



# STATE COMMISSION ASSESSMENT PANEL

A COMMITTEE OF THE STATE PLANNING COMMISSION

## Minutes of the 66<sup>th</sup> Meeting of the State Commission Assessment Panel held on Day 24 October 2019 commencing at 9.30am ODASA, 28 Leigh St, Adelaide

### 1. OPENING

#### 1.1. PRESENT

Presiding Member	Simone Fogarty
Members	Dennis Mutton (Deputy Presiding Member) Chris Branford Peter Dungey Sally Roberts
Secretary	Jessie Surace
DPTI Staff	Simon Neldner (Agenda Item 2.1.1) Janaki Benson (Agenda Item 2.2.1) Will Gormly (Agenda Item 2.2.1) Jason Cattonar (Agenda Item 2.2.1) Tom Gregory (Consultant on behalf of DPTI) (Agenda Item 2.1.1)

#### 1.2. APOLOGIES

Mark Adcock

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### 2. SCAP APPLICATIONS

#### 2.1. DEFERRED APPLICATIONS – Nil

##### 2.1.1 RES Australia Pty Ltd C/- MasterPlan 422/E003/17

**Numerous land parcels located north-east of Kapunda (approximately 90 km north-east of Adelaide). Site entrance located on Mosey Road, St Kitts**

The Regional Council of Goyder

Proposal: Construction of a windfarm and energy storage facility comprising 51 wind turbine generators (183 MW) and battery energy storage facility (50 MW) with associated infrastructure.

Sally Roberts departed the meeting as she was not a member of the original panel for this item.

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

Applicants

- Julie Jansen, MasterPlan - Presented
- Tim Power, White & Case - Presented
- Daniel Leahy, RES

Agency

- John Nairn, Bureau of Meteorology

Members of the Public

- Tony Schwerdt
- Dudley Klemm
- Kym Mosey
- Tenille Bilecki
- Ron Bellchambers
- Rueben Noack
- Mary Morris
- Luke Holmes
- J. Reynolds
- R. Siwiec

The State Commission Assessment Panel discussed the application.

Previous representors tabled further written submissions including additional information provided by Mr Klemm. Copies of the submissions were provided to the applicant.

The applicant then confirmed that the Dutton Farm ALA is the correct identifier for Mr Klemm's airstrip and the subject of their aviation assessment.

**RESOLVED**

1. That the proposed development is NOT seriously at variance with the policies in the respective Goyder, Mid Murray and Light Regional Council Development Plans.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control for the development of a windfarm and ancillary infrastructure within the Primary Production Zone and Rural Zones in the respective Goyder, Mid Murray and Light Regional Council Development Plans.
3. To grant Development Plan Consent to the proposal by RES Australia Pty Ltd for the construction of a windfarm, battery storage facility, transmission line and associated infrastructure and civil works on numerous land parcels located approximately 90km north east of Adelaide and 11 km north east of Kapunda – (Mid North), subject to the following reserved matters, conditions of consent and advisory notes.

**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 State Commission Assessment Panel (SCAP), prior to the granting of Development Approval:
  - a. the final design, specification and layout of all structures, including WTG specification, monitoring masts, overhead transmission lines and ancillary infrastructure;

- b. the final design, specification and layout of any substation / transformer and/or control compound(s) and battery energy storage facility;
- c. the final design of all other buildings, infrastructure, fencing, and proposed access points.

*Reason: to enable the finalisation of the layout and design of the project.*

#### **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 general accordance with the stamped plans and approved documentation submitted in Development Application No 422/E003/17.

*Reason: to ensure the development is undertaken in accordance with its approved plans and specifications.*

#### **PRE-CONSTRUCTION PLANS**

2. A Traffic Management Plan (TMP), prepared in consultation with the Department of Planning, Transport and Infrastructure (DPTI) and the involved Councils, shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel (SCAP) prior to the commencement of construction\*\*. As part of the TMP, the applicant shall engage an accredited Road Safety Auditor to undertake a safety audit of the route to be used by vehicles servicing the development. The TMP shall address matters including, but not limited to, the following:
  - Definition of routes, roads and access points to be used for vehicles during construction and for on-going maintenance purposes.
  - The types and number of vehicles servicing the development, including the construction traffic peaks.
  - A route risk assessment for roads (including junctions/intersections) and identification of upgrade of roads and junctions/intersections required to safely accommodate all vehicles servicing the development.
  - A management schedule for the construction stage of the development to minimise impact on road users.
  - A maintenance program for roads utilised by the vehicles servicing the development.
  - An agreement with the Commissioner of Highways and/or the respective local road authorities that all necessary road upgrading as a result of project impacts (including drainage and water run-off measures), junction/intersection treatments and on-going maintenance costs are to be borne by the applicant.

All necessary road works on the arterial road network shall be designed and constructed to Austroads Guidelines and Australian Standards and to DPTI's satisfaction, with all associated costs to be borne by the applicant. The applicant shall contact DPTI on (08) 8648 5234 to discuss these requirements.

*Reason: to manage traffic impacts to the local and arterial road network.*

3. A detailed Telecommunications Monitoring Strategy shall be submitted for approval by the State Commission Assessment Panel, prior to the commencement of site works. The strategy shall address measures to detect and rectify any impacts on existing telecommunications services resulting from the installation of wind turbines. The strategy shall include a complaints management procedure. Monitoring of the level and quality of local telecommunications services shall be undertaken for a period of no less than 12 months from the commencement of operation of wind turbines and be compared with the baseline levels of existing services. The monitoring shall be undertaken by a suitably qualified independent consultant. Measures to maintain, rectify or restore pre-construction

telecommunications services shall be implemented in consultation with affected receivers, with all costs met by the applicant.

*Reason for condition: to mitigate any impacts on telecommunications.*

4. A Construction Environmental Management Plan (CEMP) prepared in consultation with relevant State Government Agencies and local Councils shall be provided to the reasonable satisfaction of the State Commission Assessment Panel prior to the commencement of construction\*\*.

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

- Noise and vibration.
- Air quality and dust.
- Native flora and fauna.
- Aboriginal heritage.
- Weeds, pathogens and pests.
- Traffic and access.
- Erosion and stormwater management.
- Site rehabilitation (post construction).
- Waste management.
- Storage and handling of hazardous substances.
- Water quality.
- Fire risk.
- Contamination.
- Public safety.
- Emergency response planning.
- Complaints handling & management.

The CEMP shall include the following sub-plans:

- Construction Noise and Vibration Management Plan
- Construction Soil Erosion and Drainage Management Plan (SEDMP)
- Dust Management Plan
- Rehabilitation Management Plan (post construction)
- Waste and Recycling Management Plan
- Pygmy Blue-tongue Lizard Management Plan.
- Southern Hairy-nose Wombat Management Plan

*Reason for condition: to manage construction impacts during site works and building work*

5. A Fire and Emergency Management Plan (incorporating a Life and Fire Safety Systems Design), prepared in consultation with the SA Country Fire Service and SafeWork SA, shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel, prior to the commencement of construction\*\*.

Construction and operation of the development must be in accordance with the approved Plan and include specific management measures or plans for at least the following aspects:

- Emergency response procedures
- Emergency vehicle access
- Fire-fighting equipment and water supply
- Vegetation management
- Training for employees, contractors and local CFS volunteers

*Reason for condition: to ensure appropriate safety requirements and hazard reduction practices are adopted during the construction and operational phases of the development.*

6. A detailed Landscaping and Revegetation Plan, in consultation with the relevant council, shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel, prior to the commencement of construction\*\*.

The plan shall address landscaping around all permanent buildings associated with the development (excepting wind turbines) and battery energy storage facility to mitigate visual impacts. The plan shall identify species to be planted, planting density, watering methods, fencing and other features of the landscaping scheme to demonstrate viability of all plantings.

*Reason for condition: to ensure landscape screening measures are implemented to mitigate the visual impact of the development from adjoining land.*

7. All necessary upgrades to the local and arterial road network to facilitate site access (including but not limited to realignment and sealing) shall be completed prior to the commencement of construction \*\*.

*Reason for condition: to require the proponent to complete any access and road requirements prior to the commencement of site works.*

#### **POST-CONSTRUCTION PLANS**

8. An Operational Environmental Management Plan (OEMP) prepared in consultation with relevant State Government Agencies and local Council shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel (in consultation with the local Council) prior to the commencement of commercial operations\*\*\*.

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

- Noise and vibration
- Air quality and dust
- Native flora and fauna
- Revegetated areas
- Aboriginal heritage.
- Weeds, pathogens and pests
- Traffic and access
- Erosion and stormwater management
- Site rehabilitation (post construction)
- Waste management
- Storage and handling of hazardous substances
- Water quality
- Contamination
- Public safety
- Complaints management

*Reason for condition: to manage operational impacts during the life of the development.*

9. A Draft Decommissioning and Rehabilitation Plan for the entire site that outlines end-of-project decommissioning works (describing the extent of reinstatement and restoration activities upon the removal of the renewable energy infrastructure and associated facilities) shall be submitted to the reasonable satisfaction of the State Commission Assessment Panel prior to the commencement of commercial operations\*\*\*.

*Reason: to ensure decommissioning and rehabilitation requirements are appropriately considered prior to the operation of the development.*

10. A Final Decommissioning and Rehabilitation Plan (based on recognised best practices at the time prior to decommissioning), shall be submitted for approval by the State Commission Assessment Panel six (6) months prior to decommissioning of the development.

*Reason for condition: to ensure decommissioning and rehabilitation requirements are confirmed prior to the decommissioning of the development.*

#### **GENERAL CONDITIONS**

11. Following the completion of construction works on-site, tracks and disturbed areas (excluding those used for ongoing access and maintenance) must be rehabilitated and bare areas revegetated as soon as possible, taking advantage of natural rainfall, which is mostly between May and September. If bare areas are still present at the end of spring, they must be temporarily protected and stabilised by geotextile matting or other suitable methods, until they can be effectively revegetated.

*Reason for condition: to ensure that construction zones are rehabilitated.*

12. All state-agency, council or utility-maintained infrastructure (i.e. roads, kerbs, drains, crossovers, cabling, pipe work etc) that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to state agency or utility specifications. All costs associated with these works shall be met by the developer.

*Reason: to ensure that any damage to existing infrastructure during construction is repaired to an accepted standard at the developers cost.*

13. All electrical and transmission cabling to and from each wind turbine to the on-site substation herein approved shall be placed underground.

*Reason for condition: to minimise the visual impact of ancillary infrastructure.*

14. All meteorological masts shall be suitably marked with appropriate aviation orange / white stripes, and if guy-wired, equipped with high-visibility cable balls on the outer guy wires. In addition, such towers must be equipped with 16-foot-high-visibility sleeves, one for each anchor mechanism and each outer guy wire. Each marking mechanism shall be maintained to ensure their visibility and attachments to the wires are maintained.

*Reason for condition: to ensure that monitoring structures maintain a high level of visibility to minimise the risk to aerial agriculture and firefighting aircraft.*

15. No wind turbine constructed on the subject land shall exceed a maximum height (from ground level to tip height) of 180 metres, with the maximum number of installed turbines being fifty-one (51).

*Reason for condition: to ensure that wind turbine structures do not exceed their design envelope.*

16. That clearance of or damage to native vegetation on the site or adjacent public roads for access during construction shall be minimised.

*Reason for condition: to minimise the impact to roadside vegetation when access points are created or modified such that offset plantings can be reduced.*

17. All permanent external lighting on the site shall be designed and constructed to conform to Australian Standard (AS 4282-1997).

*Reason for condition: to ensure the potential for light overspill is contained to the development site and the amenity of adjoining residents is not compromised.*

18. All stormwater design and construction shall be in accordance with *Australian Standard AS/NZS 3500.3:2015 (Part 3)* to ensure that stormwater does not adversely affect any adjoining property or public road.

*Reason for condition: to ensure that stormwater and overland flows are managed.*

19. No additional signs shall be displayed upon the subject land other than those identifying the parking area access points and those shown on the approved plans. If any further signs are required, these shall be the subject of a separate application.

*Reason for condition: to limit signage displays to that required for access and parking purposes.*

20. Operations, maintenance and control buildings shall have exterior finishes in non-reflective, neutral colours that complement the surrounding rural landscape.

*Reason for condition: to ensure the finish of new buildings have natural hues and tones.*

21. That the landscaping shown on the plans forming part of the application shall be established within six months of the operational commencement of each stage of the development and shall be maintained and nurtured with any diseased or dying plants being replaced to the satisfaction of the State Commission Assessment Panel.

*Reason for condition: to ensure that screen plantings are maintained and replaced where necessary over the life of the project.*

22. All main access points and roadways, storage and laydown areas, carparks, temporary site compounds, shall be formed with a compacted, all-weather rubble base to minimise dust generation.

*Reason for condition: to minimise the potential for dust impacts and loss of local air quality.*

23. Any road and/or junction upgrades required to facilitate safe access to the site shall be consistent with all relevant Austroads Guides, Australian Standards and DPTI/Council requirements. All associated costs shall be borne by the applicant.

*Reason for condition: to ensure road upgrades are in accordance with recognized standards.*

24. All power lines over arterial roads shall provide a minimum vertical clearance of 7.5 metres.

*Reason for condition: to ensure that overhead lines do not create a traffic hazard for vehicles.*

25. The transmission/tower poles shall be located on private property where possible.

*Reason for condition: to limit infrastructure within road reserves and reduce accident risk.*

26. Heavy vehicle manoeuvring and parking areas shall be designed in accordance with AS 2890.2-2002.

*Reason for condition: to ensure sufficient areas are provided for the manoeuvring of trucks.*

#### **EPA CONDITIONS**

27. Noise levels at the noise sensitive receivers in the vicinity of the Wind Farm development must meet the requirements of the Environment Protection Authority's Wind Farms Environmental Noise Guidelines (2009). The noise levels at the relevant receivers must not exceed the greater of:

- i. 35dB(A) if receivers are situated in the Rural Living zone, or

- ii. 40dB(A) if receivers are situated in a Primary Production/Rural or zones other than Rural Living, or
- iii. the background noise (LA90,10) by more than 5dB(A) when assessed against the provisions of the EPA's Wind Farms Environmental Noise Guidelines (2009).

Note: A relevant receiver is defined as an occupied dwelling where the owners do not have an agreement with the wind farm developer. The above measured noise levels must be adjusted in accordance with the Environment Protection Authority's Wind Farm Environmental Noise Guidelines (2009) by the inclusion of a penalty for the tonal characteristic where necessary.

- 28. A final pre-construction noise assessment must be submitted which confirms compliance with the applicable operational criteria based on the final wind turbine generator selection, layout and warranted sound power levels. The warranted sound power levels must be measured and reported in accordance with IEC61400- 11 Ed3.0; Wind turbines – Part 11: Acoustic noise measurement techniques. The final pre-construction noise assessment report must be submitted to the State Commission Assessment Panel who shall confirm its satisfaction having consulted with the EPA, prior to the commencement of construction of the wind farm.
- 29. Noise emitted by the selected wind turbine generators must not include tones audible at the noise receivers ( $\Delta L_{a,k} > 0$ ) when tested in accordance with the tonality test procedure defined in IEC61400-11, Ed3.0: Wind turbines – Part 11: Acoustic noise measurement techniques or a methodology of tones assessment agreed with the EPA. If the applicant is unable to confirm absence of tones by submitting relevant technical documentation before commissioning the wind farm, the absence of tones must be verified by results of post-construction tonality testing at locality No. 75 as shown in the acoustic report ('Twin Creek Wind Farm: Environmental Noise Assessment', June 2017, Document ref.: S4827C8, prepared by Sonus Pty Ltd) or such other localities to the satisfaction of the EPA. The results of any such post-construction tonality testing shall be submitted to the State Commission Assessment Panel (SCAP) within 3 months of the proposed development commencing operation. The SCAP shall confirm its satisfaction with any post-construction tonality testing, having consulted with the Environment Protection Authority.
- 30. Maximum sound power levels of the individual power transformers must not exceed limits in Table 5.9.2 in the acoustic report ('Twin Creek Wind Farm: Environmental Noise Assessment', June 2017, Document ref.: S4827C8, prepared by Sonus Pty Ltd), unless otherwise agreed by the State Commission Assessment Panel, having consulted with the Environment Protection Authority.
- 31. Maximum sound power levels of the individual cooling/climate control units for the battery storage must not exceed limits in Table 5.9.3 in the acoustic report ('Twin Creek Wind Farm: Environmental Noise Assessment', June 2017, Document ref.: S4827C8, prepared by Sonus Pty Ltd), unless otherwise agreed by the State Commission Assessment Panel, having consulted with the Environment Protection Authority.
- 32. An independent acoustical consultancy (other than the company that prepared the predictive acoustical report) must monitor noise levels at four localities, and as a minimum: no. 5, 18, 77 and 122 (as shown in the acoustic report 'Twin Creek Wind Farm: Environmental Noise Assessment', June 2017, Document ref.: S4827C8, prepared by Sonus Pty Ltd) or such other localities agreed to by the State Commission Assessment Panel (SCAP), having consulted with the Environment Protection Authority. Monitoring shall be undertaken in accordance with the EPA's Wind Farms Environmental Noise Guidelines (2009) with all of the noise sources associated with the wind farm in full operating mode. The results of this monitoring shall be submitted to the SCAP within 3 months of the proposed development commencing operation. The SCAP shall confirm its satisfaction with the results of the post-construction noise monitoring, having consulted with the Environment Protection Authority.



33. If post-construction noise monitoring results reveal non-compliance with the specified noise criteria, the applicant must arrange for the noise monitoring of other relevant noise sensitive receivers. The measures to assure compliance with the specified noise criteria must be undertaken by the applicant for all of the localities where non-compliance with the noise criteria is revealed. Agreement with the land owners of the noise affected premises can be considered as an option in accordance with the *Environment Protection Authority's Wind Farms Environmental Noise Guidelines (2009)*.

**ADVISORY NOTES:**

- a. You have a right of appeal against the conditions which have been imposed on this Development Plan Consent.
- b. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow.
- c. Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0300).
- d. This Development Plan Consent will expire after 2 years from the date of this Notification, unless this consent has been extended by the State Commission Assessment Panel.
- e. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 5 years of the final Development Approval being issued and substantially completed within 7 years of the date of Development Approval, unless that Development Approval is extended by the relevant planning authority.
- f. A Development Approval will not be granted until all reserved matters are satisfied and a Building Rules Consent has been obtained. A separate application must be submitted for such consents. No building work or change of classification is permitted until the Development Approval has been obtained.
- g. The applicant is advised that sites and objects may exist in the proposed development area, even though the Register of Aboriginal Sites and Objects administered by the Department of State Development does not record any in this location. Pursuant to the *Aboriginal Heritage Act 1988*, it is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation. Any such discoveries must be reported to the Minister. Penalties apply for failure to comply with the Act.
- h. If, during construction or operation of the development, the proponent discovers evidence of an aboriginal site or any aboriginal objects or remains, the proponent is required, pursuant to the *Aboriginal Heritage Act, 1988*, to report particulars to of such discovery to the Minister for Aboriginal Affairs and Reconciliation and thereafter comply with any directions given by the Minister Aboriginal Affairs and Reconciliation.

**ENVIRONMENT PROTECTION AUTHORITY**

- i. 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.
- j. An environmental authorisation in the form of a licence is required for the activity of concrete batching. The applicant is required to contact the Environment Protection Authority before acting on this approval to ascertain licensing requirements.
- k. A licence may be refused where the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

- l. As part of the licence application, the Environment Protection Authority is likely to require the submission of a Construction Environmental Management Plan (CEMP) for the construction phase of the project to ensure appropriate management of environmental issues. The CEMP (or subordinate plans) will need to include a layout plan of the proposed concrete batching plant and crushing and grinding activities (including such details of raw material storage, mixing and delivery areas, wastewater treatment facilities, bunding, waste areas etc.). The CEMP will also incorporate a Soil Erosion and Drainage Management Plan (SEDMP) prepared in accordance with the Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry, available at: [http://www.epa.sa.gov.au/files/47790\\_bccop1.pdf](http://www.epa.sa.gov.au/files/47790_bccop1.pdf). The CEMP will need to be prepared to the reasonable satisfaction of the Environment Protection Authority.
- m. The applicant is reminded that construction will need to be undertaken in accordance with Division 1 of Part 6 of the Environment Protection (Noise) Policy 2007 at all times.
- n. All reasonable and practicable measures should be put in place to ensure that wind farm and concrete batching operations are undertaken in accordance with the Environment Protection (Water Quality) Policy 2015 which can be found at: [https://www.legislation.sa.gov.au/LZ/C/POL/Environment%20Protection%20\(Water%20Quality\)%20Policy%202015.aspx](https://www.legislation.sa.gov.au/LZ/C/POL/Environment%20Protection%20(Water%20Quality)%20Policy%202015.aspx)

**DEPARTMENT OF PREMIER AND CABINET – ABORIGINAL AFFAIRS & RECONCILIATION:**

- o. All Aboriginal sites and objects are protected under the *Aboriginal Heritage Act 1988* (the Act), whether they are listed in the Register or not.
- p. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Section 20 of the Act requires that any Aboriginal sites, objects or remains, discovered on the land, need to be reported to the Minister. Penalties apply for failure to comply with the Act.

**DEPARTMENT FOR ENVIRONMENT AND WATER**

- q. An application to clear native vegetation under *Native Vegetation Regulation (2003) 5(1)(d)*-infrastructure has been lodged by the proponent for consideration by the Native Vegetation Council. Application No. 2017/3122 is currently waiting to be audited.

**COMMISSIONER OF HIGHWAYS**

- r. The applicant should contact DPT's Vehicle Permits Team on telephone 1300 882 249 to discuss the required permits and processes for the use of oversize/overmass vehicles on public roads. For roads not gazetted for use by vehicles larger than a General Access Vehicle, the applicant will need to apply to the National Heavy Vehicle Regulator via [www.nhvr.gov.au](http://www.nhvr.gov.au) for permits to utilize these roads for access by Restricted Access Vehicles.
- s. The applicant will need to seek approval from DPTI for the installation of any electrical infrastructure within the road reserve of any arterial road. Any infrastructure will need to be located and installed to the satisfaction of DPTI, with all costs being borne by the applicant.

**LIGHT REGIONAL COUNCIL**

- t. Prior to the construction of any amenities facilities, an application for a wastewater system/s shall be approved by Council pursuant to relevant provisions of the *South Australian Public Health Act 2011* and *South Australian Public Health (Wastewater) Regulations 2013*. Where possible, the wastewater from the wastewater management system shall be utilized to establish and maintain the landscaping around the construction and maintenance compound.

### Conditional Definitions:

- u. In respect to the above conditions, 'Commencement of site works'\* is defined as preliminary site or investigative works associated with the development; 'Commencement of construction'\*\* is defined as earthworks, building works and ancillary works associated with the development; and 'Commencement of commercial operations'\*\*\* is defined as the formal commissioning of a completed project stage to connect to the electricity network.

## 2.2. NEW APPLICATIONS

### 2.2.1 Dock One Pty Ltd C/- Future Urban

040/L030/19

**Lot 33 St Vincent Street, Port Adelaide**

**Lot 213 & 601 Ocean Steamers Road, Port Adelaide**

**Lot 700 (Port River), Port Adelaide**

City of Port Adelaide Enfield

Proposal: Convert the former Department of Marine and Harbours Building into a motel, with car parking, and construct 10 overwater tourism suites and associated landings, moorings and floating access pontoons within the Port Adelaide River

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

#### Applicants

- Fabian Barone, Future Urban Group - Presented
- Damon Nagel, Starfish Developments
- Alexander Brown, Alexander Brown Architects - Presented
- Enzo Caroscio, Enzo Caroscio Architecture - Presented
- Paul Morris, GTA
- Rianne Mills, Alexander Brown Architects

#### Agency

- Kirsteen Mackay, Gov. Architect
- Aya Shirai-Doull, ODASA
- Aaron Broom, Coast Protection Board

The State Commission Assessment Panel discussed the application.

### RESOLVED

1. That the proposed development is NOT seriously at variance with the policies in the Development Plan.
2. That the State Commission Assessment Panel is satisfied that the proposal generally accords with the related Objectives and Principles of Development Control of the Port Adelaide Enfield Development Plan.
3. To grant Development Plan Consent to the proposal by Starfish Developments Pty Ltd Convert the former Department of Marine and Harbours (DMH) Building into a motel, with car parking, and construct 10 overwater tourism suites and associated landings, moorings and floating access pontoons within the Port Adelaide River at Lot 33 St Vincent Street, Port Adelaide, Lot 213 & 601 Ocean Steamers Road, Port Adelaide, Lot 700 (Port River), Port Adelaide, subject to the following reserved matters and conditions of consent.

## RESERVED MATTERS

1. Pursuant to Section 33(3) of the *Development Act 1993*, the following matters shall be reserved for further assessment in consultation with the Government Architect, to the satisfaction of the State Commission Assessment Panel, prior to the granting of Development Approval for:

### Stages 1 and 2:

- 1.1. Details of the screening element along the St Vincent Street frontage that maintains noise protection but increases visual activation.
- 1.2. A final detailed schedule of external materials and finishes that are appropriate for a marine environment.
- 1.3. A final detailed landscaping plan.

### Stages 3:

- 1.4. Details of the location and design of services such as, but not limited to, air conditioning, power, water, sewer provision and lighting.
- 1.5. Details regarding safety features for the overwater development and impacts on visual amenity.
- 1.6. Details regarding the thresholds (fencing/security barriers etc.) between the areas for general public use and guests using the overwater development with a view to maximising community access to the waterfront and maintaining visual amenity.
- 1.7. Evidence from a suitably qualified coastal engineer that demonstrates an appropriate design response to the following Coastal Protection Board policies:
  - the overwater structures have a management strategy or operational height range that accommodates a 100 year Average Recurrence Interval (ARI) storm tide event factoring in Sea Level Rise to the year 2100 (1.0m);
  - any electrical/mechanical/hydraulic equipment on the land associated with the overwater structures, within 8 metres of the water's edge, is to be made safe from water ingress or raised in accordance with the Board's recommended minimum floor level of 3.65 metres AHD; and
  - the number, location and height of pylons required to support the overwater development.
- 1.8. A final detailed schedule of external materials and finishes that are appropriate for a marine environment.
- 1.9. The methods of removal of the existing pontoon and piles. If the piles will be removed, how the process will be managed to meet the requirements of the Environment Protection (Water Quality) Policy 2015. Describe how material will be prevented from re-entering waters - Refer to PIRSA ([https://pir.sa.gov.au/biosecurity/aquatics/biofouling\\_and\\_ballast\\_water/marine\\_pest\\_and\\_disease\\_impacts](https://pir.sa.gov.au/biosecurity/aquatics/biofouling_and_ballast_water/marine_pest_and_disease_impacts)) regarding potential for spreading invasive marine species. If piles are removed, please provide information regarding the likelihood of mobilising sediment contaminants by a qualified professional assessing sediment quality with the resultant report providing an assessment of the sediment quality and levels of contaminants (including: Tributyltin, copper, lead, zinc, PFAS, sediment size, pH and hydrocarbons). If contaminant levels exceed sediment quality guidelines then please describe how this will be managed to avoid environmental harm.
- 1.10. Confirmation that activities and any maintenance required to be undertaken to the overwater suites are designed to avoid pollution of the waters (i.e. any grey/waste water disposal facilities).

## PLANNING CONDITIONS

1. 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 plans submitted in Development Application No 040/L030/19.

*Reason for condition: to ensure the development is constructed in accordance with endorsed plans and application details.*

2. The acoustic attenuation measures recommended in the Sonus report (S6171C4) shall be adopted and where relevant fully incorporated into the building rules documentation and shall be made operational prior to the occupation or use of the development.

*Reason for condition: to ensure appropriate noise attenuation measures are in place.*

3. All stormwater design and construction shall be in accordance with Australian Standard AS/NZS 3500.3.2015 (Part 3) to ensure that stormwater does not adversely affect any adjoining property or public road.

*Reason for condition: to ensure stormwater infrastructure is designed and constructed to minimise potential for flood risk to adjoining property or public roads associated with stormwater runoff in accordance with the necessary standard.*

4. Waste collection vehicles shall not access the site after 10:00pm on any day, before 7:00am Monday to Saturday or before 9:00am on Sunday.

*Reason for condition: to define the acceptable times of operation for waste collection permitted to be undertaken on the subject land.*

5. Landscaping shown on the approved final detailed landscape plan shall be established prior to the operation of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

*Reason for condition: to ensure appropriate landscaping is provided for the subject land.*

6. A watering system shall be installed at the time landscaping is established and operated so that all plants receive sufficient water to ensure their survival and growth.

*Reason for condition: to ensure landscaping growth and maintenance.*

7. All vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009) and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice and appropriately line marked to the reasonable satisfaction of the SCAP prior to the occupation or use of the development.

*Reason for condition: to ensure relevant Australian standards are met.*

8. Mechanical and electrical equipment associated with the converted Marine and Harbour building shall be made safe from water ingress or raised in accordance with the Board's recommended minimum level of 3.45 metres AHD.

*Reason for condition: to ensure mechanical and electrical equipment associated with the converted Marine and Harbour building is made safe from water ingress.*

9. Any imported fill to be used shall be free of weeds and pathogens to ensure that noxious weed or contamination sources are not introduced into the coastal environment.

*Reason for condition: to ensure the protection of coastal waters.*

10. All stormwater design and construction shall be in accordance with recognised engineering best practice to ensure that stormwater does not adversely affect the marine environment.

*Reason for condition: to ensure the protection of coastal waters.*

#### **ADVISORY NOTES**

- a. This consent has been approved in stages:
- a. Stage 1 – Motel
  - b. Stage 2 - Motel Car Park
  - c. Stage 3 – Overwater development
- b. This Development Plan Consent will expire after 12 months from the date of this Notification, unless final Development Approval from Council has been received within that period or this Consent has been extended by the State Commission Assessment Panel.
- c. The applicant is also advised that any act or work authorised or required by this Notification must be substantially commenced within 1 year of the final Development Approval issued by Council and substantially completed within 3 years of the date of final Development Approval issued by Council, unless that Development Approval is extended by the SCAP.
- d. The applicant has a right of appeal against the conditions which have been imposed on this Development Plan Consent. 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 Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
- e. The Metropolitan Adelaide Road Widening Plan currently shows a possible requirement for a strip of land up to 24 metres in width from the St Vincent Street frontage of the development site for future road purposes. However, some land has been acquired at the St Vincent Street/Wauwa Street corner (Lot 34 in Deposited Plan 72075) and no further requirements are currently envisaged. The consent of the CoH under the *Metropolitan Adelaide Road Widening Act 1972* is required to all building works on or within 6 metres of the possible requirement shown on the Plan. The applicant should forward the consent form, together with a copy of the approved site plan, to [dpti.luc@sa.gov.au](mailto:dpti.luc@sa.gov.au) for consent purposes. Consent can be anticipated.
- f. It is recommended that the proponent engage a consultant with appropriate Coastal Engineering/Coastal Processes expertise at the detailed design stage to consider issues such as:
- wave amplification in the harbour
  - potential for ‘seiching’ in the harbour, and
  - local land subsidence to the year 2100.
- g. 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 on which the development is situated, including the riverbed, 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/ourplaces/coasts/Coastal\\_hazards/Coastal\\_acid\\_sulfate\\_soils](https://www.environment.sa.gov.au/ourplaces/coasts/Coastal_hazards/Coastal_acid_sulfate_soils)
- h. The waters adjacent the development site fall within the area covered by the *Adelaide Dolphin Sanctuary Act 2005*. The object of the Act is to protect the dolphin population and their natural habitat. Contractors should be made aware of the *Adelaide Dolphin Sanctuary*

Act 2005 and that there is a general duty of care to ensure the protection of the dolphin population from direct physical harm including as a result of changes in water quality.

- i. The applicant is reminded of their general environmental duty, as required by Section 25 of the *Environment Protection Act 1993*, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not cause environmental harm.
- j. A Construction Environment Management Plan (CEMP) shall be prepared in collaboration with the City of Port Adelaide Enfield (Council) and implemented throughout construction in accordance with current industry standards including the *Local Nuisance and Litter Control Act 2016*, the EPA publications "Handbook for Pollution Avoidance on Commercial and Residential Building Sites – Second Edition" and, where applicable, "Environmental Management of On-site Remediation" – to minimise environmental harm and disturbance during construction.
- k. The applicant, or any person with the benefit of this consent, must ensure that any consent from other authorities or third parties that may be required to undertake the development, have been granted by that authority prior to the commencement of the development.

2.3. **RESERVED MATTERS - Nil**

3. **CROWN DEVELOPMENTS (ADVISORY ITEMS) – Nil**

4. **MAJOR DEVELOPMENTS – VARIATIONS - Nil**

5. **OTHER BUSINESS**

6. **NEXT MEETING**

6.1. Thursday 14 November 2019 at ODASA, 28 Leigh Street, Adelaide SA 5000

7. **CONFIRMATION OF THE MINUTES OF THE MEETING**

7.1. **RESOLVED** that the Minutes of this meeting held today be confirmed.

8. **MEETING CLOSE**

The Deputy Presiding Member thanked all in attendance and closed the meeting at 3.56pm.

Confirmed 24/10/2019



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Dennis Mutton  
DEPUTY PRESIDING MEMBER