping) in Deep Creek CP.</p>	
2. Community Need/ Govt Priority	<p>This proposal aligns with the Government priority to transform the State's nature-based tourism sector. Under its 'Nature like nowhere else' strategy, several action plans have been identified, including Action 2: "Support existing nature-based tourism experiences and create new ones". The proposal falls within that objective.</p> <p>Since the introduction of this Government policy in 2016, there has been a greater awareness and appreciation of nature-based tourism in this State, which has been reflected in greater demand for the services offered by the Proponent. This proposal would assist in meeting that demand.</p> <p>It will also generate additional local economic activity through the employment of staff, local goods and services.</p>	Yes
3. Uniqueness of Proposal	<p>Southern Ocean Retreats provides a range of holiday accommodation options to suit different experiences and budgets. They have more than 25 years' experience as a tourism operation within Deep Creek CP and they currently operate:</p> <ol style="list-style-type: none"> 1. Ridgetop Retreats – 3 (x 4 pax) award-winning sustainable-based holiday accommodation designed by Max Pritchard; 2. Goondooloo Cottage (6 pax); 3. Glenburn Cottage (10 pax); and 4. Deep Creek Homestead (8 pax). <p>They recently added Southern Ocean Walk to their suite of tourism offerings, providing the whole packaged accommodation on park, food and wine and guided walk experiences. The location of the accommodation within Deep Creek CP offers a truly unique nature-based holiday accommodation opportunity for visitors wanting to explore beyond the limits of a day visit. The inclusion of the property at 248 Tapanappa Road would meet a growing demand and further augment those options by adding to the unique character and diversity of accommodation available.</p> <p>Under the terms and conditions of the Proponent's existing lease, it is improbable that a third party would be able to offer this service, which further highlights the uniqueness of the proposal.</p>	Yes
4. Value for Money	<p>The Proponent proposes to renovate the 248 Tapanappa Road property and convert it into holiday accommodation. The Proponent will be responsible for all renovation expenses, building repairs, refurbishments and interior fit.</p> <p>DEW's Asset Management, Project and Asset Services branch has advised that as the Department no longer requires the property, it is currently earmarked for demolition as part of its policy to remove assets on Crown land/National Park that are surplus to requirements.</p> <p>Demolition of the site would result in additional costs to the Department. Conversely, if the property were to be leased to Southern Ocean Retreats, there would be an annual income to the Department derived from rent charged while also increasing the number of visitors who can enjoy tourism accommodation on park.</p>	Yes

	<p>The Proponent has requested that the inclusion of this land in a lease agreement be under the same terms and conditions as the existing lease. The</p> <p>10 - Documents subject to legal professional privilege</p> <p>Stage 2 assessment will provide further details of the proposed renovations. The Proponent believes that the proposal will be viable and provides good value to Government, given it is prepared to pay all costs associated with the renovations, thus expanding on the existing offerings at Deep Creek CP.</p>	
5. Organisational Capacity and Capability	<p>Southern Ocean Retreats commenced operation as a lessee in Deep Creek Conservation Park in 1994 via a Crown lease. They have a proven track record as a capable and professional tourism operator with an enviable reputation in the industry. They have demonstrated capacity to undertake a wide range of construction work and maintenance of the properties leased in Deep Creek CP over 27 years.</p> <p>This includes:</p> <ul style="list-style-type: none"> the complete restoration of the Deep Creek Homestead, which had stood empty for more than 20 years to a property of 4-star standard; the design and construction (at their own expense) of the award-winning Ridgetop Retreats, designed by renowned architect Max Pritchard, which were custom built to take full advantage of their beautiful location at Deep Creek CP; and the renovation of Goondooloo and Glenburn Cottages to a standard that saw them meet Australian Tourism Data Warehouse (ATDW) requirements. <p>Each of these projects was completed on time, on budget, and at no expense to the Department.</p> <p>Southern Ocean Retreat's performance as a lessee and tourism operator supports their capability to undertake a project of this nature.</p>	Yes
Risks		
Risk Identification	<p>A Condition Assessment was undertaken in 2020 and identified that the Department would need to spend close to \$100,000 to bring the house up to standard, without any operational need to do so. Consequently, the Department is considering demolishing the 248 Tapanappa Road property.</p> <p>The existing tenant has recently enquired with the Director, National Parks and Wildlife Service about purchase of the land (which is not possible as it is national park) or a long-term lease. This is likely the result of the site visits by the proponent that occurred in December 2020 and February 2021. The issue of a long-term lease to the current lessee is unlikely to be supported as the provision of long-term accommodation in private rental is not DEW's core business and the tenant is unlikely to be able to meet the unsolicited proposals criteria. Consequently, the existing tenant may react negatively to the termination of his lease.</p> <p>This risk and potential mitigation measures will be further explored should the proposal be progressed to Stage 2 assessment.</p>	<p>Are risks controllable?</p> <p>Yes</p>

Attachments

1. Desktop assessment (below)
2. USP proposal as submitted to DEW
3. Park site map/plan
4. Register search (ie, Crown Record)
5. Proponent's existing lease agreement dated 28 October 1993
6. 248 Tapanappa Road property Condition Assessment (2020)
7. Residential tenancy agreement

Desktop Assessment (due diligence)			
Register Search	Section 408, Hundred of Waitpinga, in the area named Deep Creek, being portion of the land comprised in Crown Record Volume 5775 Folio 152.		
Title and Valuation Search	Total value for the parcel/s as listed on SAILIS (ratings and taxing purposes) is:		
	Parcel Title	Site Value	Capital Value
	Section 408, Hundred of Waitpinga - valuation number 2630182004	20 -	
	A valuation may be required to determine the rent, should the current lease terms not be considered appropriate.		
TABS Search	Southern Ocean Retreats has a current lease over various accommodation sites within Deep Creek Conservation Park - PK000260,		
Land Zoning	Council Development Plan zone – Environmental Constraint Park Management Plan zone –Conservation Zone (note: not high conservation and within the same zone and management unit as the homestead the Proponent already leases).		
DEW Region and District	Adelaide and Mount Lofty Ranges region Hills & Fleurieu district		
Community Interest	The District Manager is not aware of any interest in the site by the Friends of Park or Aboriginal Group. Given the long term history of the site, any interest is considered unlikely.		
Native Title Search	Ngarrindjeri ILUA – the issue of a long term lease is likely to require notification under the terms of the ILUA		
Aboriginal Heritage	None known		
Native Vegetation	Site is already cleared and developed and no further clearance is expected to be required.		
Coastal or Waterfront land	Not applicable		
Heritage	DEW Heritage unit has confirmed the property is not heritage listed		
Existing Assets/ Infrastructure	Existing former ranger's residence and shed currently held under residential tenancy agreement. See attached: - Condition Assessment - Tenancy Agreement		
Adjoining Govt land	Parcel contained within Crown Record for Deep Creek Conservation Park.		
ENV Aerial Maps	See attached ENV Map.		
ASIC Company Search	ASIC business name registered on 7 October 1993 ABN 60 392 236 827		
SAFA Assessment	It is unlikely that a detailed SAFA financial viability assessment will be required as part of Stage 2 Assessment given the low risk to the Department of expanding and amending an existing lease agreement and successful business operation with the Proponent.		
Background Check	DEW's Commercial Leasing & Licensing Unit has confirmed that Southern Ocean Retreats has been a good long-term tenant and maintained the accommodation sites within Deep Creek CP to a satisfactory standard.		
Conflict of Interest	None		
Other Permissions	Development approval may be required depending on what the renovations will involve.		

Contact with Senior Property Officer/Ranger	<p>The District Manager, AMLR, Hills & Fleurieu did not raised any objections to the proposal.</p> <p>The Senior Property Officer, Crown Lands Program is supportive of the proposal.</p>	<p>27 February 2021</p> <p>18 March 2021</p>
Contact with Proponent <i>(Phone call within 10 working days of receipt of application)</i>	Acknowledgement letter sent to Proponent	12 March 2021



F0003227203

Barry Duykers & Jane Formato
Joint Owners
Southern Ocean Retreats
PO Box 42
Delamere SA 5204

81-95 Waymouth Street
Adelaide SA 5000

GPO Box 1047
Adelaide SA 5001
Australia

Ph: +61 8204 9000

www.environment.sa.gov.au

stay@southernoceanretreats.com.au

Dear Mr Duykers & Ms Formato

RE: Lease of property at 248 Tapanappa Road Deep Creek

Thank you for your proposal dated 9 March 2021, which seeks to obtain a lease over a portion of Section 408 in the hundred of Waitpinga, as comprised in Crown Record Volume 5775 Folio 152.

I am pleased to advise that on 31 March 2021, the Department's Unsolicited Proposals Governance Committee (the Committee) considered your proposal. The Committee determined to progress the proposal to Stage 2: Detailed Assessment subject to the Department seeking further analysis of the existing lease arrangements to ensure the proposal adequately meets the unsolicited proposal criteria. As part of this process the Case Manager will contact you in due course to obtain more information to assist to complete relevant assessments and investigations.

Should you have further questions in the interim, please contact Helena Millar, Case Manager on phone 08 8595 2177 or email Helena.millar@sa.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tarnya Van Driel'.

Tarnya Van Driel
Manager, Business Partnerships
Department for Environment and Water

14/4/2021

Enclosed: USP DEW Guidelines for Applicants

From: Van Driel, Tarnya (DEW)
Sent: Thursday, 15 April, 2021 4:44 PM
To: Grbich, Yani (DEW); Egeler, Martina (DEW); Millar, Helena (DEW)
Cc: Vu, Carol (DEW)
Subject: FW: 248 Tapanappa Rd, Deep Creek - USP application & current lessee

Sensitive: Commercial

Fyi☺

From: Van Driel, Tarnya (DEW)
Sent: Thursday, 15 April 2021 4:44 PM
To: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>; McInerney, April (DEW) <April.Mcinerney@sa.gov.au>
Cc: Vu, Carol (DEW) <Carol.Vu2@sa.gov.au>; Paul, Stuart (DEW) <Stuart.Paul@sa.gov.au>
Subject: 248 Tapanappa Rd, Deep Creek - USP application & current lessee [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Jo and April

As mentioned we have concerns regarding the verbal offer made to PC045 redaction the lessee at 248 Tapanappa Rd, Deep Creek for a 3 year residential lease extension (to include a 90 day termination clause).

Background:

This private residential lease was once managed by DIT via Samuels Real Estate (coordinated by Gary Frost, DEW). This new 3 year lease is currently on hold as we understand the region hasn't been instructed to give the go ahead to Samuels Real Estate - so effectively in 'holding over'.

For consideration:

- A USP to develop the property for tourist accommodation has been submitted to the Department and is being assessed by the USP committee. Given this its recommended that no further applications or amendments relating to tenure are made until the outcome of the USP process is known.
- The current lease for the property is between Asset Management on behalf of the Minister for Transport and Infrastructure and PC045 redaction. As the initial lease term expired on 18 March 2016 it is now a periodic lease arrangement. I understand Section 83(1)(3) of the Residential Tenancies Act 1995 allows for termination on at least 90 days' notice.

Additional background:

- This property was suggested by the region as alternative site to the original vacant land within Deep Creek NP proposed by Barry Duykers when he considered submitting a nature-based tourism co-investment fund grant application last July 2020.
- In early December 2020 and again in late February 2021 - DEW provided PC045 redaction with notices to inspect the residence for the purpose of allowing Barry Duykers the opportunity to view the property and assess its viability for renovation into tourist accommodation.
- 9 March 2021 - USP proposal was submitted by Barry Duykers of Southern Ocean Retreats to DEW.

- 10 March 2021- PC045 redaction approached DEW and requested a lease extension to allow his family (specifically his parents) to use this as an independent accommodation PC045 redaction
- 31 March 2021 - the USP committee determined to progress the proposal to Stage 2: Detailed Assessment subject to the Department seeking further analysis.

Probity advice is that the DEW should not be entering into any new tenure agreements while the USP process is considering a proposal for the site. The USP proposal appears to have merit. If DEW entered into a new 3 year lease only to terminate soon thereafter it will raise further risks for DEW with our relationships with both Mr Duykers and PC045 redaction particularly as Mr Duykers is a current tourism accommodation lease holder within Deep Creek National Park until 2038.

We need to find a solution that will minimise risk (relationship, public lens and potentially financial) to the department.

For your consideration. Thank you again.

Tarnya

Tarnya Van Driel

Manager Business Partnerships

National Parks and Wildlife Service South Australia

Department for Environment and Water

P (08) 8204 9475 | M PC045 redaction

81-95 Waymouth Street, Adelaide

GPO Box 1047, Adelaide SA 5001

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Egeler, Martina (DEW)
Sent: Friday, 16 April, 2021 12:38 PM
To: Grbich, Yani (DEW); Millar, Helena (DEW); Frost, Gary (DEW)
Cc: Van Driel, Tarnya (DEW)
Subject: FW: 248 Tapanappa Rd, Deep Creek - USP application & current lessee

Categories: Transferred to SharePoint

Hi all

FYI – commercial in confidence

Regards
 Martina

For Official Use Only
 Classified by martina.egeler@sa.gov.au on 16/04/2021 12:35:50 PM

From: Egeler, Martina (DEW)
Sent: Friday, 16 April, 2021 12:36 PM
To: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Cc: McInerney, April (DEW) <April.Mcinerney@sa.gov.au>; Vu, Carol (DEW) <Carol.Vu2@sa.gov.au>; Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>
Subject: 248 Tapanappa Rd, Deep Creek - USP application & current lessee [DLM=For-Official-Use-Only]

Hi Jo

Following our conversation at the photocopier last night and your preference to give PC045 redaction a 3 year lease and then terminate on 3 months' notice if needed, I have checked the *Residential Tenancies Act 1995* (RTA) in relation to termination rights as I wanted to make sure you have the correct information in making this decision.

Under the RTA a periodic lease can be terminated on 3 months' notice under Section 83 but this section cannot be used to terminate a tenancy for a fixed term. A fixed term tenancy can only be terminated at the end of the fixed term, if the tenant is in breach or by the agreement of both parties.

PC045 redaction currently has a periodic tenancy which DEW can terminate on 3 months' notice.

However, if PC045 redaction is granted a new 3 or 5 year tenancy DEW will be committed to the 3 or 5 year term and will be unable to terminate the agreement on 3 months' notice. Termination will only be possible if PC045 redaction breaches the agreement or agrees to an early termination (which is unlikely). I have confirmed this advice with Ashley Munchenberg from Stanley Samuel, who manages this lease on behalf of DEW, this morning.

I understand that DEW received the unsolicited proposal from Southern Ocean Retreats prior to the EDNPWS offering a 3 year lease to PC045 redaction which raises significant probity/governance issues if the 3/5 year lease is issued as it will in effect block the unsolicited proposal from progressing. The USP should take precedence given the date it was submitted.

My recommendation therefore is to leave PC045 redaction on the periodic tenancy pending a decision on the unsolicited proposal process. If the unsolicited proposal is approved PC045 redaction can be given 3 months' notice and if the unsolicited proposal is not approved DEW can proceed in issuing PC045 redaction with a 3 or 5 year residential lease.

Happy to discuss further.

Regards

Martina Egeler

Commercial Leasing and Licensing Officer

Tourism and Economic Development | National Parks and Wildlife Service South Australia

Department for Environment and Water

P (08) 8124 4799 | M PC045 redaction

L8, 81-95 Waymouth Street, Adelaide, SA 5000, AUSTRALIA

GPO Box 1047, Adelaide, SA 5001, AUSTRALIA

environment.sa.gov.au | naturalresources.sa.gov.au | envirodata.sa.gov.au | parks.sa.gov.au

[Twitter](#) | [YouTube](#) | [Good Living](#)



Government of South Australia

Department of Environment,
Water and Natural Resources

*Helping South Australians
conserve, sustain
and prosper*



The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

For Official Use Only

Classified by martina.egeler@sa.gov.au on 16/04/2021 12:35:50 PM

From: Van Driel, Tarnya (DEW)
Sent: Monday, 28 June, 2021 5:07 PM
To: Millar, Helena (DEW); Grbich, Yani (DEW)
Subject: FW: dot points for speaking with [redacted] - USP application to lease 248 Tapanappa Road House at Deep Creek

Fyi – hopefully I can call [redacted] tomorrow.
 Stay tuned. Thank you Helena.

For Official Use Only
 Classified by Jo.Podoliak@sa.gov.au

From: Van Driel, Tarnya (DEW)
Sent: Monday, 28 June, 2021 5:07 PM
To: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Subject: RE: dot points for speaking with [redacted] - USP application to lease 248 Tapanappa Road House at Deep Creek [DLM=For-Official-Use-Only]

Hi Jo,

For your consideration:

- The Department for Environment and Water (DEW) had just received an unsolicited proposal application for this site prior to the time you [redacted] enquired with the Director, National Parks & Wildlife Service about extending the lease.
- As the application was in the early stages of assessment, Mike Williams was not aware of it.
- Until the process of assessment is complete, DEW is unable to enter into an extended lease arrangement for a further term.
- This does not in any way alter the existing agreement, which will remain on a periodic lease arrangement, as has occurred since the expiration of the original lease term on 18 March 2016.
- DEW will keep you informed of any decisions regarding the site.

If you agree to the above I can make the call to [redacted] and you can forward to Mike. Just let me know if its ok for me to make the call.

Best wishes to you, Tarnya

For Official Use Only
 Classified by Jo.Podoliak@sa.gov.au

From: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Sent: Friday, 25 June, 2021 7:44 PM
To: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>
Subject: RE: USP application to lease 248 Tapanappa Road House at Deep Creek [DLM=For-Official-Use-Only]

For Official Use Only

We'll be making the call – happy for you to draft some dot points that we can agree and then either you or I make the call.

Essentially will stay month by month on holding over, as Mike was unaware we were assessing a potential other use. Will keep him informed.

Once we've agreed the dot points, we'll also send them to Mike so he has the details if he gets a call.

Cheers, Jo.

Jo Podoliak

Director - Tourism & Economic Development

National Parks & Wildlife Service

Department for Environment and Water

P (08) 8463 6949 | M PC045 redaction

81-95 Waymouth Street
GPO Box 1047 ADELAIDE SA 5001

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>

Sent: Thursday, 24 June, 2021 5:19 PM

To: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>

Subject: FW: USP application to lease 248 Tapanappa Road House at Deep Creek [DLM=For-Official-Use-Only]

Hi Jo,

How did your conversation with Mike go yesterday? Who will be making the call to PC045 redaction re his lease continuing to be in holding over?

We need to progress this application asap.

With thanks, Tarnya

For Official Use Only
Classified by Helena.Millar@sa.gov.au

From: Millar, Helena (DEW) <Helena.Millar@sa.gov.au>

Sent: Thursday, 24 June, 2021 3:54 PM

To: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>; Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>

Subject: USP application to lease 248 Tapanappa Road House at Deep Creek [DLM=For-Official-Use-Only]

For Official Use Only

DRAFT EMAIL – Note: in addition to sending the below email I intend telephoning Barry to discuss the request. He is already aware that we would be seeking further information, but may not realise the depth of that information.

I propose to frame the conversation that a business case/project plan this is something that is pretty standard practice for most businesses and if he hasn't already got one, it will provide him with important and factual information about his proposal (not that he doesn't already have a sound business and experience – this will just support that and provide the committee with more details of the what the proposal will entail, including costs and timeframes, as well as the financial information it needs to consider the proposal viability and outcomes to determine whether the proposal should progress to stage 3.

This may be too much so happy for input (*italics below could be verbal discussion only)

enquiries@southernoceanretreats.com.au

Dear Barry

Thank you for your email dated 19 June 2021.

Please refer to the information contained within the link below pertaining to the requirements for Stage 2 assessment. <https://www.environment.sa.gov.au/get-involved/unsolicited-proposals/assessment>

Relevant extract as follow:

Stage 2: Exclusive negotiation and detailed proposal

In Stage 2, DEW will conduct a detailed assessment of the feasibility of your proposal, including how it will be delivered and whether it represents value for money for DEW or Government.

A Case Manager will be assigned to coordinate the Stage 2 Assessment process and will contact you to establish the terms and conditions of your participation. This may include meeting with you to:

Obtain more information about your proposal;

Inform you about communication protocols, community engagement and any public consultations that may be required;

Obtain information about and manage any conflicts of interest or confidential information;

Inform you of your obligations, including whether you need to complete an Industry Participation Plan; and

Inform you of the estimated timeframes for Stage 2 Assessment.

As the proponent, it is your responsibility to develop a detailed business proposal, provide all supporting information to enable DEW's assessment against the five criteria and address any relevant legislative requirements, risks or issues raised by the Governance Committee.

The Case Manager will coordinate any assessments in relation to your proposal that may be required by DEW. Depending on the nature of your proposal, the Case Manager may liaise with other Government agencies or third parties about your proposal. This may include a business viability assessment through the South Australian Government Financing Authority (SAFA). This will be undertaken on a strict, need-to-know basis and in accordance with confidentiality protocols.

The Case Manager will submit a Stage 2 Assessment report to the Governance Committee to enable a determination on whether your proposal:

Meets the criteria and should proceed to Stage 3;

Is not suitable for consideration on an exclusive basis but may be suitable for a competitive market process;

or

Does not meet the criteria or is not otherwise suitable for further consideration and should not proceed.

You will be advised in writing of the outcome of Stage 2 Assessment. Depending on the nature of your proposal, additional advice may need to be prepared for the Minister and/or Cabinet to determine whether the proposal should proceed to Stage 3.

To enable the Unsolicited Proposal Committee to consider a Stage 2 assessment at its next meeting, could you please provide the information and supporting documentation as outlined in the attached request for information.

In addition to this, if you have anything further you would like to add to your application in addressing the criteria to support the proposal, you are welcome to elaborate. **Information to consider including into the business case could be vision for this site, style, demographic, how it links in with other tourism opportunities such as the wild coast way walk (idea of what a package might look like - if applicable). Opportunities to increase visitor experience and linkages to the park such as including educational material/activities on park, plants & wildlife, Aboriginal & European history of the area - tours or fact sheet eg. Did you know? (historical info) Where you can find? (places of interest) Where can you see? (animals/plants) Where can you do? (walk, sunset, swim, bird watch) Park info (what's happening – environmental works/events).*

Should you require any clarification on what is being requested, please do not hesitate to contact myself or Yani Grbich on 8463 4156.

Kind Regards

Helena Millar

Case Manager

Tourism and Economic Development

P (08) 8595 2177 |

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Southern Ocean Retreats [<mailto:enquiries@southernoceanretreats.com.au>]

Sent: Saturday, 19 June 2021 6:17 PM

To: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>

Cc: Millar, Helena (DEW) <Helena.Millar@sa.gov.au>

Subject: Tapanappa Road House

Hi Tarnya,

Thank you for providing more background on the progress of our proposal for the property at Tapanappa Road.

You mentioned that the Governance Committee meets again in July.

So as to expedite the remaining assessment processes and help things move forward it would be appreciated if Stage 2 of our submission was considered during that meeting.

To that effect we would be obliged if any additional guidelines on reporting requirements could be provided to us as well as a deadline for submission prior to the July meeting.

Kind regards,

Barry Duykers

Southern Ocean Retreats

Phone: (08) 85984169



SOUTHERN OCEAN RETREATS

Deep Creek Conservation Park

Like us on Facebook to stay up to date with special offers (www.facebook.com/southernoceanretreats)

Subscribe to our newsletter for the latest news on Deep Creek and our region (www.southernoceanretreats.com.au)

From: Van Driel, Tarnya (DEW)
Sent: Tuesday, 29 June, 2021 7:05 PM
To: Millar, Helena (DEW); Egeler, Martina (DEW)
Cc: Grbich, Yani (DEW)
Subject: FW: Telephone call PC045 redaction and follow up email 248 Tapanappa Rd
Attachments: Tarnya's written notes telephone call PC045 redaction v2.docx

fyi

For Official Use Only

Classified by tarnya.vandriel@sa.gov.au on 29/06/2021 6:31:40 PM

From: Van Driel, Tarnya (DEW)
Sent: Tuesday, 29 June, 2021 7:05 PM
To: McInerney, April (DEW) <April.Mcinerney@sa.gov.au>; Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Cc: DEWNR:Unsolicited Proposals <DEW.UnsolicitedProposals@sa.gov.au>
Subject: RE: Telephone call Jock Merrigan and follow up email 248 Tapanappa Rd [DLM=For-Official-Use-Only]

Sorry Jo and April

Revised notes attached (with my speaking notes before PC045 redaction reply).

Best wishes, Tarnya

For Official Use Only

Classified by tarnya.vandriel@sa.gov.au on 29/06/2021 6:31:40 PM

From: Van Driel, Tarnya (DEW)
Sent: Tuesday, 29 June, 2021 6:37 PM
To: McInerney, April (DEW) <April.Mcinerney@sa.gov.au>; Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Cc: DEWNR:Unsolicited Proposals <DEW.UnsolicitedProposals@sa.gov.au>
Subject: Telephone call PC045 redaction and follow up email 248 Tapanappa Rd [DLM=For-Official-Use-Only]

Hi Jo and April.

Please find attached my typed telephone conversation notes (using hear phones silently tapping away) and follow up email to PC045 redaction

With thanks, Tarnya

For Official Use Only

Classified by tarnya.vandriel@sa.gov.au on 29/06/2021 6:31:40 PM

From: Van Driel, Tarnya (DEW)
Sent: Tuesday, 29 June, 2021 6:32 PM
To: PC045 redaction
Cc: DEWNR:Unsolicited Proposals <DEW.UnsolicitedProposals@sa.gov.au>
Subject: 248 Tapanappa Rd, Deep Creek Conservation Park [DLM=For-Official-Use-Only]

Hi PC045 redaction

Thank you for taking my call earlier today.

I thought it best to summarise our conversation. As mentioned, the Department for Environment and Water (DEW) received an unsolicited proposal application for the cottage at 248 Tapanappa Rd which is currently leased to you on a periodic lease.

When you spoke with Mike Williams (Director, National Parks & Wildlife Service) requesting a three year extension on your lease he was not aware that an unsolicited proposal application was formally submitted and in the early stages of assessment. Unfortunately until the process of assessment is complete, DEW is not able to consider entering into an extended lease arrangement with you for a further term. This does not in any way alter your

existing agreement, which will remain on a periodic lease arrangement, as has occurred since the expiration of the original lease term on 18 March 2016.

You asked about the possibility of you submitting an unsolicited proposal to DEW. The DEW [website](#) provides more information on unsolicited proposals. To ensure the government's assessment process is transparent and protects the intellectual property rights of applicants - for more information re: DEW USP guidelines [unsolicited-proposals-information-for-proponents-gen.pdf](#)

Should you elect to submit an unsolicited proposal you need to be able to demonstrate how you meet the 5 criteria:

Criteria for Assessing Whether to Enter into Exclusive Negotiations

- 5.1 Community Need/Government Priority
- 5.2 Uniqueness of the Proposal
- 5.3 No Competing Proposals
- 5.4 Value for Money
- 5.5 Capacity and Capability of the Proponent

Your application will then be assessed by the Unsolicited Proposals Committee.

Please note however, the state government is bound by an existing lease arrangement in the Deep Creek Conservation Park which restricts competing accommodation development.

PC045 redacted I know this is disappointing news to hear as you mentioned that PC045 redacted 248 Tapanappa Rd and you will be disappointed to see this cottage taken over by tourism accommodation. We will note your objections to a tourism accommodation PC045 redacted. You noted that music can be heard at least 1.5km away PC045 redacted as a result of other accommodation in the park and this at times can disturb the beauty, peace and tranquillity. We will note your comments and put this on record as part of the Stage 2 detailed assessment process.

PC045 redacted I will keep you informed of the outcome of the unsolicited proposal which is expected to be completed by early October. If I can be of further assistance please let me know.

With thanks, Tarnya

Tarnya Van Driel

Manager Business Partnerships

Tourism and Economic Development | National Parks and Wildlife Service

Department for Environment and Water

P (08) 8204 9475 | M PC045 redacted

81-95 Waymouth Street, Adelaide

GPO Box 1047, Adelaide SA 5001

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

For Official Use Only

Tarnya's Phone conversation notes with PC045 redaction periodic lessee at 248 Tapanappa Cottage Tuesday 29 June at 12:52pm (20 minutes).

Tarnya's notes

I explained everything to PC045 redaction taking him through agreed dot points below.

- The Department for Environment and Water (DEW) had just received an unsolicited proposal application for this site prior to the time you PC045 redaction enquired with the Director, National Parks & Wildlife Service about extending the lease.
- As the application was in the early stages of assessment, Mike Williams was not aware of it.
- Until the process of assessment is complete, DEW is unable to enter into an extended lease arrangement for a further term.
- This does not in any way alter the existing agreement, which will remain on a periodic lease arrangement, as has occurred since the expiration of the original lease term on 18 March 2016.
- DEW will keep you informed of any decisions regarding the site.

PC045 redaction comments reply:

- Massively disappointing. Nothing positive that you have shared with me
- We don't want it as a tourist destination. How can I object to this?
- I have deliberately kept it as ongoing on periodic lease as I didn't want to bother government about it. DEW's long term plans were to knock it down.
- You can tell I am pretty disappointed. I will be up in arms if visitors are going down there all the time. Knowing we have managed it and looked after it for 6 years and not be given an opportunity to put our own proposal. I have sat back waiting for a new lease.
- We got notified by letting agent wanting the ranger to inspect the property for building works, guests staying in the building – one of my workers were staying in the building at the time.
- This comes as a massive blow on how we use the house.
- Strong to objection to visitors / tourists coming and going. Creates a greater risk to his property, if weekenders visiting 248 Tap Rd house which is PC045 redaction
- PC045 redaction uses the house for PC045 redaction
- PC045 redaction first signed up to the lease for the house – he thinks it was March 2015. For past 5 years on periodic lease which means notice for 3 months.

Tarnya reiterated that all that is happening for the moment is that DEW is putting a pause on new lease to PC045 redaction the outcome of stage 3 application is known.

Tarnya will note PC045 redaction objections which will be documented in Stage 2 process – detailed assessment.

PC045 redaction asked:

- What is stopping PC045 redaction from submitting a usp for the same house?

Tarnya replied that you would need to meet the 5 criteria which is set by DTF – due diligence process to ensure transparency and probity etc. Tarnya said that she will follow up in an email to [redacted] with the link etc

[redacted] will rang Mike.

- You can tell I am not happy with the outcome of this.
- I will be extremely disappointed and will voice my disappointment if we end up with people coming in and out of the house [redacted]. We hear music 1.5km away from other cottages.

Lesser of concern if it was workers / tourist guides staying there at the house. [redacted] said, 'I will be monitoring it very heavily'

From: Grbich, Yani (DEW)
Sent: Tuesday, 17 August, 2021 10:41 AM
To: Millar, Helena (DEW)
Subject: TED conversations with [PC045 redaction] - 8 and 15 July - 248 Tapanappa Rd, Deep Creek CP [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

From: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Sent: Thursday, 15 July, 2021 7:29 PM
To: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Cc: Stansfield, Laura (DEW) <Laura.Stansfield@sa.gov.au>; Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>; Vu, Carol (DEW) <Carol.Vu2@sa.gov.au>
Subject: RE: 248 Tapanappa Rd, Deep Creek Conservation Park [DLM=For-Official-Use-Only]

For Official Use Only

Thanks for the update Yani. Cheers, Jo.

Jo Podoliak

Director - Tourism & Economic Development

National Parks & Wildlife Service

Department for Environment and Water

P (08) 8463 6949 | M [PC045 redaction]

81-95 Waymouth Street
 GPO Box 1047 ADELAIDE SA 5001

environment.sa.gov.au | parks.sa.gov.au

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

From: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Sent: Thursday, July 15, 2021 5:39 PM
To: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Cc: Stansfield, Laura (DEW) <Laura.Stansfield@sa.gov.au>; Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>; Vu, Carol (DEW) <Carol.Vu2@sa.gov.au>
Subject: RE: 248 Tapanappa Rd, Deep Creek Conservation Park [DLM=For-Official-Use-Only]

For Official Use Only

Hi Jo,

I'm back from sick leave today and just by way of update on this matter:

- I left a voicemail and a follow up email with [PC045 redaction] late this afternoon – letting him know I would be in touch and introducing myself.

- I have also introduced myself to Barry (the USP applicant), as I will progress his proposal in Helena's absence.
- I will next draft some dot points (summarising the proposal) which Barry will confirm before I share with PC045 redacted.
- I have re-assured Barry that the Department considers his USP commercial in confidence and would not hand over the application to a third party (including the adjoining owner).

Many thanks,
Yani.

From: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Sent: Friday, 9 July, 2021 3:51 PM
To: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Cc: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>; Stansfield, Laura (DEW) <Laura.Stansfield@sa.gov.au>
Subject: FW: 248 Tapanappa Rd, Deep Creek Conservation Park [DLM=For-Official-Use-Only]

For Official Use Only

Hi Yani,

As discussed today, here are my notes from the phone conversation with PC045 redacted on Thursday 8th July.

- Provided topline outline of USP process and that in Stage 1 that proposals were confidential so Snr Leadership and neighbors would not have visibility of this as it had not been assessed as eligible. We get a range of size/scale/different opportunities and first stage is always to see if they qualify so that we don't waste time.
- Confirmed that there would be a case manager allocated to this proposal, and that he would be contacted by them in the next 5 days to introduce themselves.
- Case Manager would be able to provide an overview of the proposal so he could comment with two hats on – as a current lease holder, and also as a neighbor.
- Process timing was dependent on whether we had all the information at hand, or whether further information needed to be sought from various parties.
- PC045 redacted asked a question around whether he should have submitted or can submit a USP and I've said that I didn't know the answer to this but would ask the question and the case manager would be helpful in providing an answer around this. (Yani – can you and Laura think about what the possible options are if any)

If you could file this as a record of the conversation that would be great.

Any queries, please let me know.

Cheers, Jo.

Jo Podoliak

Director - Tourism & Economic Development

National Parks & Wildlife Service

Department for Environment and Water

P (08) 8463 6949 | M PC045 redacted

81-95 Waymouth Street
GPO Box 1047 ADELAIDE SA 5001

environment.sa.gov.au | parks.sa.gov.au

From: PC045 redaction
Sent: Wednesday, July 7, 2021 5:29 PM
To: Williams, Mike (DEW) <Mike.Williams@sa.gov.au>
Cc: Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>; PC045 redaction
Subject: Re: 248 Tapanappa Rd, Deep Creek Conservation Park [DLM=For-Official-Use-Only]

Hi Mike,

Thank you for your response, and Jo thankyou for your call.

Jo, I have left a message for you and will look forward to talking with you tomorrow.

Kind Regards

PC045 redaction

PC045 redaction

PC045 redaction

PC045 redaction

On 6 Jul 2021, at 6:16 pm, Williams, Mike (DEW) <Mike.Williams@sa.gov.au> wrote:

PC045 redaction

I have asked jo Podoliak to get in touch she is across all the details here and can best inform you

Regards

Mike

For Official Use Only
Classified by jock@urbanhabitats.com.au

From: PC045 redaction

Sent: Tuesday, 6 July 2021 9:51 AM

To: Williams, Mike (DEW) <Mike.Williams@sa.gov.au>

Cc: PC045 redaction

Subject: Fwd: 248 Tapanappa Rd, Deep Creek Conservation Park [DLM=For-Official-Use-Only]

Hi Mike,

I hope this email finds you well.

Further to my telephone message yesterday I have forwarded below a recent email from Tarnya van Driel, Manager Business Partnerships DEW.

Knowing how busy you must be I am unsure as to whether you have been made aware of the current situation with our lease agreement. It is most disappointing to be advised by Tarnya that what I had assumed to be resolved pending final documents to renew our lease of 248 Tapanappa Road, Deep Creek, as confirmed with you in March of this year, has been "undone" by an unsolicited proposal application.

It is further disappointing that there has been no consultation with us at all, nor any such public notification of the unsolicited proposal application, although it seemingly has already progressed through the initial assessment stages.

Can you please call me to discuss the significant impact this unsolicited proposal application has PC045
[redacted], as a matter of urgency.

Thanks once again for your ongoing advice and support in this matter.

Kind Regards

PC045 redaction
[redacted]

<image002.gif>

Ph: PC045 redaction

M: PC045 redaction

PC045 redaction
[redacted]
[redacted]
[redacted]
[redacted]

<image003.png>

Begin forwarded message:

From: "Van Driel, Tarnya (DEW)" <Tarnya.VanDriel@sa.gov.au>
Subject: 248 Tapanappa Rd, Deep Creek Conservation Park [DLM=For-Official-Use-Only]
Date: 29 June 2021 at 6:31:42 pm ACST
To: PC045 redaction
Cc: "DEWNR:Unsolicited Proposals"
<DEW.UnsolicitedProposals@sa.gov.au>

Hi PC045 redaction

Thank you for taking my call earlier today.

I thought it best to summarise our conversation. As mentioned, the Department for Environment and Water (DEW) received an unsolicited proposal application for the cottage at 248 Tapanappa Rd which is currently leased to you on a periodic lease.

When you spoke with Mike Williams (Director, National Parks & Wildlife Service) requesting a three year extension on your lease he was not aware that an unsolicited proposal application was formally submitted and in the early stages of assessment. Unfortunately until the process of assessment is complete, DEW is not able to consider entering into an extended lease arrangement with you for a further term. This does not in any way alter your existing agreement, which will remain on a periodic lease arrangement, as has occurred since the expiration of the original lease term on 18 March 2016.

You asked about the possibility of you submitting an unsolicited proposal to DEW. The DEW [website](#) provides more information on unsolicited proposals. To ensure the government's assessment process is transparent and protects the intellectual property rights of applicants - for more information re: DEW USP guidelines [unsolicited-proposals-information-for-proponents-gen.pdf](#)

Should you elect to submit an unsolicited proposal you need to be able to demonstrate how you meet the 5 criteria:

Criteria for Assessing Whether to Enter into Exclusive Negotiations

- 5.1 Community Need/Government Priority
- 5.2 Uniqueness of the Proposal
- 5.3 No Competing Proposals
- 5.4 Value for Money
- 5.5 Capacity and Capability of the Proponent

Your application will then be assessed by the Unsolicited Proposals Committee.

Please note however, the state government is bound by an existing lease arrangement in the Deep Creek Conservation Park which restricts competing accommodation development.

PC045 redaction I know this is disappointing news to hear as you mentioned that PC045 redaction at 248 Tapanappa Rd and you will be disappointed to see this cottage taken over by tourism accommodation. We

will note your objections to a tourism accommodation PC045 redaction

PC045 redaction You noted that music can be heard at least 1.5km away PC045 redaction as a result of other accommodation in the park and this at times can disturb the beauty, peace and tranquillity. We will note your comments and put this on record as part of the Stage 2 detailed assessment process.

PC045 redaction I will keep you informed of the outcome of the unsolicited proposal which is expected to be completed by early October. If I can be of further assistance please let me know.

With thanks, Tarnya

Tarnya Van Driel

Manager Business Partnerships

Tourism and Economic Development | National Parks and Wildlife Service

Department for Environment and Water

P (08) 8204 9475 | M PC045 redaction

81-95 Waymouth Street, Adelaide

GPO Box 1047, Adelaide SA 5001

environment.sa.gov.au | parks.sa.gov.au

<image004.png>

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.

For Official Use Only

Classified by tarnya.vandriel@sa.gov.au on 29/06/2021 6:31:40 PM

From: Williams, Mike (DEW)
Sent: Tuesday, 3 August, 2021 9:19 AM
To: Van Driel, Tarnya (DEW); Podoliak, Jo (DEW)
Cc: Vu, Carol (DEW); Grbich, Yani (DEW); DEWNR:Unsolicited Proposals
Subject: RE: Unsolicited Proposal – Submission – 248 Tapanappa Road, Deep Creek

I think is appropriate to seek CSO Advice
Mike

Sensitive: Commercial
Classified by Tarnya.VanDriel@sa.gov.au

From: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>
Sent: Tuesday, 3 August 2021 9:03 AM
To: Williams, Mike (DEW) <Mike.Williams@sa.gov.au>; Podoliak, Jo (DEW) <Jo.Podoliak@sa.gov.au>
Cc: Vu, Carol (DEW) <Carol.Vu2@sa.gov.au>; Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>; DEWNR:Unsolicited Proposals <DEW.UnsolicitedProposals@sa.gov.au>
Subject: FW: Unsolicited Proposal – Submission – 248 Tapanappa Road, Deep Creek [SEC=Government, DLM=Sensitive:Commercial]
Importance: High

Sensitive: Commercial

Hi Jo and Mike

Jo spoke with PC045 redaction and Carol, Yani and I followed up with an Office Teams meeting with both PC045 redaction and PC045 redaction on Friday 23 July.

We have received a letter from their legal representative (who happens to be the same lawyer PC045 redaction who represented PC045 redaction which they want DEW/USP committee to consider while making a decision on the outcome of the SOR USP matter. We have acknowledged receipt of the letter and we will seek CSO advice on a response.

As time is of the essence – do you approve us seeking CSO advice or do you require a formal briefing?

With thanks, Tarnya

From: PC045 redaction
Sent: Friday, 30 July 2021 4:19 PM
To: DEWNR:Unsolicited Proposals <DEW.UnsolicitedProposals@sa.gov.au>
Subject: Unsolicited Proposal – Submission – 248 Tapanappa Road, Deep Creek

Dear Yani

Please find attached letter together with its enclosure for your attention.

Regards

PC045 redaction

PC045 redaction

PC045 redaction

From: Grbich, Yani (DEW)
Sent: Tuesday, 10 August, 2021 2:56 PM
To: Millar, Helena (DEW)
Subject: Direction to put USP on hold - 248 Tapanappa Road, Deep Creek CP

Sensitive: Commercial

FYI

From: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>
Sent: Thursday, 5 August, 2021 5:00 PM
To: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Cc: Burns, Stuart (DEW) <Stuart.Burns@sa.gov.au>; Egeler, Martina (DEW) <Martina.Egeler@sa.gov.au>
Subject: RE: 248 Tapanappa Road, Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Please do – paper on hold for now anyway. Stuart has CSO request been forwarded to outpost give our in house cso has a prior relationship with PC045 redaction
 Cheers, tarnya

From: Grbich, Yani (DEW)
Sent: Thursday, 5 August 2021 9:16 AM
To: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>
Cc: Burns, Stuart (DEW) <Stuart.Burns@sa.gov.au>; Egeler, Martina (DEW) <Martina.Egeler@sa.gov.au>
Subject: FW: 248 Tapanappa Road, Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Tarnya I can add a note to the USP paper.
 Stuart/Martina just FYI

From: Buckland, Shane (DEW)
Sent: Wednesday, 4 August 2021 2:03 PM
To: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Subject: RE: 248 Tapanappa Road, Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

H Yani.

Sorry I didn't see your additional question here.

Yes the house 9 and 16 has been flagged as not being required from an operational perspective.

9 - Internal Working Document, 16 - Documents concerning the operations of agencies

Cheers
Shane

From: Grbich, Yani (DEW)
Sent: Thursday, 29 July 2021 7:13 AM
To: Buckland, Shane (DEW) <Shane.Buckland@sa.gov.au>
Subject: RE: 248 Tapanappa Road, Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Thanks Shane,
Sorry to bother you with another question, Helena's notes state:
DEW's Asset Management, Project and Asset Services branch has advised that as the Department no longer requires the property, it is currently earmarked for demolition as part of its policy to remove assets on Crown land/National Park that are surplus to requirements.

But I am just wanting to confirm this as I have also found an email(attached) including a comment from grant Pelton 9 and 16 and not making any commitments regarding this property 9 and 16
9 - Internal Working Document, 16 - Documents concerning the operations of agencies

Thanks again. Happy to discuss.
Cheers, Yani.

From: Buckland, Shane (DEW)
Sent: Wednesday, 28 July 2021 5:13 PM
To: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Subject: RE: 248 Tapanappa Road, Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

No worries, I will have a look through Gary's files to find out what other info he may have saved in there.

We have done a heap of work trying to find the best way to manage these moving forward so the info may be buried there

Sensitive: Commercial
Classified by Yani.Grbich@sa.gov.au

From: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Sent: Wednesday, 28 July 2021 5:10 PM
To: Buckland, Shane (DEW) <Shane.Buckland@sa.gov.au>
Subject: RE: 248 Tapanappa Road, Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Shane,
Thank you - that is great. It is needed in the next seven days so if not available till then I will at least provide this.
Cheers, Yani.

From: Buckland, Shane (DEW)
Sent: Wednesday, 28 July 2021 3:53 PM
To: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Subject: RE: 248 Tapanappa Road, Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

H Yani

Please find below the table for the charges for the houses managed through Stanley Samuals.

For each property we pay \$75 a month general admin

In addition to this we are charges 7.7% of any maintenance carried out.

Unfortunately I don't have a list of any maintenance carried out at my fingertips.

We may also pay utilities and council rates there.

We should have a hard copy of this info in the office. Unfortunately I don't have it here.

How urgently do you need to info, I wound be going into the office until the end of this next lot of 7 day restrictions.

I can confirm that the rent is \$150 per week

Cheers

Shane

Activity
Advertising for tenants (Where DEWNR have not identified a tenant)
Tenant selection (Where DEWNR have not identified a tenant)
Lease preparation, bond preparation & key handover (Letting)
Initial Inspection
Final Inspection
Periodic (6 monthly) Inspections
Lease renewals
General administration fee, per property per month
Arrange response for minor breakdown maintenance (in consultation with DEWNR) and arrange payment.
Attendance to Residential Tenancy hearings.
Administration Fee – Postage and Sundries

From: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>

Sent: Wednesday, 28 July 2021 10:53 AM

To: Buckland, Shane (DEW) <Shane.Buckland@sa.gov.au>

Subject: 248 Tapanappa Road, Deep Creek Conservation Park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Shane,

In Gary's absence hoping you can help or fwd this on to someone who can.

I understand that Samuels real estate manages this property on behalf of DEW and that the rental is \$150 PW. I'm looking to understand what return DEW gets on the property over a year (less agent fees/other costs).

Many thanks, Yani.

From: Grbich, Yani (DEW)
Sent: Tuesday, 10 August, 2021 12:40 PM
To: Millar, Helena (DEW)
Subject: FW: USP - Deep Creek Conservation park

Categories: Transferred to SharePoint

Sensitive: Commercial

FYI for filing and addition to USP report as required.

From: Simes, Brett (DEW) <Brett.Simes@sa.gov.au>
Sent: Friday, 6 August, 2021 4:44 PM
To: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Cc: Rumbelow, Kym (DEW) <Kym.Rumbelow@sa.gov.au>
Subject: RE: USP - Deep Creek Conservation park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Yani

The management plan seems to talk specifically about continuing lease arrangements for three cottage properties which I believe to be Goondaloo, Glenburn and The Deep Creek Homestead.

It also talks to grazing leases current at the time the plan was written with the strategy to resume these over time.

The plan seems to be silent about arrangements for lease of the house at 248 Tapanappa Rd, although I do wonder if it originally had something to do with the Tapanappa grazing lease.

The plan however does has as one of its management objectives to provide for leasing and concession arrangements. The strategy for this objective is *Concession development within Deep Creek for the provision of visitor facilities will be permitted only if the development is consistent with the preservation of park values*. Further one of the actions is *When public use requires it and an opportunity is available, concession arrangements may be negotiated to provide facilities and services*.

Therefore it would appear that fixing up existing infrastructure for visitor use would be consistent with the management plan so long as park values can be preserved.

DEW would of course need to satisfy itself of any implications in terms of the current lease in place for this property as well as any restrictions that could be imposed by the current lease conditions with the Southern Ocean Retreats for expansion of commercial visitor accomodation (even though they may be the ones seeking to undertake this proposal).

Regards
 Brett

From: Grbich, Yani (DEW)
Sent: Friday, 6 August 2021 12:12 PM
To: Simes, Brett (DEW) <Brett.Simes@sa.gov.au>

Cc: Burns, Stuart (DEW) <Stuart.Burns@sa.gov.au>

Subject: RE: USP - Deep Creek Conservation park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Brett,
Sorry for any confusion and all the emails.

There is some complexities around this as you've noted. However, I was hoping that like you have been providing for the NBT proposals you could provide advice regarding whether the proposal for a tourism lease at the property located at 248 Tapannapa road in the Deep Creek conservation park would be consistent with the current park management plan, or if the plan would need amendment or there were any other considerations regarding park management planning that should be highlighted.

I am in the office today – happy for a quick teams chat.
Thanks you,
Yani.

From: Burns, Stuart (DEW)

Sent: Wednesday, 4 August 2021 11:21 AM

To: Simes, Brett (DEW) <Brett.Simes@sa.gov.au>; Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>

Cc: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>

Subject: RE: USP - Deep Creek Conservation park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Brett,

I don't know the backstory as to how the other Minister entered the lease, but it could be a number of things (this is just a guess), such as:

- Land previously owned by the other Minister at the date was entered into;
- An administrative arrangement between Ministers related to the ability to enter residential leases on Crown Land or National Parks; or
- A previous Premier and Cabinet Circular policy (similar to the one related to government office accommodation).

Kind regards
Stuart Burns

From: Simes, Brett (DEW)

Sent: Wednesday, 4 August 2021 11:15 AM

To: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>

Cc: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>; Burns, Stuart (DEW) <Stuart.Burns@sa.gov.au>

Subject: RE: USP - Deep Creek Conservation park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Seems to me that the first issue that needs to be resolved is the current lease and our ability to end the lease if that is the desire.

I don't even begin to understand how the landlord for the property can be another minister given MEW is the landowner and seemingly another minister wouldn't have power to enter into a lease for property under the NPW Act. But that seems like a whole other can of worms.

From: Grbich, Yani (DEW)
Sent: Wednesday, 4 August 2021 10:56 AM
To: Simes, Brett (DEW) <Brett.Simes@sa.gov.au>
Cc: Van Driel, Tarnya (DEW) <Tarnya.VanDriel@sa.gov.au>; Burns, Stuart (DEW) <Stuart.Burns@sa.gov.au>
Subject: FW: USP - Deep Creek Conservation park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Thanks Brett,
Sorry I'm on sick leave, but just checking emails for priority things. I hope the following assists.

Current lease – residential and in holdover (attached).

Letter to DEW (Attached). Sorry I really didn't provide context. **PC045 redaction** and current lessee, he is aware that Southern Ocean lodge is interested in the property for tourism purposes and that a USP has been lodged. He has raised his concerns and wishes to keep renting the property with both Mike, Jo Podolialk, Tarnya and most recent in a meeting which myself, Tarnya and Carol Vu attended. Following which the department received the letter (excerpt below).

Many thanks,
Yani.

From: Simes, Brett (DEW)
Sent: Tuesday, 3 August 2021 10:33 AM
To: Grbich, Yani (DEW) <Yani.Grbich@sa.gov.au>
Subject: RE: USP - Deep Creek Conservation park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Yani,
Before commenting

What is the current lease of allotment 408 (248 Tapanappa Rd) all about? I can only presume it is some type of grazing lease?

I noted you have also included an excerpt from a legal letter. What are the details surrounding that? It isn't clear what this is all about.

thanks
Brett

From: Grbich, Yani (DEW)
Sent: Tuesday, 3 August 2021 9:22 AM

To: Simes, Brett (DEW) <Brett.Simes@sa.gov.au>

Subject: USP - Deep Creek Conservation park [SEC=Government, DLM=Sensitive:Commercial]

Sensitive: Commercial

Hi Brett,

The department has received an unsolicited proposal from Southern Ocean Retreats to develop a property at 248 Tappanapa Road Deep Creek for tourism purposes. It is currently leased for residential purposes to the land owner adjoining the property and Deep Creek CP.

Proposal overview:

On 9 March 2021, Southern Ocean Retreats (SOR) submitted an unsolicited proposal to the Department for Environment and Water to lease property at 248 Tapanappa Road, Deep Creek, within Deep Creek Conservation Park (the Park). SOR (the applicant) proposes to enter into a lease agreement under the same terms and conditions as are in place for the other properties it leases from DEW within the Park. The applicant intends to undertake minor renovations and add verandahs to the property to prepare it for use for tourism purposes. Specifically, holiday accommodation to meet the growing demand for visitor accommodation in the Park and to accommodate staff supporting the applicant's walking tours.

After several years of research, in 2019 SOR established a Southern Ocean Walk package - a fully guided 4-day 3-night walk from Cape Jervis to Victor Harbor. The walk also acts to promote the region's food and wine, with all food and beverages served on the Southern Ocean Walk being sourced from local growers. This section of the Heysen Trail between Cape Jervis and Victor Harbor has since been rebranded as the Wild South Coast Way with a \$6 million Government commitment to enhance the trail and provide opportunities for private investment ventures.

A key infrastructure requirement for the Southern Ocean Walk is the provision of overnight accommodation for support staff (guides, back of house staff). The house situated at 248 Tapanappa Road is very close to the SOR base for the walk, the Deep Creek Homestead, providing a suitable facility as staff quarters during the walking season. This application would be in addition to its use as holiday accommodation to park visitors at other times of the year.

From my understanding of the Park management plan and proposal I have included the following in my paper to the USP committee.

- The Park Management Plan zone is Conservation, however the house is an existing improvement and the area immediately surrounding the house is degraded. The house predates the constitution of that area of the Park. Other buildings in the Park, such as the Homestead are leased to and have been renovated for tourism purposes by SOR.
- The Park Management Plan notes that a range of accommodation types would be advantageous and contemplates expanding visitor accommodation including cabins where consistent with park values (sections 4.14 and 4.1.5).

Given your experience in interpreting these plans can you please provide advice regarding whether the proposal is consistent and permissible under the current plan.

For your reference/context I have attached an excerpt from the letter of objection recently received from the current lessee's lawyer on their behalf and further information provided about the proposal by the USP applicant(attached).

Excerpt from legal letter –

Deep Creek Conservation Park Management Plan

28. The Deep Creek Conservation Park Management Plan identifies five development zones within the Park. The Plan envisages some limited development of accommodation and tourist facilities in those identified zones of the Park.

29. The bid land is not within any of those five zones.

30. Outside the five zones, the Plan envisages preservation of the flora and fauna, revegetation of some historically grazed areas within the Park and minimal disturbance to the existing landscape.

31. The use of the bid land for tourist accommodation is clearly not in accordance with the plan of management for the Park. The National Parks and Wildlife Act is quite clear that such a proposal could not lawfully proceed under the existing Plan.

32. If there were to be a proposal to expand the accommodation zones within the Park, the bid land is not suitable or appropriate for such use for all the reasons given above.

Many thanks,

Yani.

From: Millar, Helena (DEW)
Sent: Monday, 16 August, 2021 10:16 AM
To: enquiries@southernoceanretreats.com.au
Subject: USP - 248 Tappanapa Rd Deep Creek [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Dear Barry,

Unfortunately the Panel was not able to consider the application on the 9th. It was necessary for the meeting to be shortened and some items to be held over to the next meeting or for out of session consideration. I understand your proposal will be considered as soon as possible.

Kind Regards,

Helena Millar

Case Manager

Tourism and Economic Development | National Parks & Wildlife Service South Australia

Department for Environment and Water

P (08) 8595 2177 |

PO Box 231

Berri SA 5343

environment.sa.gov.au | parks.sa.gov.au



Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.