

South Australia

Housing and Urban Development (Administrative Arrangements) (South Australian Urban Projects Authority Dissolution) Regulations 1997

under the *Housing and Urban Development (Administrative Arrangements) Act 1995*

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Legislative history

1—Short title

These regulations may be cited as the *Housing and Urban Development (Administrative Arrangements) (South Australian Urban Projects Authority Dissolution) Regulations 1997*.

2—Commencement

These regulations will come into operation on 1 March 1997.

3—Dissolution of South Australian Urban Projects Authority

- (1) The South Australian Urban Projects Authority established by regulation under the *Housing and Urban Development (Administrative Arrangements) Act 1995* is dissolved.
- (2) Subject to this regulation, the assets, rights and liabilities of the South Australian Urban Projects Authority immediately before its dissolution are transferred to the Minister for State Development.
- (3) The rights and liabilities of the South Australian Urban Projects Authority in relation to the employment of members of the staff of the South Australian Urban Projects Authority, as in existence immediately before its dissolution, other than the rights and liabilities in relation to the employment of the General Manager, South Australian Urban Projects Authority, are transferred to the MFP Development Corporation.
- (4) The rights and liabilities of the South Australian Urban Projects Authority in relation to the employment of the General Manager, South Australian Urban Projects Authority, are transferred to the Department of Housing and Urban Development.

- (5) The transfer of rights and liabilities under subregulations (3) and (4) does not affect—
- (a) a person's existing conditions of employment or existing or accruing rights to leave; or
 - (b) a process commenced for variation of those conditions or rights.
- (6) The assets, rights and liabilities of the South Australian Urban Projects Authority referred to in the Schedule are transferred to the MFP Industrial Premises Corporation.

4—Immunity of members

A member of the board of the South Australian Urban Projects Authority immediately before the commencement of these regulations incurs no civil liability for an honest act or omission in the performance or exercise, or purported performance or exercise, of a function or duty associated with finalising the accounts of the South Australian Urban Projects Authority for the 1996/1997 financial year.

5—Revocation of UPA regulations

The Housing and Urban Development (Administrative Arrangements) (South Australian Urban Projects Authority) Regulations 1995 (see Gazette 15.6.1995 p2872) are revoked.

Schedule—Assets, rights and liabilities being transferred to the MFP Industrial Premises Corporation

- 1 The following land (described according to the following Certificates of Title):

Volume 5164	Folio 542	Volume 4358	Folio 624
Volume 4303	Folio 810	Volume 4352	Folio 450
Volume 4303	Folio 812	Volume 3237	Folio 142
Volume 4124	Folio 713	Volume 2270	Folio 185
Volume 4302	Folio 208	Volume 5330	Folio 443
Volume 4316	Folio 693	Volume 4358	Folio 480
Volume 4089	Folio 391	Volume 5281	Folio 251
Volume 5220	Folio 96	Volume 3132	Folio 101
Volume 4286	Folio 67	Volume 5247	Folio 476
Volume 4268	Folio 652	Volume 5323	Folio 806
Volume 3533	Folio 170	Volume 5380	Folio 685
Volume 4017	Folio 733	Volume 5329	Folio 351
Volume 3514	Folio 91	Volume 5329	Folio 392
Volume 5387	Folio 949	Volume 5387	Folio 951
Volume 5247	Folio 531	Volume 5387	Folio 948

- 2 All rights and liabilities of the South Australian Urban Projects Authority arising under or by virtue of the following agreements and instruments:

- (a) Deferred Purchase Agreement dated 23 July 1990 between the South Australian Urban Projects Authority and Actil Pty Ltd and the Novation Agreement dated 29 July 1996 between Actil Limited, the South Australian Urban Projects Authority and C.S. Brooks Canada Inc.;
- (b) Deferred Purchase Agreement dated 9 March 1990 between the South Australian Urban Projects Authority and Codan Pty Ltd;
- (c) Deferred Purchase Agreement dated 22 June 1989 between the South Australian Urban Projects Authority and G. & R. Wills Holdings Ltd;
- (d) Agreement for Sale/Deferred Purchase dated 28 February 1991 between the South Australian Urban Projects Authority and Dinning Foundries Pty Ltd;
- (e) Consent, Agreement and Acknowledgment dated 30 June 1992 by the South Australian Urban Projects Authority in favour of State Bank of South Australia in respect of certain equipment leased by Dinning Consolidated;
- (f) Deferred Purchase Agreement dated 25 August 1987 between the South Australian Urban Projects Authority and Gerard Industries Pty Ltd;
- (g) Deferred Purchase Agreement dated 5 May 1989 between the South Australian Urban Projects Authority and Interior Joinery and Furniture Pty Ltd;
- (h) Revised Payment Agreement dated 3 September 1993 between the South Australian Urban Projects Authority and Interior Joinery and Furniture Pty Ltd;
- (i) Deed of Acknowledgment and Consent dated 29 November 1990 between the South Australian Urban Projects Authority, Westpac Banking Corporation and Interior Joinery and Furniture Pty Ltd;
- (j) Deferred Purchase Agreement dated 27 July 1989 between South Australian Urban Projects Authority and Menzel Plastic Traders Pty Ltd;
- (k) Deferred Purchase Agreement dated 7 May 1990 between the South Australian Urban Projects Authority and Pacific Marine Batteries Pty Ltd and a Supplemental and Variation Agreement dated 18 July 1991 between the South Australian Urban Projects Authority and Pacific Marine Batteries Pty Ltd;
- (l) Agreement for Sale/Deferred Purchase dated 6 September 1985 between the South Australian Urban Projects Authority and Sabco Ltd., a Deed of Release and Assumption dated 22 December 1993 between Sabco Australia Ltd, State Bank of South Australia and the South Australian Urban Projects Authority, and a Variation Agreement dated 11 May 1994 between Sabco Australia Ltd and South Australian Urban Projects Authority;
- (m) Deferred Purchase Agreement dated 2 August 1989 between the South Australian Urban Projects Authority and Specialised Technology Group Pty Ltd;
- (n) Deferred Purchase Agreement dated 27 October 1994 between the South Australian Urban Projects Authority and Gerard Industries Pty Ltd;

- (o) Agreement to Lease dated 20 February 1995 between the South Australian Urban Projects Authority and Australis Media Holdings Pty Ltd (Lessee) in respect of the land comprised in Certificate of Title Register Book Volume 5380 Folio 685;
- (p) Agreement dated 13 December 1994 between the South Australian Urban Projects Authority (Proprietor) and Fletcher Construction Australia Ltd (Builder) for Australis Media Ltd Customer Service Centre;
- (q) Deed dated 20 February 1995 between the South Australian Urban Projects Authority and Minister for Industry, Manufacturing, Small Business and Regional Development;
- (r) Guarantee and Indemnity dated 20 February 1995 by the Minister for Industry, Manufacturing, Small Business and Regional Development (Guarantor) in favour of the South Australian Urban Projects Authority;
- (s) Contract for Provision of Project Management Services in relation to Establishment of a Customer Service Centre for Australis Media Ltd at MFP Technology Park dated 14 December 1994 between the South Australian Urban Projects Authority and Savant Pty Ltd;
- (t) Agreement to Lease dated 31 August 1994 between the South Australian Urban Projects Authority and Sola International Holdings Ltd (Lessee) in respect of the land comprised in Certificate of Title Register Book Volume 5247 Folio 476;
- (u) Fixed Price Contract dated 21 September 1994 between the South Australian Urban Projects Authority and Coombs & Barei Pty Ltd (Contractor) for a Research and Development facility for Sola International Holdings Ltd;
- (v) Agreement dated 21 December 1994 between the South Australian Urban Projects Authority and the Minister for Industry, Manufacturing, Small Business and Regional Development;
- (w) Agreement to Lease dated 5 December 1994 between the South Australian Urban Projects Authority and Motorola Australia Pty Ltd (Lessee) in respect of the land comprised in Certificate of Title Register Book Volume 5323 Folio 806;
- (x) Formal Instrument of Agreement dated 13 October 1994 between the South Australian Urban Projects Authority (Principal) and Built Environs Pty Ltd (Contractor) for Motorola - Software Development Facility Project;
- (y) Deed dated 29 September 1995 between the South Australian Urban Projects Authority and the Minister for Industry, Manufacturing, Small Business and Regional Development;
- (z) Guarantee and Indemnity dated 29 September 1995 by the Minister for Industry, Manufacturing, Small Business and Regional Development (Guarantor) in favour of the South Australian Urban Projects Authority;
- (aa) Contract for Provision of Project Management Services in relation to Establishment of a Software Facility for Motorola Australia Pty Ltd at MFP Technology Park dated 14 December 1994 between the South Australian Urban Projects Authority and Pizzey Noble Redden Pty Ltd;

- (bb) Memorandum of Mortgages Registered Numbers M 6764340 and M 6779789, and an associated agreement, between the South Australian Urban Projects Authority (mortgagee) and Crompton Group Holdings Pty Ltd (mortgagor);
- (cc) Memorandum of Mortgage Registered Number M 7966824 and Encumbrance Registered Number M 7966823 between the South Australian Urban Projects Authority (mortgagee) and Industrial Plastic Services Pty Ltd (mortgagor);
- (dd) Memorandum of Mortgages Registered Numbers M 6826122 and M 7749510, Extension of Mortgage Registered Number M 7749511, and an associated agreement, between the South Australian Urban Projects Authority (mortgagee) and F.J. Trousers Pty Ltd (mortgagor);
- (ee) Memorandum of Option to Purchase, and associated encumbrance, dated 24 November 1982, and an amending agreement dated 17 February 1984, between the South Australian Urban Projects Authority and Auger Accessories Pty Ltd;
- (ff) Deed of Guarantee dated 1 May 1981 between the South Australian Urban Projects Authority and Kim Garfield Auger and Julie Dianne Auger (as guarantors);
- (gg) Memorandum of Option to Purchase, and associated encumbrance, dated 9 May 1984, and an associated agreement to vary that option dated 9 May 1984, between the South Australian Urban Projects Authority and Avery Properties Pty Ltd, and a Memorandum of Lease between the South Australian Urban Projects Authority and Fasson Pty Ltd dated 9 May 1984, Registered Number 5339754 and an Extension of Lease between Fasson Pty Ltd and the South Australian Urban Projects Authority dated 9 May 1984, Registered Number 5339753;
- (hh) Deferred Purchase Agreement dated 19 August 1996 between the South Australian Urban Projects Authority and Seeley International Pty Ltd;
- (ii) the lease between the South Australian Urban Projects Authority and Brister & Co (SA) Pty Ltd commencing on 1 July 1993 for a period of five years in respect of the land comprised in Certificate of Title Register Book Volume 4352 Folio 450;
- (jj) the lease between the South Australian Urban Projects Authority and Telstra Corporation Ltd commencing on 1 February 1995 for a period of three years in respect of the land comprised in Certificate of Title Register Book Volume 3237 Folio 142;
- (kk) Memorandum of Lease Registered Number 7941774 between the South Australian Urban Projects Authority and Karydav Pty Ltd commencing on 1 February 1994 for a period of 5 years in respect of the land comprised in Certificate of Title Register Book Volume 5281 Folio 251;
- (ll) Memorandum of Lease Registered Number 7258408 between the South Australian Urban Projects Authority and Ampol Limited commencing on 1 May 1991 for a period of 10 years in respect of the land comprised in Certificate of Title Register Book Volume 3132 Folio 101;

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- (mm) Deferred Purchase Agreement dated 28 August 1996 between the South Australian Urban Projects Authority and Bankers Trust Australia Limited;
- (nn) Subsidy Deed dated 28 August 1996 between the South Australian Urban Projects Authority, Bankers Trust Australia Limited and the Minister for Information Technology;
- (oo) Deed dated 6 August 1996 between the South Australian Urban Projects Authority and Bankers Trust Australia Limited;
- (pp) Contract for Sale/Purchase of Land dated 28 August 1996 between the MFP Development Corporation (Vendor) and South Australian Urban Projects Authority (Purchaser) in respect of the land comprised in Certificates of Title Register Book Volume 5387 Folio 948, Volume 5387 Folio 949 and Volume 5387 Folio 951;
- (qq) Memorandum of Lease Registered Number 8186507 between the South Australian Urban Projects Authority and Australis Media Holdings Pty Ltd ACN 057 452 169 dated 24 July 1996 and associated Encumbrance dated 22 November 1994 between South Australian Urban Projects Authority and MFP Development Corporation.

3 Liabilities totalling \$44,203,293.11 on account of the following borrowings from the South Australian Government Financing Authority in the name of the South Australian Urban Projects Authority at 5.00 p.m. on 28 February 1997:

Loan maturity	Interest rate	Principal outstanding	Loan type	Payment frequency
05-May-00	14.40%	\$1,985,205.61	Credit Foncier	Quarterly
05-Jul-00	10.50%	\$421,414.36	Credit Foncier	Quarterly
02-Aug-00	14.01%	\$343,146.10	Credit Foncier	Quarterly
06-Nov-01	13.65%	\$864,564.11	Credit Foncier	Quarterly
30-Nov-01	12.90%	\$1,286,736.70	Credit Foncier	Quarterly
01-Mar-02	13.00%	\$226,694.18	Credit Foncier	Quarterly
01-Jul-02	12.50%	\$1,773,694.88	Credit Foncier	Quarterly
13-Aug-99	12.00%	\$5,547,000.00	Interest Only	Quarterly
30-Jun-97	6.33%	\$1,154,000.00	Credit Foncier	At Maturity
30-Jun-97	6.33%	\$1,012,000.00	Credit Foncier	At Maturity
14-Aug-97	8.25%	\$1,530,000.00	Interest Only	Quarterly
31-Mar-97	7.15%	\$878,000.00	Credit Foncier	At Maturity
27-Feb-01	10.81%	\$13,000,000.00	Interest Only	Quarterly
03-Oct-06	8.65%	\$1,939,072.84	Credit Foncier	Quarterly
10-Aug-00	8.39%	\$222,677.99	Credit Foncier	Quarterly
01-Oct-06	9.35%	\$3,677,000.00	Interest Only	Quarterly
31-Mar-97	7.15%	\$6,215,000.00	Interest Only	At Maturity
19-Aug-06	8.17%	\$2,127,086.34	Credit Foncier	Quarterly
Total		\$44,203,293.11		

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- 4 A liability on account of proposed borrowings from the South Australian Government Financing Authority as at 5.00 p.m. on 28 February 1997 for funding of work in progress costs incurred by the South Australian Urban Projects Authority in respect of the construction of a facility for Bankers Trust Australia Limited on land comprised in Certificates of Title Register Book Volume 5387 Folio 948, Volume 5387 Folio 949 and Volume 5387 Folio 951.
- 5 A liability on account of proposed borrowings from the South Australian Government Financing Authority as at 5.00 p.m. on 28 February 1997 for funding of work in progress costs incurred by the South Australian Urban Projects Authority in respect of the construction of a facility for Motorola Australia Pty Ltd on land comprised in Certificate of Title Register Book Volume 5323 Folio 806.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Expiry of regulations

The *Housing and Urban Development (Administrative Arrangements) (South Australian Urban Projects Authority Dissolution) Regulations 1997* expired on 1.9.2008: see *Subordinate Legislation Act 1978*.

Principal regulations

Year	No	Reference	Commencement
1997	22	<i>Gazette 27.2.1997 p1071</i>	1.3.1997: r 2