



# STATE COMMISSION ASSESSMENT PANEL

## A COMMITTEE OF THE STATE PLANNING COMMISSION

Minutes of the 189<sup>th</sup> Meeting of the  
State Commission Assessment Panel  
held on Wednesday 23 October 2024 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 and present.

#### 1.2. PRESENT

Presiding Member	Rebecca Thomas
Members	Rebecca Rutschack (Deputy Presiding Member) John Eckert via MS Teams Paul Leadbeter David Altmann Jenny Newman Don Donaldson
Secretary	Amy Arbon
DHUD Staff	Troy Fountain Karen Ferguson Jeremy Wood Andy Humphries Andy Blanc Christine Rounsevell

#### 1.3. APOLOGIES

Nil

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## 2. SCAP APPLICATIONS

### 2.1. DEFERRED APPLICATIONS

### 2.2. NEW APPLICATIONS

#### 2.2.1 Neoen Australia Pty Ltd / Simone Fogarty

23036148

1351 Goyder Highway, Baldina

Lot 100 Goyder Highway, Baldina

Lot 276 Bruce Road, Baldina

Lot 68 Goyder Highway, Baldina

475 Black Peak Road, Bright

Lot 219 Junction Road, Bright

Lot 230 Eagle Hawke Gate Road, Bright

Lot 217 Eagle Hawke Gate Road, Bright

Lot 242 Eagle Hawke Gate Road, Bright

Lot 40 Worlds End Road, Bright

559 Bunday Church Road, Bunday

Lot 622 Powerline Road, Bunday

Lot 63 Powerline Road, Bunday

Lot 69 Bunday Church Road, Bunday

1010 White Hill Road, Burra

Lot 122 Barrier Highway, Burra

Lot 157 White Hill Road, Burra

Lot 2 Wandillah Road, Burra

164 Eastern Road, Burra

835 Wandillah Road, Burra

Lot 189 Wandillah Road, Burra

Lot 37S White Hill Road, Burra

Lot 492 Wandillah Road, Burra

Lot 95 White Hill Road, Burra

987 Caroon Road, Mongolata

Lot 1 Mongolata Road, Mongolata

Lot 40 Line Road, Mt Bryan

222 Range Road, Mt Bryan

Lot 383 White Hill Road, Mt Bryan

Lot 299 Mount Bryan East Road, Mt Bryan East

Lot 382 Old Belcunda Road, Mt Bryan East

Lot 388 Old Belcunda Road, Mt Bryan East

Lot 396 Newikie Road, Mt Bryan East

Lot 435 Mount Bryan East Road, Mt Bryan East

Lot 602 White Field Road, Mt Bryan East

Lot 606 Mount Bryan East Road, Mt Bryan East

2394 Mount Bryan East Road, Mt Bryan East

2440 Mount Bryan East Road, Mt Bryan East

2789 Mount Bryan East Road, Mt Bryan East

2807 Mount Bryan East Road, Mt Bryan East

Lot 119 White Field Road, Mt Bryan East

Lot 194 White Hill Road, Mt Bryan East

Lot 392 Griffen Road, Mt Bryan East

Lot 448 Griffen Road, Mt Bryan East

Lot 50 Old Belcunda Road, Mt Bryan East

Lot 613 Dare Road, Mt Bryan East

Lot 190 Satchell Road, Worlds End

Lot 222 Worlds End Highway, Worlds End

Lot 223 Worlds End Highway, Worlds End

Lot 25 Goyder Highway, Worlds End

Lot 129 Worlds End Highway, Worlds End

Lot 15 Goyder Highway, Worlds End

Lot 5 Satchell Road, Worlds End

Renewable energy facility and associated facilities including, but not limited to wind turbines, overhead transmission

Member, Paul Leadbeter, declared a conflict of interest due to his engagement as President of the National Trust and according, left the meeting for this agenda item.

Member, Jenny Newman, declared a conflict of interest due to her employer's previous engagement with the application and according, left the meeting for this agenda item.

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

Applicant:

- Simone Fogerty
- Tom Jenkins
- Thomas Daly
- Hilary Pocock
- Hannah Wilson
- Mikaela Georgiadis
- Aarti Seksaria via MS Teams

Representations:

- David Hill
- Wendy Lennon
- Colin Schaefer
- James Mirtschin
- Heidi Mirtschin
- Russell Skinner
- Felicity Martin via MS Teams
- Ruth Norris via MS Teams

Agencies:

- Melissa Chrystal
- Tian Shi
- Jonathan Song
- Mitchell Grandison
- Gayle Grieger

Council:

- David Stevenson

The Presiding Member thanked all in attendance and closed the public hearing.

The State Commission Assessment Panel discussed the application.

## RESOLUTION

The State Commission Assessment Panel resolved that:

- 1) The Development Application 23036148, by Neoen Australia Pty Ltd / Simone Fogarty is GRANTED Planning Consent subject to the following Reserved Matters and Conditions:

## RESERVED MATTERS

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

**Reserved Matter 1**

Final detailed and scaled plans including site plans, cross sections, floor plans, elevations, cut and fill details, access arrangements, landscaping and remediation plan, shall be provided in relation to the following project elements:

1. Substages of the development within Stage 1 and Stage 2
2. For each of the concrete batching plants (4).
3. For all wind turbine generators (including hard stand and laydown areas) allowing for micro-siting amendments.
4. For all substations, switch rooms, operation and maintenance buildings.
5. For each of the battery energy storage system facilities.
6. Stormwater management/erosion control details for all buildings and hard stand areas.
7. Final alignment, design and specification of above-ground transmission lines, allowing for micro-siting.
8. Temporary construction components of the development including (but not limited to) compounds / yards, workshops / maintenance areas, site office, amenities, generators, electrical connections, laydown areas, waste storage areas, water storages, fuel storages, car/ truck parking areas, any refuelling areas, and any clean-down facilities.
9. For all new access arrangements from public roads, and internal access tracks, security fencing and associated site and civil works.
10. Waste management plans
11. Final design, specification and location of all wind monitoring masts and meteorological masts.

**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**

A Final Decommissioning and Rehabilitation Plan (based on industry best practices at the time of preparing for decommissioning), shall be provided six (6) months prior to decommissioning of each project element to the reasonable satisfaction of the State Planning Commission.

***Conditions imposed by Commissioner of Highways under Section 122 of the Act*****Condition 3**

Access to serve the development shall be undertaken in accordance with Jacob's report for Goyder Renewable Energy Zone -Goyder North – Traffic Impact Assessment (Document no: IW204800-CT-RPT-0002, Revision 3, dated 24 November 2023), Figure 6-3: Assessed Site Access Points.

The access point upgrades as discussed in Section 7.3 and all required road works (e.g. turn treatments, line marking alterations, modification to regulatory signage, pavement sealing, etc) at each location shall be designed and constructed to comply with Austroads Guides, Australian Standards and to the satisfaction of DIT where the works are on or affecting arterial roads.

**Condition 4**

Any road works on arterial roads (including, but not limited to Horrocks Highway, Barrier Highway and Goyder Highway) required to facilitate the development (including, but not limited to, project management and any necessary road drainage upgrades) shall be borne by the applicant.

*Note: The applicant will be required to enter into a Developer Agreement with DIT regarding these works and shall contact DIT's, Asset & Maintenance Manager - Zone 3, Mr Bonaventure Tan (08) 8648 5243, mobile 0417 767 452 or via email [bonaventure.tan@sa.gov.au](mailto:bonaventure.tan@sa.gov.au) to discuss any technical issues regarding the required works.*

**Condition 5**

The concrete batching and individual construction compound/s required to facilitate each stage of the development shall gain access to the arterial road network at locations deemed suitable by DIT. Any upgrades to facilitate safe access shall be undertaken to DIT standards and requirements with all costs borne by the applicant.

**Condition 6**

Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.

**Condition 7**

All power lines over arterial roads shall provide a minimum vertical clearance of 7.5 metres. Transmission poles shall not be installed within road reserves without consultation with DIT.

**Condition 8**

All new power poles/transmission poles shall be located on private property where possible.

**Condition 9**

Any undergrounding of the transmission line arterial roads shall be undertaken to the requirements and satisfaction of the Commissioner of Highways.

**Condition 10**

A final transmission line diagram shall be provided for each stage of the development with any new crossings/borings on, adjacent to, or under the arterial road network designed and constructed in consultation with DIT.

**Condition 11**

The applicant shall ensure that all stormwater generated by the proposal and associated road upgrades is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

***Conditions imposed by Native Vegetation Council under Section 122 of the Act*****Condition 12**

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.

***Conditions imposed by Environment Protection Authority under Section 122 of the Act*****Condition 13**

Noise levels at noise sensitive receivers in the vicinity of the wind farm development must meet the requirements of the EPA's Wind farms environmental noise guidelines 2021. The noise levels at the relevant receivers must not exceed the greater of:

1. 35 dB(A) if receivers are situated in the Rural Living zone, *or*
2. 40 dB(A) if receivers are situated in a Primary Production or zones other than Rural Living, *or*
3. the background noise (LA90,10) by more than 5dB(A) when assessed against provisions of the EPA's Wind farms environmental noise guidelines 2021.

*Note: A relevant receiver is defined as an occupied or habitable 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 EPA's Wind farms environmental noise guidelines 2021 by the inclusion of a penalty for tonal characteristic where necessary.*

**Condition 14**

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 prior to the construction of the wind farm. 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*.

#### **Condition 15**

Background noise assessment must be undertaken prior to the start of any construction work at 7 localities: GN15, GN47, GN54, GN57, GN62, GN65, GN91 (as shown in Attachment B of the further information letter provided) or such other localities agreed to by the State Commission Assessment Panel (SCAP), having consulted with the Environment Protection Authority. Background noise assessment must be undertaken in accordance with the EPA's *Wind farms environmental noise guidelines 2021*.

#### **Condition 16**

The final pre-construction noise assessment report must be submitted to the State Commission Assessment Panel who should confirm its satisfaction, having consulted with the Environment Protection Authority prior to the commencement of construction of the wind farm.

#### **Condition 17**

Noise emitted by the selected wind turbine generators should not include tones audible at the relevant 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 Environment Protection Authority.

The post-construction tonality testing is to be undertaken at locality GN65 for Stage 1 and locality GN57 for Stage 2 as shown in the Attachment B of the further information letter provided or such other localities agreed to by the State Commission Assessment Panel, having consulted with the Environment Protection Authority.

#### **Condition 18**

The results of any such post-construction tonality testing should be submitted to the State Commission Assessment Panel within 3 months of the proposed development stage commencing operation. The State Commission Assessment Panel should confirm its satisfaction with any post-construction tonality testing, having consulted with the Environment Protection Authority.

#### **Condition 19**

An independent acoustical consultancy (other than the company that prepared the predictive acoustical report) must undertake a post construction noise assessment of wind farm operational noise after the completion of each stage. Noise assessments must be undertaken at:

1. For Stage 1: 3 localities: GN47, GN65, GN91 (as shown in Attachment B of the further information letter provided) or such other localities agreed to by the SCAP, having consulted with the Environment Protection Authority.
2. For Stage 2: 5 localities: GN15, GN54, GN57, GN62, GN91 (as shown in Attachment B of the further information letter provided) or such other localities agreed to by the State Commission Assessment Panel, having consulted with the Environment Protection Authority.

*Note: Monitoring should be undertaken in accordance with the Environment Protection Authority's *Wind farms environmental noise guidelines 2021* with all of the noise sources associated with the wind farm in full operating mode. The results of this monitoring should be submitted to the State Commission Assessment Panel within 3 months of the proposed development stage commencing operation. The State Commission Assessment Panel should confirm its satisfaction with the results of the post-construction noise monitoring, having consulted with the Environment Protection Authority.*

#### **Condition 20**

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 ensure compliance with the specified noise criteria must be undertaken by the applicant for all localities where non-compliance with the noise criteria is revealed. An agreement with the landowners of the noise affected premises can be considered

as an option in accordance with the Environment Protection Authority's *Wind farms environmental noise guidelines 2021*.

## ADVISORY NOTES

### Planning Consent

#### Advisory Note 1

The approved development must be substantially commenced within 36 months of the date of Development Approval and completed within 12 years from the operative date of the approval, unless this period has been extended by the relevant authority.

#### Advisory Note 2

No works, including site works can commence until a Development Approval has been granted.

#### **Advisory Notes imposed by Commissioner of Highways under Section 122 of the Act**

#### Advisory Note 3

Prior to construction, a 'Traffic Management Plan (TMP)' for each construction phase shall be submitted to DIT. The TMP shall include all traffic devices and controls to be utilised and any proposed traffic restrictions on the arterial road network and any local road intersection. The applicant and/or contractor(s) shall notify DIT, Traffic Management Centre on Ph. 1800 018 313 prior to undertaking any works that would impact the arterial road network and shall obtain permission via the following link: <https://www.roadworks.sa.gov.au/home.jsf>

#### Advisory Note 4

The use of Restricted Access Vehicles (including over size and over mass components) will require separate approvals to be obtained from the National Heavy Vehicle Regulator (refer link: <https://www.nhvr.gov.au>)

#### **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 an approval from the Native Vegetation Council under the *Native Vegetation Act 1991*.

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

#### Advisory Note 6

The applicant/owner/operator is reminded of the 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.

#### Advisory Note 7

An environmental authorisation (licence) is required for this development. Before commencing operation, the applicant/operator should contact the Environment Protection Authority on (08) 8204 2058 or email [EPALicensing@sa.gov.au](mailto:EPALicensing@sa.gov.au) for information about the licensing application process and requirements.

#### Advisory Note 8

The proposed activity of concrete batching will require an environmental authorisation from the EPA. Should the proponent determine that the concrete batching plants are required, the EPA should be contacted and provided with the following as soon as practicable prior to the EPA licence application stage:

1. a detailed site layout plan, specifying locations of plant/equipment and associated traffic flow
2. a site-specific stormwater management plan, and
3. a final version of CEMP.



**Advisory Note 9**

In addition to the above, the proponent should also be prepared to provide the EPA with any further documentation that may reasonably be required to demonstrate the adequacy of the site's environmental controls.

**Advisory Note 10**

A licence application may be refused where conditions of Development Approval directed by the Environment Protection Authority have not been complied with. Advisory Note 12 More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: [www.epa.sa.gov.au](http://www.epa.sa.gov.au)

**2.3. RESERVED MATTERS**

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

**3.1. DEFERRED APPLICATIONS**

**3.2. NEW APPLICATIONS**

**4. MAJOR DEVELOPMENTS – VARIATIONS**

**5. REPORTING**

**6. COURT COMPROMISE**

**7. BRIEFINGS**

**8. PROCEDURAL MATTERS**

**9. OTHER BUSINESS**

**9.1 Project Update**

**10. NEXT MEETING**

**10.1.** Wednesday 30 October, Level 10, 83 Pirie Street, Adelaide SA 5000 / 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 3:05PM

Confirmed: 24/10/2024



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Rebecca Thomas  
PRESIDING MEMBER