

DEVELOPMENT ACT 1993: SECTION 48

DECISION BY THE GOVERNOR

Preamble

1. On 7 May 2015, the Minister for Planning published in the *South Australian Government Gazette* a declaration under Section 46 of the *Development Act 1993* (the Act) in respect of any development of a kind listed in Schedule 1 of that notice in the parts of the State listed in Schedule 2 of that notice.
2. A development proposed by Q Developments to redevelop the Comfort Haven Inn Marina Motel site at 6-10 Adelphi Terrace. Q Development to construct a new 14 storey 4.5 star hotel, conference facilities, retail, café, residential apartments and penthouses, associated car parking and landscaping, is the subject of a development application lodged in June 2015.
3. In accordance with the declaration referred to in paragraph 1 of this Preamble, the proposed development has been under consideration under Division 2 of Part 4 of the Act. The proposed development has been the subject of a Public Environmental Report and an Assessment Report under Sections 46 and 46 C of the Act, and is hereafter referred to as the "proposed Major Development".
4. I am satisfied that the Development Report and Assessment Report prepared in relation to the proposed Major Development are appropriate and have had regard, when considering the proposed Major Development, to all relevant matters under Section 48(5).
5. I have decided to grant a development authorisation to the proposed Major Development.

Decision

PURSUANT to Section 48 of the *Development Act 1993* and with the advice and consent of the Executive Council, and having due regard to the matters set out in Section 48(5) and all other relevant matters, I:

- (a) grant development authorisation in relation to the proposed Major Development under Section 48(2)(b)(i), subject to the conditions set out below

- (b) specify under Section 48(7)(b)(i) all matters which are the subject of conditions herein as matters in respect of which the conditions of this authorisation may be varied or revoked, or new conditions attached, and
- (c) specify for the purposes of Section 48(11)(b) the period of two years from the date of this development authorisation as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation under Section 48(11).

CONDITIONS OF DEVELOPMENT AUTHORISATION

General

1. The proponent shall carry out the development generally in accordance with the:
 - (a) Development Application, prepared by Q Developments, dated June 2015
 - (b) Development Report, prepared by Q Developments, dated September 2015, and
 - (c) Response Document prepared by Q Developments, dated February 2016.
2. For the purposes of Section 48(11)(b) of the *Development Act 1993*, the proponent shall commence the development by substantial work on the site of the development within two years of the date of this authorisation, failing which the authorisation may be cancelled.
3. The proponent shall have completed the development within five years of the date of this authorisation, failing which the authorisation may be cancelled.
4. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted:

Prior to the Commencement of Construction Works

The following information shall be submitted for further assessment and approval by the Minister for Planning, prior to the commencement of construction works:

1. Building Rules compliance, following assessment and certification by a private certifier, the Holdfast Bay Council or by a person determined by the

Minister for Planning, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Development Regulations 2008). For the purposes of this condition 'building work' does not include plant and equipment or temporary buildings that are not permanently attached to the land (refer to relevant Advisory Notes below).

2. Final detailed plans for all structures on site and for each component of the development (including site plans, floor plans, elevations, cross-sections, rendered perspectives and other relevant specifications), car parking configuration and location of secure bicycle parking for residents and employees.
3. In consultation with the Government Architect, further design details including:
 - detailed layouts for the large single aspect apartment type at the podium level
 - the provision of additional details to demonstrate how the ambition in the visualisations will be achieved
 - provision of access to natural light to the residential corridors in the podium
 - provision of additional details of the façade and balcony, to achieve the linear expression while providing private amenity
 - provision of detailed information to demonstrate the maintenance and access strategies for the landscaping, to ensure the ongoing quality of the podium interface with neighbouring properties, and
 - a final detailed schedule of proposed external material finishes.
4. A detailed Landscaping Plan and schedule for the site including the green wall on the boundary.
5. A dilapidation report (i.e. condition survey) shall be prepared by a qualified structural engineer to ensure the stability and protection of abutting buildings, structures and Council assets. The dilapidation report shall include written and photographic/video footage of the internal and external of the adjoining residences, including 1 Canning Street.
6. Detailed acoustic treatments to be provided at the detailed design stage to meet the noise requirements set out in the Aurecon Development Application Acoustic Report for Q Developments dated 3 August 2015

(Revision:1, Reference: 248366) particularly in relation to noise impacts to neighbouring properties.

7. A Construction Environmental Management and Monitoring Plan (CEMMP), prepared in consultation with the Environment Protection Authority and the City of Holdfast Bay. The CEMMP must incorporate measures to address (but not be limited to) the following matters:
 - a. traffic management for the duration of demolition and construction
 - b. construction and works noise management to ensure compliance with the *Environment Protection (Noise) Policy 2007*
 - c. management of air quality (including odour and dust)
 - d. sequencing of development (including construction timelines for works on site, as well as periods and hours of construction)
 - e. occupational health and safety matters
 - f. stormwater management, prior to implementation of a permanent solution;
 - g. groundwater (including prevention of groundwater contamination)
 - h. site contamination and remediation (where required)
 - i. waste management for all waste streams and overall site clean-up
 - j. use and storage of chemicals, oil, construction-related hazardous substances and other materials that have the potential to contaminate the environment (including proposed emergency responses)
 - k. site security, fencing and safety (including the management of public access and local traffic), and
 - l. air monitoring for car park intake and out-takes.

During Construction Works and Prior to Operation of the Development

8. All works shall be undertaken in accordance with the approved plans, drawings, specifications and other documentation (and approved by the Minister for Planning where required) in accordance with conditions 1-7 listed above.
9. That all external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited

intensity that no nuisance or loss of amenity is caused to any person beyond the site.

10. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian/New Zealand Standard AS/NZS 1158.3.1:19999 “Road Lighting Part 3.1: Pedestrian area (Category P) lighting – Performance and installation design guidelines”. Such lighting shall be maintained at all times to the reasonable satisfaction of the Minister for Planning.
11. That the Stormwater Management recommendations contained within the PT Design Stormwater and Flood Impact Report dated 28 July 2015 for Q Developments shall be incorporated into the detailed design.
12. That 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 or public road.
13. That all vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with the relevant Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked.
14. Bicycle parking facilities shall be designed in accordance with Australian Standard 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles.
15. That all Council, utility or state agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc.) that are demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, Utility or State Agency specifications. All cost associate with these works shall be met by the proponent.
16. All loading and unloading, parking and manoeuvring areas shall be designed and constructed to ensure that all vehicles can safely enter and exit the subject land in a forward direction.
17. That the recommendations from LBW/Environmental Projects regarding the removal and treatment of potential asbestos containing material shall be implemented.
18. That recommendations from LBW/Environmental Projects regarding the disposal of soil shall be implemented.
19. Exhaust from the kitchen must be dispersed in accordance with Australian Standards AS/NZS 1668.1 and AS 1688.2.

20. Waste disposal vehicles and general delivery vehicles shall only service the development between the hours of 7.00am and 7.00pm, Monday to Saturday inclusive, and shall only load or unload within the confines of the subject land.
21. Normal operating hours for construction activities and truck movements to and from the site shall be from 7:00 am to 7:00 pm, Monday to Saturday inclusive.
22. That the green wall plus all landscaping proposed shall be established within 3 months of completion of the project.

During Operation of the Development

23. Operations on the site shall be undertaken in accordance with all plans and details submitted as part of the Major Development Application, and where provided (and endorsed by the Minister for Planning where required) in accordance with conditions 8-22 as listed above.
24. The development/site shall be maintained in a serviceable condition and operated in an orderly manner at all times consistent with conditions of approval.
25. The green wall plus all landscaping shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced to the reasonable satisfaction of the Minister for Planning.

ADVISORY NOTES

1. Pursuant to Development Regulation 64, the applicant is advised that the City of Holdfast Bay or private certifier conducting a Building Rules assessment must-
 - provide to the Minister a certification in the form set out in Schedule 12A of the *Development Regulations 2008* in relation to the building works in question, and
 - to the extent that may be relevant and appropriate -
 - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12
 - (ii) assign a classification of the building under these regulations, and
 - (iii) ensure that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993*.

Regulation 64 of the *Development Regulations 2008* provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning.

2. The City of Holdfast Bay or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this provisional development authorisation (including any Conditions or Advisory Notes that apply in relation to this provisional development authorisation).
3. Should the applicant wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Development Report and Assessment Report referred to in this provisional development authorisation. If an application variation involves substantial changes to the proposal, pursuant to Section 47 of the *Development Act 1993*, the applicant may be required to prepare an amended Development Report for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and a decision made by the Governor pursuant to Section 48 of the *Development Act 1993*.
4. The applicant's CEMMP and other Plans should be prepared taking into consideration (and with explicit reference to) relevant EPA policies and guideline documents, including, but not limited to:
 - a. the *Environment Protection (Air Quality) Policy 1994*
 - b. the *Environment Protection (Noise) Policy 2007*
 - c. the *Environment Protection (Water Quality) Policy 2015*
 - d. the *Environment Protection (National Pollutant Inventory) Policy 2008*
 - e. the Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry (1999)
 - f. handbooks for pollution avoidance, and
 - g. any other legislative requirements, Guidelines and Australian Standards requiring compliance.
5. All works and activities must be undertaken in accordance with the General Environmental Duty as defined in Part 4, section 25(1) of the *Environment Protection Act 1993* (which requires that a person must not undertake any activity, which pollutes, or may pollute; without taking all reasonable and practical measures to prevent or minimise harm to the environment), relevant Environment Protection Policies made under Part 5 of the

Environment Protection Act 1993 and other relevant publications and guidelines.

6. *Landscaping Plan and schedule shall* provide the following:
 - details shall be provided showing street furniture, shading devices and lighting
 - planting details
 - Adelphi Terrace streetscape details
 - location of tanks for water reuse for irrigation purposes, and
 - green wall details and management in relation to 1 Canning Street.
7. Any further proposed addition to the structure, including aials, masts and vent/exhaust stacks, must be subject to a separate assessment by the Commonwealth Department of Infrastructure and Transport. Crane operations associated with construction shall be the subject of a separate application. Adelaide Airport Limited requires 48 days prior notice of any crane operations during the construction.

Given under my hand at Adelaide, 23 June 2016

Hieu Van Le

GOVERNOR