

South Australia - Regulation 42 under the Development Act 1993

DECISION NOTIFICATION FORM

Contact Officer: Simon Neldner
Telephone: 7109 7058
KNET Reference: 10254730

Development Number:
020/L073/15
Council Reference:
 F/S10/0050/2015

FOR DEVELOPMENT APPLICATION

DATED: 2 October 2015
REGISTERED ON: 7 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 No / Plan No	Street	Suburb	Hundred	CT Reference
a11, DP74256 Rymill Park	Rundle Road East Terrace Dequetteville Terrace	Adelaide	Adelaide	CR 6102/716
a117, DP81642 Rundle Park	East Terrace Rundle Road Botanic Road Dequetteville Terrace	Adelaide	Adelaide	CR 6132/227
a10, DP74256	East Terrace Pirie Street Grenfell Street	Adelaide	Adelaide	CR 6102/715
a102, DP66751 Botanic Gardens, Tram Depot	Hackney Road Plane Tree Drive	Adelaide	Adelaide	CR 5943/443
a116, DP81642	Hackney Road War Memorial Drive	North Adelaide	Adelaide	CR 6102/712
s574, HP105100	Hackney Road	Adelaide	Adelaide	CR 6043/262
A200, DP86132	Hackney Road Botanic Road	Adelaide	Adelaide	CR 6074/281

NATURE OF PROPOSED DEVELOPMENT: O-Bahn City Access Project: (a) construction of the O-Bahn Tunnel, Tunnel Ramp and Tunnel Portal - this includes those sections of roadway constructed and operated as a "guided" busway; (b) installation of ancillary buildings and structures - including access and ventilation structures to the O-Bahn Tunnel - service buildings, kerbing and stormwater infrastructure; (c) construction of a shared use (pedestrian / cyclist) bridge over the River Torrens; (d) tree Damaging activities to forty (40) regulated and/or significant trees - this includes the removal and/or pruning of trees (and consideration of potential 'major impacts' to critical root zones from earthworks or post-construction changes to the landform); (e) excavation works associated with the construction of the tunnel, ramps, associated structures and guided busway; (f) expansion and alteration of an existing grade-level carpark associated with the Adelaide Botanic; (g) consideration of impacts to adjacent State and Local Heritage places; and (h) landscaping, street furniture and public realm improvements. The development is to be undertaken in stages.

From: **DEVELOPMENT ASSESSMENT COMMISSION**

In respect of this proposed development you are informed that:

NATURE OF DECISION	CONSENT GRANTED	NO. OF CONDITIONS	CONSENT REFUSED	NOT APPLICABLE
Development Plan Consent	GRANTED	20		
Reserved Matters	STILL REQUIRED	1 (a) - (j)		
Building Rules Consent	STILL REQUIRED			
DEVELOPMENT APPROVAL	STILL REQUIRED			

Any conditions imposed are set out on the attached sheet.

Please note that reserved matters will need to be satisfied prior to the Building Rules consent documentation being considered by a private certifier and/or the Adelaide City Council.

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Notification Form, you must not start any site works or building work or change the use of the land until you have also received notification of a Development Approval.

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**ROBERT KLEEMAN
UNIT MANAGER – MAJOR, CROWN DEVELOPMENT & GRANTS
DEVELOPMENT ASSESSMENT COMMISSION**

Date of Decision: 25 February 2016

Sheets 9

DEVELOPMENT APPLICATION - 020/L073/15

Reserved Matters

1. Pursuant to Section 33(3) of the Development Act 1993, the following matters shall be reserved for further assessment, to the satisfaction of the Development Assessment Commission, prior to the granting of the staged Development Approval as noted in "O-Bahn City Access Project Development Approval Tracking Sheet" for the following elements of the development:

(a) Project Stage 1A

A schedule of tree removals and pruning (tree damaging activities) excluding those associated with the project works within the vicinity of Rundle and Rymill Parks – including detailed methods to further minimise tree impacts within the development footprint.

(b) Project Stage 1B

A schedule of tree removals and pruning (tree damaging activities) including only those associated with the project works within Rundle and Rymill Parks -- including detailed methods to further minimise tree impacts within the development footprint.

(c) Project Stage 2

The geometric alignment of the tunnel within Rundle and Rymill Parks

The structural design elements of the tunnel and tunnel portal within Rundle and Rymill Parks including retaining walls, sheet piles, base, slab and walls.

(d) Project Stage 3

The car parking layout at Botanic Gardens, adjacent to the Goodman Building.

(e) Project Stage 5

The hard and soft landscaping plan within Rundle and Rymill Parks relating to the tunnel construction (excluding any additional works on adjacent Council Roads) that includes:

- i. species schedule
- ii. planting locations (including replacement plantings)
- iii. irrigation systems
- iv. street furniture
- v. pedestrian and cycle paths
- vi. wayfinding
- vii. public lighting.

The landscaping plan must ensure that the final design achieves an effective and complementary integration with its Park Lands setting so as to disguise the final alignment of the tunnel from ground level.

(f) Project Stage 6

The structural design elements of the shared use (River Torrens) bridge design.

(g) Project Stage 10

The architectural layout, footprint and location of the underground Tunnel service building.

(h) Project Stage 11

The urban design elements of the Rymill Park tunnel portal canopy and ramp design including fencing and barrier design associated with the tunnel portal and ramp.

(i) Project Stage 12

The urban design elements of the shared use (River Torrens) bridge design

(j) Project Stage 14

The urban design elements, location and footprint of the above-ground tunnel services building and associated ancillary infrastructure design that are visible to the public at the surface level.

Planning Conditions

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 020/L073/15:

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
- Oxigen – Package A – River Torrens Bridge – dated February 18, 2016
- Oxigen – Package B – Hackney Road Crossing – dated February 18, 2016
- Oxigen – Package D – Hackney Road and Dequetteville Terrace – dated February 18, 2016
- Oxigen – Package F – Tunnel Portal Canopy – Rymill Park – dated February 18, 2016
- Oxigen – Package H – Pedestrian and Cycle Network – Rundle and Rymill Parks – dated February 18, 2016.
- Oxigen – Package G – Tunnel Service Building / Tunnel Cross Sections in Parklands – dated February 18, 2016
- Torrens River Shared Path Bridge - Drawing No 7360 - Sheets 22001-220100 (16) - Rev A dated 27.1.2016
- 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
- Structural Tunnel - Drawing 7359 Sheets 200400-200490 (18) - Rev A dated 3.2.2016
- Tunnel Service Building - Structural Drawings - Sheets 200800-200813 (13) Rev A dated 15.2.2016
- 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
- Bundeys Road/Park Terrace Intersection - Drawing 201401208 SK005 Rev A dated 17.2.16 (Option 1)

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
- Proposed DAC impacts - Regulated and Significant Trees - Appendix K
- O-Bahn City Access & Park Lands Rejuvenation Project - Landscape Architecture and Urban Design Assessment - dated 25 June 2015 - V17
- Treevolution Report - Re-development Impact Assessment - Regulated / Significant Tree Removals - dated 16 September 2015.
- 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
 - Email from Isabelle Gerrard (DPTI) to DAC dated 8 February 2016.
2. The following information shall be submitted for the further assessment and approval by the Development Assessment Commission (in consultation with the Adelaide City Council) prior to the commencement of construction works (but excluding Stages 1A and 1B):
- (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 storm water 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 also 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.

3. All works shall be undertaken in accordance with the Construction and Environmental Management Plan (CEMP).
4. 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.
5. All earthworks shall be restricted to only those which are shown on the approved plans as required for building and/or access purposes.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Prior to providing public access to areas of earthworks involving the movement of contaminated soil, a definitive statement shall be provided from a site contamination consultant that the areas subject to excavation and construction works are suitable for their intended use (i.e. parklands and transport corridor). A copy of this statement shall be provided to the Development Assessment Commission.
13. All canopy and root pruning shall be undertaken by a qualified arborist and in accordance with Australian Standard 4373-2007: Pruning of Amenity Trees.
14. 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.
15. Semi-mature native and/or exotic tree species shall be planted on a minimum of a 2 for 1 basis to compensate for the removal of each regulated tree and a minimum of a 3 for 1 basis for each significant tree. The replacement tree planting shall be indicated on the approved landscaping plan and must occur within 3 months of the operational use of the busway tunnel.
16. The critical root zones of regulated and significant trees to be retained shall be fenced and protected to prevent accidental damage and to ensure material stockpiling or vehicle movements do not impact these trees. Additional protection measures that comply with the Australian Standard for Protection of Trees on Development Sites (AS 4970-2009) must be implemented and complied with at all times.

17. All 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.
18. All carparking and manoeuvring areas shall conform to Australian/New Zealand Standards for off-street carparking; AS/NZS 2890.1:2004 Off-Street carparking and AS/NZ 2890.6: 2009 Off-Street parking for people with disabilities.
19. All bicycle facilities shall be designed in accordance with Australian Standard for bicycle parking facilities AS 2890.3-1993 and the Austroads Guides.

State Heritage Unit

20. 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.

Advisory Notes:

- a. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent or Development Approval.
- b. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow.
- c. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide (Ph: 8204 0300).
- d. The development must be substantially commenced within twelve months of the date of this Notification, unless this period has been extended by the Development Assessment Commission.
- e. The applicant 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 the Commission.
- f. Any request for an extension of time must be lodged with the Assessment Branch, Department of Planning, Transport and Infrastructure, GPO Box 1815 Adelaide SA 5001, prior to the time periods specified.
- g. 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.
- h. 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>

- i. 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).
- j. 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.
- k. In relation to Condition 15, the applicant is advised that Adelaide City Council landscaping requirements place an emphasis on the incorporation of mature tree specimens (up to 5m in height). However for species growth and availability reasons, these requirements should be discussed with the Council.
- l. 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 Kurna Nation Cultural Heritage Association Inc: Chairperson Jeffrey Newchurch, 414 Swift Street, Northfield SA 5085 or email jeffreynewchurch@hotmail.com
- m. 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

- n. 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.
- o. 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.

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ROBERT KLEEMAN
UNIT MANAGER – MAJOR, CROWN DEVELOPMENT & GRANTS
DEVELOPMENT ASSESSMENT COMMISSION
Date of Decision: 25 February 2016