



STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 163rd Meeting of the
State Commission Assessment Panel
held on Wednesday 9th August 2023 commencing at 9.30am
Level 9, 83 Pirie Street Adelaide / Microsoft Teams video conferencing

1. OPENING

1.1. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member acknowledged the traditional custodians of the land on which the State Commission Assessment Panel meets, and paid respect to Elders past, present and emerging.

1.2. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert Paul Leadbeter David Altmann Jenny Newman Don Donaldson
Secretary	Jaclyn Symons, Governance Officer
DTI Staff	Troy Fountain Margaret Smith Brett Miller (2.2.2) Nathan Grantham (2.2.1) Gabrielle McMahon (3.2.1) Mollie O'Connor (2.2.1) Eric Alessi (2.2.2) Greg Ahrens (3.2.1) Ben Williams (3.2.1) Myles Graham

1.3. APOLOGIES

Nil

2. SCAP APPLICATIONS

2.1. DEFERRED APPLICATIONS

2.2. NEW APPLICATIONS

2.2.1 Kite Projects C/- URPS

23002065

Lot 118 Ocean Steamers Road, Port Adelaide

56 detached dwellings in a terrace arrangement, up to 3 levels in height.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicant

- Theresa James (URPS)
- Enzo Caroscio (Enzo Caroscio Architecture and Design Pty Ltd)
- Ben Colmer (Kite Projects)

Agencies

- Ellen Liebelt (ODASA)
- Jodi Davy (SA Housing Authority)

Council

- Russell Fink (City of Port Adelaide Enfield)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 23002065, by Kite Projects and URPS is granted Planning Consent, subject to the following conditions and reserved matters:

RESERVED MATTERS

Planning Consent

Pursuant to section 102(3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval Development Approval:

Physical Samples Board

1. A final detailed schedule of external materials and finishes that are appropriate for the marine environment and a physical samples board prepared in consultation with the Government Architect, to the satisfaction of the State Planning Commission.

Detailed Engineering Siteworks and Drainage Plan

2. A detailed engineering siteworks and drainage plan with the finished floor levels, garage and carport set downs, promenade level interfacing, and stormwater management requirements for each dwelling prepared by a suitably qualified engineer in consultation with the City of Port Adelaide Enfield and submitted to the satisfaction of the State Planning Commission.

CONDITIONS

Planning Consent

Condition 1

The development authorisation granted herein shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

Condition 2

The planting and landscaping identified on the Landscape Report submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the dwellings. Such planting and landscaping shall be maintained thereafter and any plants which become diseased or die must be replaced within the next available growing season with suitable species, to the satisfaction of the Commission.

Conditions imposed by Coast Protection Board under Section 122 of the Act

Condition 3

Residential and commercial building development shall be set back a minimum of 8 metres from the Port River water's edge, via an open and accessible promenade with a minimum width of 8 metres.

Condition 4

All mechanical and electrical equipment which may be vulnerable to water inundation should be raised to a minimum height of 3.45 metres AHD or otherwise be made safe from water ingress.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

Condition 5

Remediation works must be undertaken in accordance with the '*Agon Environmental, 2022, Preliminary Remediation Plan, Port Approach South, Port Adelaide, SA, reference JC0758_PRP-03, dated 22 April 2022*' and must be overseen by a suitably qualified and experienced site contamination consultant.

Condition 6

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

If a certificate of occupancy is not required pursuant to regulation 103 of the *Planning, Development and Infrastructure (General) Regulations 2017*, a person must not occupy the building for the purpose authorised under the development approval until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition 7

For the purposes of the above condition and regulation 3(6) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the statement of site suitability must be issued by a site contamination auditor informed by a completed site contamination audit report prepared in accordance with Part 10A of the *Environment Protection Act 1993*.

ADVISORY NOTES

Planning Consent

Advisory Note 1

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the State Planning Commission).

Advisory Note 2

The approved development must be substantially commenced within 24 months of the date of Development Approval and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 3

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent or Development Approval. 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. The applicant is asked to contact the ERD Court if wishing to appeal. The ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 4

The granting of this consent does not remove the need for the Applicant to obtain all other consents that may be required by other statutes or regulations. The Applicant is also reminded that unless specifically stated, conditions from previous relevant development approvals remain active.

The consent does not override the authority of any encumbrance or easement that might be present on the land. The applicant is reminded that approval must be obtained from any encumbrancer prior to any works commencing on the land.

Advisory Note 5

Where an application proposes development within close proximity to an allotment boundary, the Applicant must ensure that the development is undertaken entirely on the subject land and that no part of the structure approved, including the guttering, encroaches any property boundary. To ensure that the proposed development is constructed within the allotment and at the approved set back, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

Advisory Note 6

Any works affecting the City of Port Adelaide Enfield (Council) owned land, either temporarily or permanently, requires arrangements to be made with Council's City Assets Department prior to any works been undertaken. This includes (but not limited to):

- Stormwater Connections;
- Driveways;
- Scaffolding on Footpaths;
- Outdoor Dining.

Further Information can be obtained online at

<https://www.cityofpae.sa.gov.au/development/development-services/permits> or the City Assets Department on telephone 8405 6600.

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act

Advisory Note 7

Coastal Acid Sulfate Soils (CASS) have the potential to cause major habitat loss and degradation due to the release of acid and heavy metal ions into the environment. There is also a threat to development after construction due to deterioration and corrosion due to the disturbance of CASS. The land over which the development is situated may have the potential to develop acid sulfate conditions if exposed to oxygen. Spoil material should be closely monitored and tested for potential CASS and a contingency plan to remediate this action should be put in place, via an appropriate soil expert. The Coast Protection Board has released a set of guidelines which should be followed in areas where acid sulfate soils are likely to occur. These can be found at: https://www.environment.sa.gov.au/our-places/coasts/Coastal_hazards/Coastal_acid_sulfate_soils

Advisory Note 8

The waters within the Port Adelaide River fall within the area covered by the Adelaide Dolphin Sanctuary Act 2005. The purpose of this Act is to protect the dolphin population and their natural habitat, including the protection of the dolphin population from direct physical harm including changes in water quality. Contractors should be made aware of the Adelaide Dolphin Sanctuary Act and that there is a general duty of care to protect the dolphin population from physical harm. There is a risk of surface stormwater runoff carrying contaminated soil materials and impacting upon the marine environment, particularly during construction.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

Advisory Note 9

The applicant/owner/operator are 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 activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

2.2.2 Equis Energy (Australia) Projects

23012654

873 Koolunga Road, Koolunga

Battery Energy Storage System (BESS) with a capacity of up to 200MW and discharge capacity up to 800MWh, underground transmission cable connecting to the existing Brinkworth Substation.

The Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicant

- Patrick Coombes (URPS)
- Simon Channon (URPS)
- Elizabeth Zorondo (Equis)

Representors

- Wayne Weckert
- Michelle Weckert

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 23012654, by Equis Energy (Australia) Projects is granted Planning Consent subject to the following reserved matters and conditions:

RESERVED MATTER

Pursuant to section 102(3) of the *Planning, Development and Infrastructure Act 2016*, the following matters shall be reserved for further assessment prior to the granting of Development Approval.

- A revised landscape plan shall be submitted with the site layout of the Battery Energy Storage System consistent with the approved plans.
- Details of any proposed external lighting and operational measures.

CONDITIONS

Planning Consent

Condition 1

The development authorisation granted herein shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

Condition 2

Appropriate management shall be undertaken across this site to reduce the spread of weeds and the ongoing threat of weed establishment.

Condition 3

All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3:2018 (Part 3) to ensure that stormwater does not adversely affect any building, adjoining property or public road. A final detailed Stormwater Management Plan shall be submitted in consultation with the Port Pirie Regional Council to the satisfaction of the State Planning Commission.

The details of the plan shall be incorporated within the Building Rules Consent documentation and be implemented prior to occupation or use of the development.

Condition 4

Reldep Road is to be upgraded to a compacted rubble sheet meeting the Category 4 standard outlined in the Port Pirie Regional Council Unsealed Road Construction and Maintenance Manual. The proposed surface treatment should cover the segment of road from the intersection with Koolunga Road to 10 metres beyond the access point to the development site on Reldep Road.

Condition 5

An Operational Emergency Management Plan (EMP) including relevant fire and bushfire management measures shall be prepared. The EMP shall be submitted to the State Planning Commission prior to the commencement of commercial operations.

Operation of the development must be in accordance with the approved EMP, which is to incorporate the recommendations contained within the submitted Bushfire Potential Report.

Condition 6

Upon decommissioning of the facility, the development site shall be made good for primary production use.

Condition 7

The external materials and finishes to the battery containers, inverters and control room shall have low reflectivity and neutral colours consistent with the surrounding rural environment.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

Condition 8

Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.

ADVISORY NOTES

Planning Consent

Advisory Note 1

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the State Planning Commission).

Advisory Note 2

The approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 3

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent or Development Approval. 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. The applicant is asked to contact the ERD Court if wishing to appeal. The ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 4

A Construction Environmental Management Plan (CEMP) shall be prepared in consultation with the local council for approval by the State Planning Commission. The plan shall incorporate the recommendations contained within the submitted Cultural Heritage Assessment Report.

Construction of the development must be in accordance with the approved CEMP, which as a minimum shall include specific management measures or plans for the following aspects:

- a. Noise and vibration
- b. Air quality and dust
- c. Erosion and stormwater management
- d. Waste management
- e. Storage and handling of hazardous substances
- f. Water quality
- g. Contamination
- h. Public safety
- i. Emergency response planning
- j. Complaints handling and management

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act

Advisory Note 5

The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3120/373.

2.3. RESERVED MATTERS

3. CROWN DEVELOPMENTS (ADVISORY ITEMS)

3.1. DEFERRED APPLICATIONS

3.2. NEW APPLICATIONS

3.2.1 **Renewal SA C/- URPS**

292/V050/23

533-563 Womma Road & 570 Heaslip Road, Penfield

Construction of an aircraft maintenance facility including associated ancillary office, warehouse, workshops, carparking, fire water/waste tanks, storage buildings, fencing, aircraft pavement apron and tow-way connected to airside at RAAF Base Edinburgh and tree damaging works including the removal of 14 significant trees and 27 regulated trees.

Rebecca Thomas declared a conflict of interest due to knowing one of the representors and was not present for this agenda item.

The Deputy Presiding Member welcomed all in attendance to the State Commission Assessment Panel hearing:

Applicant

- Marcus Rolfe (URPS)
- Chelsey Watson (Renewal SA)
- Wayne Londema (Renewal SA)
- Todd Perry (Renewal SA)
- Karl Sampson (Renewal SA)
- Air Commodore Ken Millar (Department of Defence)
- Gilliam Quigley (Department of Defence)
- Carl Jungfer (Vipac)
- Nello Rebuli (KBR)
- Thomas Wilson (CIRQA)

Representations

- Laura Pieraccini
- Elizabeth Rushbrook
- Joanna Wells

Agencies

- Ian Yorke (EPA)
- Yee-May Chang (DIT)

Council

- Matt Dineen (City of Playford)

The State Commission Assessment Panel discussed the application.

RESOLVED

- 1) That the State Commission Assessment Panel provide its recommendation in confidence (published in the SCAP Confidential Minutes – 9 August 2023) to the Minister for Planning.

Note: A Decision Notification Form will be forwarded to all representors once the Minister has made a decision on the application.

4. MAJOR DEVELOPMENTS – VARIATIONS

5. REPORTING

6. COURT COMPROMISE

7. BRIEFINGS

8. PROCEDURAL MATTERS

9. OTHER BUSINESS

10. NEXT MEETING

- 10.1. Wednesday 23 August 2023 at Level 9, 83 Pirie Street, Adelaide SA 5000/ Via Microsoft Teams video conferencing.

11. REVIEW OF SCAP INSTRUCTIONS TO STAFF AND UPCOMING AGENDA ITEMS

12. CONFIRMATION OF THE MINUTES OF THE MEETING

13. MEETING CLOSE

- 13.1. The Presiding Member thanked all in attendance and closed the meeting at 1.53pm.

Confirmed 9/08/2023



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Rebecca Thomas
PRESIDING MEMBER



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Rebecca Rutschack
DEPUTY PRESIDING MEMBER (for item 3.2.1 only)