

**CROWN DEVELOPMENT AND PUBLIC INFRASTRUCTURE
AND
ELECTRICITY INFRASTRUCTURE DEVELOPMENT
DECISION NOTIFICATION FORM**

Contact Officer: Simon Neldner
Telephone: 7109 7058
KNET Reference: 10249604

Development Number:
155/V009/15
Council Reference:
155/709/2015

FOR DEVELOPMENT APPLICATION

DATED: 2 October 2015
REGISTERED ON: 6 October 2015

TO: Department of Planning, Transport and Infrastructure
77 Grenfell Street
Adelaide SA 5000
EMAIL: Dariusz.Fanok@sa.gov.au
Brenton.Burman@aecom.com

LOCATION OF PROPOSED DEVELOPMENT:

Lot/Plan	Street	Suburb / Locality	Hundred	Title
On the Road	Hackney Road Dequetteville Terrace Botanic Road North Terrace	Hackney Kent Town	Adelaide	Road Reserve (no title)

NATURE OF PROPOSED DEVELOPMENT: O-Bahn City Access Project: (a) construction of the O-Bahn Tunnel (as it relates to the Tunnel Ramp and Tunnel Portal on Hackney Road) and including those sections of roadway constructed and operated as a "guided" busway outside of the tunnel; (b) installation of ancillary buildings and structures, service buildings, kerbing and stormwater infrastructure; and (c) consideration of impacts to adjacent State and Local Heritage Places.

From: MINISTER FOR PLANNING

I hereby **APPROVE** the above-mentioned application under the Development Act 1993.

You may therefore proceed in accordance with your plans, as submitted, subject to conditions as shown on the attached sheet.

Building works may commence only when a Certificate of Compliance with Building Rules has been received from a Private Certifier, subject to any conditions imposed by the Minister for Planning (or his delegate) and the Certifier.



Sally Smith
GENERAL MANAGER – INVESTMENT MANAGEMENT

As delegate of the
MINISTER FOR PLANNING

Date of Decision: 26 February 2016

Pages: 6

DEVELOPMENT APPLICATION 155/V009/15

Conditions of Approval

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in accordance with the details and plans submitted in Development Application No 155/V009/15:

Plans: O-Bahn City Access Project

- O-Bahn City Access Project – Concept Plan – dated 18.2.16
- O-Bahn Extents – Role Plan – Photo Overlay - dated 16.2.16 General Arrangement - First Creek Culvert - Sheet 1 - 250003
- Structural Tunnel - Drawing No 7359 Sheets 200001-200190 (79) - Rev A dated 29.1.2016
- Structural Tunnel - Drawing 7359 Sheets 200300-200384 (10) - Rev A dated 3.2.2016
- Bundeys Road/Park Terrace Intersection - Drawing 201401208 SK005 Rev A dated 17.2.16 (Option 1)
- Hackney - Fullarton Road - Junction with Osborne Terrace - Traffic Control Drawing 201401208-SK004 Rev A dated 17.2.16
- Oxigen – Package B – Hackney Road Crossing – dated February 18, 2016
- Oxigen – Package E – Tunnel Portal Canopy – Hackney Road – dated February 18, 2016
- Oxigen – Package D – Hackney Road and Dequetteville Terrace – dated February 18, 2016
- Extent of Guided Track - DPTI_SKT_7304-99-1008 Rev A dated 5.11.15
- Licensed Areas – SKT-7304-01-1091 Rev B dated 17.8.15

Documents

- Development Assessment Report - AECOM - dated 15 October 2015
 - O-Bahn City Access Project - Development Approval Tracking Sheet (Staging Plan) dated 10 February 2016 Rev 3 prepared by McConnell Dowell
 - AECOM - O-Bahn City Access Project - Air Quality Impact Assessment - Ref 60341451- dated 16 July 2015.
 - AECOM - O-Bahn City Access Project - Preliminary Noise Mitigation Plan - Ref 60341451- A15E01RP-0 dated 23 July 2015.
 - AECOM - O-Bahn City Access Project - Construction Vibration Assessment - Ref 60341451- A15E022RP - dated 23 July 2015.
 - DASH Architects - O-Bahn City Access Project - Non-Aboriginal Heritage Impact Assessment - DA153127: Revision C: 10.08.15
 - O-Bahn City Access & Park Lands Rejuvenation Project - Landscape Architecture and Urban Design Assessment - dated 25 June 2015 - V17
 - Environmental Impact Report (Appendix C)
 - DPTI: O-Bahn City Access: Sustainability Management Plan - 23 July 2015
 - O-Bahn City Access & Park Lands Rejuvenation Project - WAX dated 25 June 2015 V17
 - Golder Associates - O-Bahn Extension, Adelaide SA - Stages 1,2 & 3 Contamination Investigation Report No 147662122-022-R-Rev0 dated September 2015
 - Dewatering Method - McConnell Dowell
 - AECOM Response to further information dated 6 November 2015
 - AECOM Additional Information for 25 February DAC meeting dated 18 February 2016
2. The following information shall be submitted for the further assessment and approval by the Minister for Planning prior to the commencement of construction works (as noted in "O-Bahn City Access Project Development Approval Tracking Sheet") for the following development stages:

(a) Project Stage 2

The structural design elements of the Hackney Road Tunnel portal including retaining walls.

(b) Project Stage 11

The urban design elements of the Hackney Road tunnel portal and ramp design that are visible at the surface level excluding the structural design elements, but including fencing and barriers.

(c) Project Stage 13

The hard and soft landscaping plan within Hackney Road including:

- i. species schedule
 - ii. planting locations
 - iii. irrigation systems
 - iv. street furniture
 - v. pedestrian and cycle paths
 - vi. wayfinding
 - vii. public lighting.
3. The following information shall be submitted for the further assessment and approval by the Minister for Planning (in consultation with the Norwood, Payneham and St Peters Council) prior to the commencement of construction works:
- (a) Construction and Environmental Management Plan (CEMP). The CEMP must incorporate measures and actions to address (but not be limited to) the following issues:
- Air quality, including odour and dust;
 - Vibration impacts - including the adoption of appropriate construction methodologies, monitoring and mitigation strategies for the protection and conservation of service infrastructure and built development, including state and local heritage places;
 - Surface water including erosion and sediment control;
 - Soils, including management of contaminated soil, stockpile management, fill importation and prevention of soil contamination;
 - Installation of erosion control measures for the construction phase;
 - Appropriate location and management of stockpiles to prevent runoff entering the Council stormwater system;
 - Appropriate management of sediment related to vehicle drag out;
 - Identification of tree protection zones and the strategies to be implemented to protect those regulated and significant trees to be retained and to further minimise tree removal and damage.
 - Groundwater, including prevention of groundwater contamination.
 - Site security and public safety.
 - Use of temporary lighting (and the minimisation of light overspill).
 - Hours of operation - including night work protocols.
 - Control and eradication of environmental / declared weed species.
 - Establishment of temporary fencing
 - Landowner/resident communication and complaints management.
 - Waste minimisation and recovery.
- (b) Traffic Management Plan (TMP). The TMP must incorporate measures and actions to address (but not be limited to) the following issues:
- haulage routes (including vehicles size and trip numbers), closures and temporary restrictions proposed during construction works;
 - management of drag-out from the development site (with the incorporation of rubble strips, wheel washdown or similar to minimise any external road impacts);
 - signage and wayfinding information to alert road users of any change to local access and traffic conditions;
 - implementation of appropriate measures to minimise impacts and disruption to surrounding residents and business owners during the construction phase of the development
 - location, operation and management of temporary carparking areas for staff and/or workers during construction;
 - temporary arrangements for pedestrians and cyclists (with the closure and or re-routing of existing off-road paths during construction).
 - a communications strategy will also need to be prepared to ensure that local residents are informed of changes to traffic conditions in a timely manner.
- (c) A Contractor's Construction Noise and Vibration Management Plan (CNVMP) as detailed in the AECOM Environmental Impact Report document including DPTI's Operational Instruction 21.7 (OI 21.7) "*Management of Noise and Vibration: Construction and Maintenance Activities*". This plan must also outline how mitigation strategies will be implemented to minimise noise nuisance and vibration impacts to adjacent (and potentially affected) properties. The CNVMP must include a Night Works Management Plan.

- (d) Stormwater Management Plan (SMP) The SMP must incorporate measures and actions to address (but not be limited to) the following issues: (a) how stormwater will be managed and water quality maintained during the construction and operation of the development ; (b) further investigation and adoption of Water Sensitive Urban Design principles (WSUD) within the development; and (c) a final concept design report to demonstrate how development will be integrated with existing private utility, state and/or local government infrastructure
4. All works shall be undertaken in accordance with the Construction and Environmental Management Plan (CEMP).
 5. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property, public reserve or public road.
 6. All earthworks shall be restricted to only those which are shown on the approved plans as required for building and/or access purposes.
 7. All hard building materials shall be secured and in such a manner so as to prevent any materials entering the stormwater system either by wind or water action during construction works.
 8. All Council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council or state agency specifications. All costs associated with these works shall be met by the proponent.
 9. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge.
 10. The excavation of and removal of rock, sand or soil must not adversely impact on the ecology of a watercourse and must not adversely impact on migration of aquatic biota or alter the natural flow regime of a watercourse.
 11. There must be a minimum distance of 20 metres between a watercourse or well and the fuelling site for machinery when used to undertake construction.
 12. Mechanical plant or equipment (including ventilation systems) installed to the tunnel, service and portal infrastructure shall be designed, located and attenuated to minimise noise impact on adjacent premises or properties. The noise level associated with the combined operation of plant and equipment when assessed at the nearest existing or envisaged noise sensitive location in or adjacent to the site shall be operated to ensure compliance with the DPTI Road Traffic Noise Guidelines and Section 25 of the Environment Protection Act 1993 and be subject to a pre-construction and post-construction operational acoustic assessment by a qualified acoustic engineer.
 13. A qualified arborist shall be present during excavation works affecting significant and regulated trees (to be retained) to determine the extent of existing tree roots in close proximity to impact zones, to undertake a visual inspection and initiate remedial works (where necessary) during construction work and to monitor the likely impacts on tree stability and health to ensure any disturbance issues are minimised.
 14. External public and security lighting shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no demonstrable nuisance or loss of amenity is caused to any person beyond the site.
Note: Public areas must be provided with sufficient lighting to ensure the safe and secure movement of people and vehicles in accordance with Australian Standard AS 1158 - Lighting for roads and public spaces and Australian Standard AS 4282 - Control of the obtrusive effects of outdoor lighting.

State Heritage Unit

15. The recommendations contained in Section 5 (Mitigation) of the Construction Vibration Assessment Reports (prepared by AECOM and dated 23 July 2015) for both Development

Applications shall be followed including the construction scheduling, the equipment and site management and pre-construction dilapidation surveys for all affected State Heritage Places. The State Heritage Places that fall within the 0.8mm/s or 1.3mm/s boundaries for vibration as marked on Maps 1, 2 and 3 of the Construction Vibration Assessment Report shall be the subject of pre-construction dilapidation surveys and shall be monitored during construction works. The dilapidation surveys shall be prepared prior to the commencement of site works, to the satisfaction of the Minister for Planning. As well as recording fabric in good condition, the survey shall also record the location, type and dimensional extent of any existing physical damage to the place that might be affected by the proposed excavation and construction works.

Reason: To ensure the physical state of the State Heritage Places is known prior to works commencing so that rectification works (if required) can occur after construction is completed and that the vibration levels are monitored throughout the project to prevent physical damage from occurring to the heritage places.

Development Act 1993 and Development Regulations 2008: Obligations

- i. Pursuant to section 49(14) of the *Development Act 1993* before any building work is undertaken, the building work is to be certified by a private certifier, or by some person determined by the Minister for the purposes of this provision, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Regulations).
- ii. The development must be substantially commenced within 12 months of the date of this Notification, unless this period has been extended by the Minister for Planning.
- iii. You are also advised that any act or work authorised or required by this Notification must be completed within three (3) years of the date of the Notification unless this period is extended by Minister for Planning.
- iv. You will require a fresh consent before commencing or continuing the development if you are unable to satisfy these requirements.

Advisory Notes

- a. A current list of Registered Private Certifiers in South Australia is available here: <http://www.sa.gov.au/topics/housing-property-and-land/building-and-development/building-and-development-applications/applications-with-a-building-component/private-certifiers> (sa.gov.au website).
- b. At completion of the project all certified documents should be retained by the responsible agency for the life of the asset.
- c. For additional information relating to certification of government building projects, contact Mary Andruchowycz (Chief Project Officer) Building Policy, Department of Planning, Transport and Infrastructure (telephone 7109 7051) Level 7, 136 North Terrace, Adelaide, 5000.
- d. Prior to the time period specified above, any request for an extension of time must be lodged with the Assessment Unit, Department of Planning, Transport and Infrastructure, GPO Box 1815 Adelaide SA 5001.
- e. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.
- f. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response can be accessed on the following web site: <http://www.epa.sa.gov.au>
- g. That excavated materials and stockpiles must be appropriately classified and managed in accordance with the Environment Protection Authority (EPA) Guideline: Standard for the production and use of Waste Derived Fill (October 2013).

- h. There is the potential for archaeological remains being encountered during excavation works. It is recommended that the proponent engage an archaeologist experienced in indigenous and non-indigenous archaeology for pre-disturbance advice, and for specific advice during the progress of the works if the need arises.
- i. The applicant is advised that there are various Aboriginal groups, organisations and traditional owners that may have an interest in the project – these include the Kaurna Nation Cultural Heritage Association Inc: Chairperson Jeffrey Newchurch, 414 Swift Street, Northfield SA 5085 or email jeffreynewchurch@hotmail.com
- j. The proponent's attention is drawn to the following legislative requirements:

Heritage Places Act 1993

- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the State Heritage Unit (Department of Environment, Water and Natural Resources) on 8124 4960.

Aboriginal Heritage Act 1988

If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) must be notified under Section 20 of the *Aboriginal Heritage Act 1988*. If further information is required, contact the Aboriginal Heritage team on telephone (08) 8226 8900 or via email to dsdaarheritagesites1@sa.gov.au

- k. Any changes to the proposal for which development authorisation is sought or granted may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example (a) an application to vary the development authorisation or (b) building certification documentation that incorporates differences from the proposal as documented in the planning application. To ensure a satisfactory heritage outcome, the Development Assessment Commission is requested to consult the Department of Environment, Water and Natural Resources in finalising any conditions or reserved matters above. Any enquiries in relation to this application should be directed to Robyn Taylor on telephone 8124 4922 or e-mail DEWNR.StateHeritageDA@sa.gov.au.
- l. As significant / regulated trees are to be retained, the applicant is advised to consult *Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites* to ensure the incorporation of protective fencing, mulch and appropriate remedial treatments. Requirements of this standard include:
- The establishment of Tree Protection Zones to restrict activities including the dumping of waste, machine excavation, storage and preparation of chemicals, and physical damage to trees;
 - The erection of protective fencing around a Tree Protection Zone prior to machinery or materials brought onto the site;
 - The use of approved signs to identify the Tree Protection Zone;
 - Mulching, watering and weed removal recommendations to maintain the tree protection zone.

Regular monitoring of tree protection measures should be undertaken throughout the development and construction process to ensure that any trees to be retained on the site are carefully managed to ensure their long-term survival and growth.