

DECISION NOTIFICATION FORM

Section 126(1) of the *Planning, Development and Infrastructure Act 2016*

TO THE APPLICANT:

Name:	Coorong Quays Pty Ltd
Postal address:	Suite 21, 285A Crown Street, Surry Hills NSW 2010
Email:	patrickm@aspengroup.com.au

IN REGARD TO:

Development application no.: 455/P003/18	Lodged on: 5 April 2023
Nature of proposed development: Variation to a previously approved Major Development – The Marina Hindmarsh Island – Modified masterplan – Stage 10	

LOCATION OF PROPOSED DEVELOPMENT:

Street address: Coorong Quays Marina, Randell Road, Hindmarsh Island			
Lot no.: 174, D72693 & 2041, D124870	Hundred: Nangkita	Volume: 6032 & 6244	Folio: 673 & 751

DECISION:

Decision type	Decision	Decision date	No. of conditions	Entity responsible for decision
Provisional Development authorisation	GRANTED	28 May 2023	44	Minister for Planning
Land division consent	STILL REQUIRED	-	-	Minister for Planning
Development Authorization	STILL REQUIRED			Minister for Planning

FROM THE RELEVANT AUTHORITY: Minister for Planning



HON NICK CHAMPION MP
MINISTER FOR PLANNING

28/5/23

PREAMBLE:

On 12 April 1990 the Governor granted a development authorisation under the Section 51 of the *Planning Act 1982*, in respect of the development of a marina extension, marine precinct and waterfront residential at the south-western end of Hindmarsh Island.

Following various amendments to the development, known as 'The Marina Hindmarsh Island', development authorisation for Stages 2-6 of the development was granted by the Governor on 1 July 1993.

On 21 December 2000 notice of the Governor's decision to grant a development authorisation under Section 48 of the *Development Act 1993*, in respect of an amended design of the proposal was published in the *South Australian Government Gazette* at p 3687. The proposal was the subject of an amended Environmental Impact Statement and an amended Assessment Report, pursuant to Section 47 of the Act.

Simultaneously, the Governor delegated his power to grant a variation to the development authorisation to the Development Assessment Commission (now the State Commission Assessment Panel), pursuant to Section 48(8) of the Act.

Variations to the development authorisation made under the *Development Act 1993* were notified in the Gazette on 10 July 2003 at p 2895, on 28 April 2005 at p 999, on 9 February 2006 at p 470, on 16 August 2007 at p 3330, on 21 February 2008 at p 533 (for changes to the layout/design of the Convention Centre/Hotel and an upgrade/expansion of the WWTP), on 30 October 2008 at p 4947 (for changes to the layout of the Stage 10 Land Division - Gated Community), on 4 February 2016 at p 332 (for changes to the layout/design of the Convention Centre/Hotel and residential land division), on 7 March 2017 at p 811 (for a caravan park site and to relocate the heliport, trailer/boat storage area, boat repair area, marina construction/operations depot and nursery), on 26 July 2018 at p 2908, on 20 December 2018 at p 4305 (for an Aged Care Facility site), on 1 August 2019 at p.2876 (for an additional 27 residential allotments in the Stage 8 land division plan).

Variations to the development authorisation made under the *Planning, Development and Infrastructure Act 2016* were granted for an expansion of the existing retirement village site on 19 December 2021 and for the inclusion of 50 additional residential allotments (various locations on the approved masterplan) on 7 February 2022.

By letter dated 5 April 2023, Coorong Quays Pty Ltd, being the beneficiary of the development authorisation, sought a variation to the authorisation to permit a change to the approved masterplan, specifically Stage 10.

On 28 May 2023, the Minister for Planning, having being satisfied that the Environmental Impact Statement (as previously approved and amended) continued to be appropriate and having had regard, when considering the proposed variation, to all relevant matters under Section 115 of the *Planning, Development and Infrastructure Act 2016*, approved a variation to the approved Masterplan, specifically Stage 10. Two new conditions have adopted, Condition 43 (landscaping plan) and Condition 44 (landowner encumbrance).

For ease of reference, previous conditions attached to the approval and subsequent variations to the establishment of The Marina Hindmarsh Island development authorisation are reprinted hereunder.

RESERVED MATTERS:

NIL

CONDITIONS OF PLANNING CONSENT:

1. Except where minor amendments may be required by other legislation or by conditions imposed herein, the approved development shall be undertaken in strict accordance with the following documents, except as varied by the conditions listed below or to the extent that they are varied by a subsequent document listed below:

Previous Authorisations

- Development application by Binalong Pty Ltd dated March 1990;
- Draft Environmental Impact Statement by Binalong Pty Ltd dated November 1989;
- Supplement to the Draft Environmental Impact Statement by Binalong Pty Ltd dated January 1990;
- Application by Binalong Pty Ltd dated March 1990;
- Letter from QED Pty Ltd, on behalf of Kebaro Pty Ltd, to Planning SA dated 16 June 2000;

- 'Review and Amendment of the Environmental Impact Statement on the Hindmarsh Island Bridge Marina Extensions and Waterfront Development' dated 16 June 2000 ('the amended EIS');
- Letter from The Marina Hindmarsh Island to Planning SA dated 2 October 2000;
- Letter from The Marina Hindmarsh Island to Planning SA dated 1 December 2000;
- Letter from The Marina Hindmarsh Island to Planning SA dated 7 April 2003;
- Letter from The Marina Hindmarsh Island to Planning SA dated 9 April 2003;
- Letter from The Marina Hindmarsh Island to Planning SA dated 8 May 2003;
- Letter from The Marina Hindmarsh Island to Planning SA dated 9 June 2004;
- Letter from The Marina Hindmarsh Island to Planning SA dated 16 August 2004;
- Letter from Lynch Meyer to Planning SA dated 25 November 2004;
- Letter from The Marina Hindmarsh Island to Planning SA dated 9 December 2004;
- Letter from The Marina Hindmarsh Island to Planning SA dated 16 December 2004;
- Letter from The Marina Hindmarsh Island to Planning SA dated 3 January 2005;
- Letter from QED Pty Ltd to Tom Chapman, dated 1 April 2005;
- Letter from The Marina Hindmarsh Island to Planning SA dated 5 April 2005;
- Letter from QED Pty Ltd to Planning SA dated 28 May 2004;
- Letter from The Marina Hindmarsh Island to Planning SA dated 20 December 2005;
- Letter from The Marina Hindmarsh Island to Planning SA dated 9 May 2006;
- Letter from The Marina Hindmarsh Island to Planning SA dated 11 December 2006;
- Letter from The Marina Hindmarsh Island to Planning SA dated 15 December 2006;
- Letter from The Marina Hindmarsh Island to Planning SA dated 3 October 2007;
- Letter (and layout plan of the 'Gated Community' – Stage 10) from The Marina Hindmarsh Island to Planning SA dated 24 July 2008;
- Correspondence from Coorong Quays Pty Ltd to the Department of Planning, Transport and Infrastructure dated 17 April 2018;
- Letter (and attached plan) from Coorong Quays Pty Ltd to the Department of Planning, Transport and Infrastructure dated 13 August 2018;
- Letter (and attached plans) from Coorong Quays Pty Ltd to the Department of Planning, Transport and Infrastructure dated 6 May 2019

Varied Authorisation – Expansion of Retirement Village – November 2021

- Letter (and attached plans) from Coorong Quays Pty Ltd dated 28 June 2021

Varied Authorisation – Expansion of Retirement Village – January 2022

- Letter (and attached plans) from Coorong Quays Pty Ltd dated 29 July 2021

Varied Authorisation – Masterplan: Stage 10 – April 2023

- Letter (and attached plans) from Coorong Quays Pty Ltd dated 5 April 2023

2. No works shall be commenced on a particular stage or component of the proposal unless and until:
 - a) An accredited professional or the Alexandrina Council has certified to the Minister for Planning that any work in the Stage that constitutes building work complies with the Building Rules;
 - b) compaction specifications (certified by a registered engineer) for the areas for any residential allotments, commercial development and carpark in the Stage have been produced to the Minister for Planning; and
 - c) binding arrangements (to the reasonable satisfaction of the Minister for Planning) have been made for the permanent management and maintenance of any public reserves in the Stage.
3. No works shall commence on the Stage 10 land division until a Soil Erosion and Drainage Management Plan for the construction and operational of the stage has been prepared to the reasonable satisfaction of the Minister for Planning in consultation with the Environment Protection Authority. The Soil Erosion and Drainage Management Plan shall include appropriate strategies for the collection, treatment, storage and disposal of stormwater from the Stage 10 land division.
4. A Stormwater Management Plan (SMP) shall be prepared following the requirements of the Environment Protection Authority 'Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry, 1997', the Environment Protection Authority 'Handbook for Pollution Avoidance on Commercial and Residential Building Sites, 2004' and the Planning SA 'Water Sensitive Urban Design Technical Documents, Greater Adelaide Region, 2008'.

5. A Traffic Impact Study shall be undertaken to determine the potential impact of the proposal on surrounding arterial road networks and infrastructure.
6. No works shall be commenced on the Stage 10 land division unless and until:
 - a) an accredited professional or the Alexandrina Council has certified to the Minister for Planning that any work that constitutes building work complies with the Building Rules; and
 - b) compaction specifications (certified by a registered engineer) for the site have been produced to the Minister for Planning.
7. The final design of the Stage 10 land division shall include measures to minimise greenhouse gas emissions and resource use during the construction and operational phases to the reasonable satisfaction of the Minister for Planning. Water Sensitive Urban Design measures and practices shall be adopted for the management of runoff, including stormwater capture and reuse.
8. No works shall be commenced on the Convention Centre and Hotel unless and until:
 - a) an accredited professional or the Alexandrina Council has certified to the Minister for Planning that any work that constitutes building work complies with the Building Rules; and
 - b) compaction specifications (certified by a registered engineer) for the site have been produced to the Minister for Planning.
9. No works shall commence on the Convention Centre and Hotel until a Soil Erosion and Drainage Management Plan for the construction and operational stages has been prepared to the reasonable satisfaction of the Minister for Planning in consultation with the Environment Protection Authority. The Soil Erosion and Drainage Management Plan shall ensure that drainage practices are based on the principles outlined in the Environment Protection Authority 'Stormwater Pollution Prevention Code of Practice for the Building & Construction Industry, 1997' and the 'Stormwater Pollution Prevention Code of Practice for General Industry, Retail and Commercial Premises, 1998' prepared by the Environment Protection Authority and shall include appropriate strategies for the collection, treatment, storage and disposal of stormwater.
10. No works shall commence on the Convention Centre and Hotel until a Traffic Impact Study has been prepared, to the reasonable satisfaction of the Department of Infrastructure and Transport, to determine the potential impact on the surrounding arterial road network and any infrastructure improvements required.
11. No works shall commence on the Convention Centre and Hotel until a Noise Impact Study has been prepared, to the reasonable satisfaction of the Environment Protection Authority, to determine the impact on surrounding residents and suitable mitigation measures.
12. The final design of the Convention Centre and Hotel shall include measures to minimise greenhouse gas emissions and resource use during the construction and operational phases to the reasonable satisfaction of the Minister for Planning.
13. The final design of the Convention Centre and Hotel shall include measures to ensure environmental sustainability, particularly for energy and water conservation, to the reasonable satisfaction of the Minister for Planning. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and re-use.
14. The children's playground shall be relocated to a suitable site to the reasonable satisfaction of the Alexandrina Council.
15. No works shall commence on the Convention Centre and Hotel until a Landscaping Plan has been prepared to the reasonable satisfaction of the Minister for Planning.
16. An application pursuant to the *Real Property Act 1886*, for the deposit of a plan of division shall not be submitted for:
 - a) Stage 3 until at least 50% of Stage 2 allotments have been sold and transferred;
 - b) Stage 6 until at least 50% of Stage 3 allotments have been sold and transferred; and
 - c) Stage 8 until at least 50% of Stage 6 allotments have been sold and transferred.
17. All water supply connections within the development shall satisfy the requirements of the South Australian Water Corporation.
18. Water contained in the marina basin and residential lagoons shall be maintained at not less than the quality of the water of the River Murray adjacent to the site at all times.

19. Edge treatments and the channel and basin depths shall be maintained to the specifications depicted on the plans in the application by Binalong Pty Ltd dated March 1990.
20. Any population of *Wilsonia backhousei* on the site shall be either:
 - a) clearly identified by signposting and protected from damage; or
 - b) transplanted, at the applicant's cost, to another location or locations on Hindmarsh Island specified in writing by the Chief Executive Officer of the Department for Environment and Water.
21. The expanded Waste Water Treatment Plant shall have sufficient capacity to cater for effluent generated by the Convention Centre and Hotel operating at full capacity.
22. The refurbishment of the effluent storage lagoons must be undertaken in accordance with the Environment Protection Authority 'Guideline Wastewater and Evaporation Lagoon Construction, 2004' and have sufficient capacity to ensure that during long periods of rain, when irrigation is not required, all wastewater is able to be adequately stored.
23. Three years after the commissioning date of the upgraded/ expanded Waste Water Treatment Plant an odour assessment shall be undertaken, to the reasonable satisfaction of the Environment Protection Authority, using an appropriate odour source modelling package and in accordance with the Environment Protection Authority 'Guideline Odour Assessment Using Odour Source Modelling'.
24. Three years after the commissioning date of the upgraded/ expanded Waste Water Treatment Plant a noise survey shall be undertaken, to the reasonable satisfaction of the Environment Protection Authority, to ensure that the requirements of the Environment Protection Authority 'Environment Protection (Noise) Policy, 2007' are being met.
25. The woodlot depicted on the drawing entitled 'Figure 3: Proposed Amended Staging Plan (General Layout)' in the amended Assessment Report dated November 2000 and the drawing entitled 'Figure 12: Design guidelines for woodlot' in the draft Environmental Impact Statement by Binalong Pty Ltd dated January 1990 shall be established in the first growing season occurring after wastewater levels are sufficient, in the opinion of the Minister for Planning, to enable adequate irrigation of plantings. Sufficient land shall be made available for future expansion of the woodlot in order to cater for any increase in capacity of the Waste Water Treatment Plant.
26. Public access shall be provided from the entrance road to the reserve depicted as allotment 909 on Land Division Application plans, Job No. 88A7091, Sheets 20 and 21 dated 29 July 1988.
27. Public access shall be provided to the marina basin.
28. Public access shall be provided to Council owned or managed reserves along the Island foreshore.
29. A Waste Management Plan to cater for the existing marina facilities and the boating hub area that incorporates the findings of the Marine Wastes Reception Facilities Needs Analysis—Site Needs Analysis for the Marina Hindmarsh Island (2000) prepared by Sinclair Knight Merz for the Marine Group of Environment Australia (Commonwealth Government) shall be prepared and submitted to Planning SA (a branch of the Department for Transport, Urban Planning and the Arts) by 30 June 2001. The waste management plan shall detail the different waste streams generated, outline any opportunities for recycling, and allocate responsibilities for the collection and disposal of waste and recyclable materials. The Waste Management Plan shall be prepared in consultation with the Environment Protection Agency (a branch of the Department for Environment and Heritage) and the Alexandrina Council.
30. A salinity monitoring program for the marina basin and residential lagoons shall be prepared and submitted to Planning SA (a branch of the Department for Transport, Urban Planning and the Arts) by 30 June 2001.
31. All work shall be undertaken in accordance with a:
 - a) Soil Erosion and Drainage Management Plan;
 - b) Waste Management Plan; and
 - c) Salinity monitoring program.
32. In lieu of exchanging reserve land, a hard court area shall be provided in the vicinity of the proposed carpark for the purpose of tennis and basketball activities. This shall be constructed and maintained by Kebaro Pty Ltd or an alternative body that Kebaro Pty Ltd chooses, other than Council.
33. Differential pavement texture and colour shall be installed at three locations immediately east, north and west of the T-Junction of Vesta Drive, to emphasise the pedestrian crossing between the:

- a) Yacht Club and the carpark;
 - b) car park and the Active Aged Development; and
 - c) Active Aged Development and eastern end of the Yacht Club.
34. Suitable bunding shall be installed to ensure that any storm-water run-off from development in the Country Living Estate, is captured within the bounds of the development site. The bund shall be established prior to any construction activity.
 35. Native vegetation shall be established in order to provide a buffer area between the Country Living Estate and the samphire community. The vegetation shall be established within three months of the installation of the stormwater bund.
 36. A monitoring program shall be established to ensure that there is no weed spread from properties in the Country Living Estate to the samphire community. The program shall be commenced following the construction of dwellings.
 37. In relation to the amended land division components, that the financial, easement and internal drain requirements for water and sewerage services of the SA Water Corporation, if any, shall be met.
 38. That two copies of a certified survey plan shall be lodged for certificate purposes, for each of the land divisions.
 39. For the purposes of section 48(7) of the Development Act 1993, I specify water quality, stormwater management and waste management to be matters in relation to which the Governor may vary, revoke or attach new conditions.
 40. All works associated with the construction of the road intersection of Randell Road and Excelsior Parade and the completion of construction of Blanche Parade shall be designed, constructed and maintained to the reasonable satisfaction of the Alexandrina Council. All costs of these works shall be met by the proponent.
 41. A Landscaping Plan for the Randell Road frontage of the site (between Tolarno Drive to Excelsior Parade), prepared in consultation with the Alexandrina Council and the Country Fire Service, shall be provided to the reasonable satisfaction of the Attorney-General's Department, Planning and Land Use Services within six months from the date of this approval.
 42. The final Landscaping Plan shall then be implemented within six months of the plan of division for allotments along Maranoa Place (Stage 7E) being approved. Any dying or diseased plants shall then be replaced until such time as the landscaping has been fully established (i.e. 5 years).
 43. Pursuant to s.138 of the *Planning, Development and Infrastructure Act 2016*, and prior to the land division certificate being issued for Stage 10, a Landscape Concept Plan shall be prepared to the reasonable satisfaction of the Minister for Planning. The plan must be prepared indicating the conservation approach and species types for the riverbank buffer area. The approved landscaping plan must be fully implemented within two years of the first title created for Stage 10.
 44. Pursuant to s.138 of the *Planning, Development and Infrastructure Act 2016*, and prior to the land division certificate being issued for Stage 10, the proposed landowner encumbrance for reserve/riverbank fronted allotments (i.e., 5m setback for new structure and buildings, perimeter fencing etc) shall be prepared to the reasonable satisfaction of the Minister for Planning. The approved details shall then form part of the encumbrance document (as they relate to all reserve/riverbank fronted allotments for Stage 10) prior to the transfer of these allotments to third-parties.

CONDITIONS OF BUILDING CONSENT:

To be determined.

ADVISORY NOTES:

1. Although the general concept of each of the following elements (as amended) is considered acceptable, no development approval is hereby granted for:
 - a) Various buildings and structures within the marina precinct that have not been constructed.
 - b) Aged Care Facility.
 - c) Hotel and Convention Centre.
 - d) Stage 10 land division.
 - e) Caravan Park.
 - f) Heliport.

- g) ~~Yacht Club.~~
- h) Retirement Village expansion land division.
- i) Stage 4B (Vesta Drive) and Stage 7E (Maranoa Place) residential land divisions.

These elements will require the approval of a variation of the development hereby approved. Detailed plans and, except in relation to the land division, elevations of each of these elements will be required for assessment.

2. A common building scheme encumbrance or equivalent device for development on residential allotments with similar terms to the current Memorandum of Encumbrance between Coorong Quays Pty Ltd and purchasers of allotments should be made with purchasers for each further stage to ensure compliance with consistent design standards.
3. Compliance is still required with all other relevant legislation, including the *Environment Protection Act 1993* and the *Aboriginal Heritage Act 1988*.
4. Pursuant to Part 7, Division 3 of the *Planning, Development and Infrastructure Act 2016*, the proponent is advised that an accredited professional conducting a Building Rules assessment must:
 - (a) provide to the Minister for Planning certification in the form set out in the regulations in relation to the building works in question; and
 - (b) to the extent that may be relevant and appropriate:
 - i. ensure compliance with Schedules 16 and 17 of the *Planning, Development and Infrastructure (General) Regulations 2017*, and Ministerial Building Standards (i.e MBS002 and MBS003).
 - 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*.

Section 118 of the *Planning, Development and Infrastructure Act 2016* provides further information in relation to Building Rules certification documentation for development.

5. An accredited professional undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this development authorisation (including any Conditions or Advisory Notes that apply in relation to this development authorisation).
6. In relation to Condition 43, the Alexandrina Council, the Hills and Fleurieu Landscape Board, local environment groups or an environmental consultant may be able to assist with the selection of appropriate species and the sourcing of seedlings and juvenile plants grown from seeds collected from the local area (i.e. Hindmarsh Island/Goolwa/upper Coorong). For further guidance visit: <https://www.landscape.sa.gov.au/hf/our-priorities/land/landholder-services/reveg-planning-for-success>

CONTACT DETAILS OF CONSENT AUTHORITIES:

Name: Minister for Planning	Type of consent: Provisional Development Authorisation
Postal Address: DIT-PLUS, GPO 1815, ADELAIDE SA 5001	
Telephone: 1800 752 664	Email: spcapplications@sa.gov.au