



MINUTES

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

Minutes of the Upper Spencer Gulf Regional Assessment Panel meeting held in the Whyalla City Council Conference Room, Darling Terrace, Whyalla, on Tuesday 28 March 2023, commencing at 5pm.

1. **Welcome – Stewart Payne, Presiding Member**

2. **Present**

Panel Members: S Payne (Presiding Member), N Stassinopoulos
Attendance via Microsoft Teams - F Barr Zoom, R Donaldson & Angie Stokes

Staff/advisors: J Perone, (Assessment Manager), L Trevisan, Planning Officer (WCC),
C Schubert, Minute Taker (WCC).
Attendance via Microsoft Teams - Kevan Delaney Director Infrastructure (PACC)

Applicant: Attendance via Microsoft Teams M Rolfe (URPS)

Property Owner: Attendance via Microsoft Teams – D Steele (EDP Hotels)

3. **Apologies,**

Nil

4. **Confirmation of Minutes**

Moved N Stassinopoulos, seconded F Barr

RAP20/23 That the minutes of meeting held on 14 March 2023 be received and adopted

CARRIED

5. Business Arising from the Previous Minutes

Nil

6. Conflict of Interest Declarations

S Payne declared his band occasionally played at the Spencer but did not consider it a conflict of interest.

7. Hearing of Representations

Nil

17:02pm R Donaldson entered the meeting.

8. Officer Reports

8.1 Development application 22040761 – Partial demolition and carpark, 1-3 Forsyth Street, Whyalla

A Stokes considered as the subject building is to the rear of the beer garden it may have an effect on reducing the noise from the site. She queried whether consideration was given to the noise impact on nearby residential properties when the subject building is removed.

S Payne advised that as the application was for a demolition and not a change in use, the noise impact should not form part of this assessment. He added, typically, bands played in the beer garden between 4pm and 9pm on Sundays. Any potential nuisance would be dealt with under other legislation and subject to those controls.

R Donaldson declared, pursuant to Clause 21 Code of Conduct, he was the Deputy Chair of the State Heritage Council around the time the Hotel was listed on the State Heritage Register but did not consider it a conflict of interest.

R Donaldson stated he had considered the report and the referral comments and was happy to approve the approval.

S Payne discussed the history of the site as per the report provided and stated it was clear from the Heritage Impact Assessment and the Referral Response that the accommodation wing had no material impact on the Heritage value of the site and the important facets of the main building would not be affected by the demolition.

Moved, R Donaldson, seconded F Barr

- RAP21/23**
- 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 22040761, by EDP Hotels is granted Planning Consent subject to the following reasons/conditions:**

CONDITIONS:

Conditions imposed by the planning authority

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

In order to maintain and protect council assets, any cost associated with the damage to any roads, signs, road ways, footpaths and medium strips or any other Council property or device, by any machinery or vehicle operated while demolishing the building, shall be borne by the applicant.

Condition 3

All vehicle parks shall be set out, sealed, and line marked in accordance with the approved plans and in accordance with Australian Standards.

Condition 4

That all practical measures shall be employed to ensure that no nuisance is created to the general public as a result of wind blown dust during demolition. Such measures may include the use of water truck, water sprinkling or airborne capture.

Condition 5

Materials used to secure the building once demolition is complete shall be in keeping with the materials and finishes of the remaining State Heritage Place.

Conditions imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

Condition 6

Prior to demolition, the accommodation building, and garage proposed are to be historically recorded (by measured drawings and photographs) to an appropriate standard with copies made available to Heritage South Australia.

Condition 7

Demolition of building fabric within 1m of the structure of the main hotel must be done by hand methods, without large machinery. Significant heritage fabric impacted on the demolition must be carefully protected and repaired using acceptable heritage conservation practice.

ADVISORY NOTES:

Notes imposed by the planning authority

Advisory Note 1

The applicant has a right of appeal against the conditions which have been imposed on this Planning 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).

Advisory Notes imposed by Minister responsible for the administration of the Heritage Places Act 1993 under Section 122 of the Act

Advisory Note 2

Please note the following requirements of the *Aboriginal Heritage Act 1988*.

If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

Advisory Note 3

Please note the following requirements of the *Heritage Places Act 1993*.

- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
- (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works. For further information, contact the Department for Environment and Water.

CARRIED

9. Other business

Nil

9 Close

S Payne declared the meeting closed at 5:16pm



**Stewart Payne
PRESIDING MEMBER**