



Government  
of South Australia

Hon Tony Piccolo MP  
Member for Light  
148 Murray Street  
GAWLER SA 5118

The Hon Stephan Knoll MP  
Member for Schubert

Dear Mr Piccolo

I refer to your application to the Office of the Minister for Transport, Infrastructure and Local Government, Minister for Planning made under the *Freedom of Information Act 1991* (the Act) which was received 14 April 2020.

You have requested access to:

*“Copies of any and all documents (including but not limited to hard copy or electronic briefings, minutes, reports, emails, letters, meeting agendas, diary entries, event attendance records and any other correspondence) either to or from (direct or indirectly) regarding the planning for the new Angle Vale school and/or the procurement of the site for this school.”*

A search of documents held by the Office of the Minister for Transport, Infrastructure and Local Government, Minister for Planning was undertaken. I wish to advise that 3 documents have been identified within the scope of your request.

I have determined to refuse access to document 1, in accordance with clause (1)(1)(b) of the Act which states:

**1 – Cabinet Documents**

- (1) A document is an exempt document –
  - (a) if it is a document that has been specifically prepared for submission to Cabinet (whether or not it has been so submitted); or
  - (b) If it is a preliminary draft of a document referred to in a paragraph (a).

Document 1 is a draft document specifically prepared for submission to Cabinet.

I have determined to release document 2. The attachments are publically available at: [https://www.dpti.sa.gov.au/data/assets/pdf\\_file/0007/641689/3.2.2\\_Dept. For Education Lot 1 Riverbanks Road Angle Vale Report and Attachments.pdf](https://www.dpti.sa.gov.au/data/assets/pdf_file/0007/641689/3.2.2_Dept._For_Education_Lot_1_Riverbanks_Road_Angle_Vale_Report_and_Attachments.pdf).

I have determined to refuse access to document 3, in accordance with clauses 7(1)(c) and 9(1)(a)(i) of the Act which states:

**7 – Documents affecting business affairs**

- (1) A document is an exempt document –
  - (c) If it contains matter –
    - (i) Consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional commercial or financial affairs of any agency or any other person

## 9 – Internal working documents

- (1) A document is an exempt document if it contains matter-
  - (a) that relates to
    - (i) any opinion, advice or recommendation that has been obtained, prepared or recorded.

Document 3 contains personal affairs and commercial in confidence information relating to the land acquisition process for one of the proposed sites.

In considering the grounds for refusing access to using clauses 7(1)(c) and 9(1)(a)(i), I am required to consider the public interest in disclosure or non-disclosure.

Factors in favour of release include:

- The public interest in fulfilling the objects of the FOI Act and promoting openness and accountability within government.
- The public interest in scrutiny of government decision making.

Factors against release include:

- The public interest in ensuring the effective conduct of the agency's functions.
- The need for some confidentiality to allow the agency to operate efficiently.
- The public interest in encouraging the free exchange of ideas during deliberative processes, including through the frank and candid assessment of information.

In this case I find the factors against disclosure outweigh those in favour and therefore I have refused access to attachments 1 and 4 of document 2, and document 3.

Attached is an explanation of the provisions of the Act which details your rights to review and appeal this determination, and the process to be followed.

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, will be published in the agency's disclosure log within 90 days from the date of this determination. Any private information will be removed. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. If you have any objection to this publication, please contact us within 30 days of receiving this determination.

If you have any questions in relation to the matter, please contact myself on telephone (08) 7109 4830 or via email at [ministerknoll@sa.gov.au](mailto:ministerknoll@sa.gov.au).

Yours sincerely



**Jenna Phillips-Wilkinson**  
**Accredited FOI Officer**

Office of the Minister for Transport, Infrastructure and Local Government  
Minister for Planning

2 / 5 / 2020

Encl: Your rights to review and appeal this determination  
Schedule of documents

SCHEDULE OF DOCUMENTS –  
FREEDOM OF INFORMATION APPLICATION NUMBER SKNOLL184710

Document Number	Description	Date	Release Determination	Schedule Clause
1	Email with Attachment	10/03/2020	Refused	(1)(1)(b)
2	Minute with 4 attachments	31/03/2020	Release	
3	Minute	04/04/2020	Refused	7(1)(c) and 9(1)(a)(i)

**YOUR RIGHTS TO REVIEW**

**INTERNAL REVIEW**

If you are dissatisfied or concerned with the decision of this Agency regarding access to documents or the request for amendment to your personal records, you can apply for an Internal Review of that decision.

To apply for an Internal Review you must write a letter addressed to the Principal Officer or lodge an Internal Review application form with the Principal Officer of this Agency. The legislated application fee must accompany all applications, unless the fee was waived in the original Freedom of Information application, in which case there would be no fee payable for the application. The application must be lodged within 30 days after being notified of the decision.

The Agency will undertake the Internal Review and advise you of its decision within 14 days of receipt of the application.

Where the decision was made by the Minister or Principal Officer of the Agency, you are unable to request an Internal Review but you can apply for an External Review by the Ombudsman, or SACAT.

You are unable to apply for an Internal Review regarding a decision to extend the time limit for dealing with an application but you can apply for an External Review.

**EXTERNAL REVIEW BY THE OMBUDSMAN**

If the Agency does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review) you are entitled to an External Review by the Ombudsman SA.

You may also request an External Review by the Ombudsman if you have no right to an Internal Review.

The application for review by the Ombudsman should be lodged within 30 days after the date of a determination. The Ombudsman's Office, at their discretion, may extend this time limit.

Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman by telephone on 8226 8699 or toll free 1800 182 150 (within SA).

**REVIEW BY THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)**

If you are still dissatisfied with the decision made by this Agency after an Internal Review or after a review by the Ombudsman, you can request a review from SACAT.

You must exercise your right of review to SACAT within 30 calendar days after being advised of the determination or the results of any other Internal or Ombudsman Review. Any costs will be determined by SACAT, where applicable. For more information, contact;

South Australian Civil and Administrative Tribunal (SACAT)

Phone: 1800 723 767

Email: [sacat@sacat.sa.gov.au](mailto:sacat@sacat.sa.gov.au)

MINUTE



**Government of South Australia**

Department of Planning,  
Transport and Infrastructure

MINUTES *forming* ENCLOSURE to:

**TO: MINISTER FOR PLANNING**

**RE: CROWN DEVELOPMENT – DEPARTMENT FOR EDUCATION – PPP  
ANGLE VALE SCHOOL – DA 292/V012/19**



2019/18243/01

## **PURPOSE**

This minute seeks your decision on a Development Application lodged by the Department for Education to establish a new birth to Year 12 School at Angle Vale at Lot 1 Riverbanks Road, Angle Vale under DA292/V012/19. The \$100 million project will accommodate approximately 1,675 students from early childhood to Year 12 and comprises a change in land use (educational establishment, indoor recreation centre, recreation area and community centre), the undertaking of associated landscaping, car parking, infrastructure and civil works, along with a land division to create a public road reserve.

The Department of Planning, Transport and Infrastructure (the Department) planning and design staff were involved in the interactive tender process and prelodgment discussions with each of the three initial bidders and the successful tenderer, TESA-Education, for a period of 12 months before lodgement.

## **DISCUSSION**

The development application was formally lodged on 12 December 2019 and assessed under the crown development provisions of the *Development Act 1993*. The proposal forms part of the South Australian Schools Public Private Partnership, delivering a school at Angle Vale and a school at Aldinga.

The school site at Angle Vale is located on vacant land within a Suburban Neighbourhood Zone which promotes public and community infrastructure to support new development.

The application was referred to the local Council (Playford) and relevant state agencies for comment, being the Commissioner of Highways, Government Architect and SA Country Fire Service (SACFS).

The Government Architect was supportive, subject to clarification on external materials, landscaping, shared path and wayfinding. The Commissioner of Highways advised that the upgrade to the Angle Vale and Riverbanks Road intersection will be undertaken as part of the state enabling works by Government. The SACFS is also supportive subject to the preparation of an Emergency Management Plan.

The Council raised no objection to the land use, but sought clarification on various public infrastructure works to be undertaken by the proponent, such as the Riverbank Roads upgrade and new Northern Connector Road.

An Infrastructure Agreement is currently being negotiated between the Applicant and Council which is anticipated to manage the delivery of external infrastructure, including stormwater and all elements associated with public roads. Further detailed design discussions will formalise the final service and infrastructure arrangements.

The development application was publicly notified, and two submissions were received (one co-signed by five representors). The issues of concern included the capacity for primary production activities to continue on adjacent land, the use of Riverbanks Road for agricultural vehicles, stormwater management and bushfire risk.

The movement of agricultural equipment within the road design can be managed through the Council / the Department permitting process for over-sized / over-mass access routes. Stormwater will be managed onsite and discharged to a future connection point in the north-west of the site.

Preliminary demand forecasts and off-street parking arrangements were considered to be appropriate, however a review of carparking numbers within three years of operational use was recommended. The school has expansion areas set-aside for additional carparks should the need be identified.

No objection was raised to the land division component of the proposal, however minor amendments will be required when the infrastructure agreement is formalised.

Subject to the inclusion of relevant conditions and notes, the proposal was supported by the Council and referral bodies.

#### State Commission Assessment Panel (SCAP) Hearing

A SCAP hearing was held on 12 March 2020, at which three representors were heard. Representatives of the consultant team and the Department for Education provided a presentation and responded to the representors. Representatives from the City of Playford provided technical advice.

The recommended conditions seek to address any outstanding issues, including the provision of landscape plans, wayfinding and lighting plans. A traffic and carparking audit was also recommended, which requires the Department of Education to review their operational arrangements within three years. A condition of approval is recommended to ensure that site access arrangements and farm equipment movements from neighbouring properties can be accommodated

The SCAP endorsed a report prepared by a DPTI planning officer and resolved to recommend approval of the application.

## CONCLUSION

The construction of a new birth to Year 12 School at Angle Vale is consistent with the intent of the objectives and principles of development control in the Suburban Neighbourhood Zone of the Playford Council Development Plan.

The arrangement of the built form, particularly the community building, has been well considered to provide a strong street presence, with a range of innovative learning spaces and incorporates inclusive learning communities. The landscaping and setbacks provide a suitable buffer along the rural interface.

A copy of the plans, technical documentation, council and agency advice and public representation are contained in **Attachment 1**, assessment report in **Attachment 2** and SCAP meeting minutes in **Attachment 3**. A finalised Decision Notification Form is included at **Appendix A**.

It is proposed that this Department will separately advise the applicant, local council and the representors of your decision.

**RECOMMENDATION**

It is recommended that you, pursuant to Section 49 of the *Development Act 1993*, approve DA 292/V012/19 to establish a new birth to Year 12 School at Angle Vale.

This requires you to:

1. Sign and date the attached Decision Notification Form at **Appendix A**.



Sally Smith  
**EXECUTIVE DIRECTOR  
PLANNING & LAND USE SERVICES**

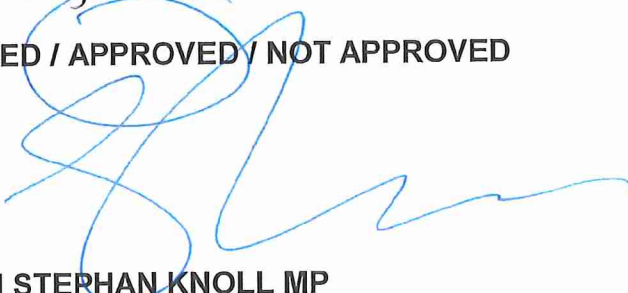
25 / 3 / 2020



Tony Braxton-Smith  
**CHIEF EXECUTIVE**

26 / 03 / 2020

**NOTED / APPROVED / NOT APPROVED**



**HON STEPHAN KNOLL MP  
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT  
MINISTER FOR PLANNING**

31 / 3 / 2020

Attachments:

- A. Decision Notification Form (KNet # [15231603](#))

Appendices:

1. Application Plans (KNet # [15233028](#), [15233029](#) and [15233030](#))
2. SCAP Assessment Report (KNet # [15233027](#))
3. State Commission Assessment Panel Minutes from 12 March 2020 (KNet # [15236436](#))