



Port Augusta
CITY COUNCIL



**UNEARTH
WHYALLA**

MINUTES

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

Minutes of the Upper Spencer Gulf Regional Assessment Panel meeting held in the Council Chamber, Civic Building, 21 Grundel Street, Whyalla Norrie, on Tuesday 17 September 2024, commencing at 5.38pm

1. Welcome – Stewart Payne, Presiding Member

S Payne welcomed those in attendance and declared the meeting open.

2. Present

Panel Members: S Payne, Presiding Member, N Stassinopoulos, A Stokes
Attendance via Microsoft Teams - F Barr, R Donaldson

Staff/advisors: J Perone, Assessment Manager, L Trevisan, Planning Coordinator (WCC)
C Schubert, Minute Taker (WCC).

3. Apologies

Nil

4. Confirmation of Minutes

Moved, F Barr seconded R Donaldson

RAP54/24 That the minutes of meeting held on 27 August 2024 be received and adopted.

CARRIED

5. Business Arising from the Previous Minutes

Nil

R Donaldson entered the meeting at 5:32pm

6. Conflict of Interest Declarations

Nil

7. Officer Reports

7.1 Development Application 24014431

2-3 Level motel with 100 tourist accommodation units, signage and ancillary car parking; 1-3 Forsyth Street & 2-4 Donaldson Terrace, Whyalla.

7.1.1 No representors in attendance.

S Payne invited L Trevisan to provide an overview of the item

L Trevisan addressed the Panel and gave an outline of the proposal and the assessment pathway.

R Donaldson raised whether a Land Management Agreement should be requested as a Reserve Matter, to ensure continued availability of parking should the allotments be separated by sale or lease.

M Rolfe advised the Development Approval is a binding agreement for carparks to be available and refusal of access would in conflict with the approval.

M Mollen, MFY Consultants, spoke to the panel in relation to existing and proposed car parks.

Discussion ensued in relation to parking and traffic movements in and around both sites.

It was agreed that as the Development Application involved both sites, it would be a breach of the conditions of approval for either allotment to restrict access to parking from either business. Therefore, a Land Management Agreement is not required as it would not provide any greater security than the conditions of approval.

R Donaldson stressed that the Council should ensure a Section 7 search identifies the parking arrangements.

Moved R Donaldson seconded F Barr

RAP55/24 The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Carried

Moved A Stokes seconded F Barr

RAP56/24 Development Application Number 24014431, by LCA Hotel Freeholds Pty Ltd is granted Planning Consent subject to the following conditions:

CONDITIONS

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

A Construction Environmental Management Plan (CEMP) shall be prepared to the satisfaction of Council and provided to Council prior to the commencement of any of the approved works.

The requested CEMP needs to contain sufficient information to demonstrate that potential impacts on the environment, and public health and amenity have been identified, and suitable measures to mitigate those impacts will be applied prior to and during construction.

Condition 3

Landscaping plantings as detailed in approved plans titled 'LANDSCAPE PLAN', dated 26/07/2024, shall be planted prior to use of the development. All plantings, inclusive of those approved over the road verge shall be maintained, with diseased and dying plants replaced as necessary to the satisfaction of Council.

Condition 4

That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices, and shall be installed as per the Stormwater Management Report prepared by FMG Engineering, to ensure that stormwater does not adversely affect the property and any adjoining property.

Condition 5

The driveway and parking areas shall be maintained in a good and trafficable condition to the reasonable satisfaction of the Council at all times.

Condition 6

The advertisement and advertising structure shall be maintained in good repair at all times.

ADVISORY NOTES

Advisory Note 1

The applicant has a right of appeal against this decision, or the conditions which have been imposed. Such an appeal must be to either;

- the Upper Spencer Gulf Regional Assessment Panel and must be made within one (1) month after the day of receiving this notice of the decision unless the Assessment Panel, in its discretion, allows an extension of time; or
- the Environment, Resources and Development Court within two (2) 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 Note 2

As the proposed development includes the construction of a driveway(s) and landscaping over the footpath and road verge area, you are advised that a permit to undertake works that impact on Council infrastructure is required prior to construction.

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*.

- (a) 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.

7.2 Development Application 24006627

Construction of forty (40) additional accommodations units comprising of 10 cabins on the site of and for use in conjunction with an existing motel complex, together with associated driveways, car parking and landscaping; 99-107 Playford Avenue, Whyalla Playford.

S Payne explained the process of addressing the Panel to the Representors.

S Payne invited L Trevisan to provide an overview of the item.

L Trevisan addressed the Panel and gave an outline of the proposal and the assessment pathway.

7.2.1 Representors heard.

S Payne invited representor S Raymond, attending by Teams, to address the Panel in relation to his representation.

S Raymond gave an overview of his representation

S Payne invited representor A Kotsomitis, from the Gallery to address the Panel in relation to his representation.

A Kotsomitis gave an overview of her representation

S Payne invited representor P Havelberg, from the Gallery to address the Panel in relation to his representation.

P Havelberg gave an overview of his representation

S Payne invited P Brunning and F Siow to respond to the representors

P Brunning and F Siow addressed the Panel in relation to car parking and traffic management, landscaping and fencing.

The Panel went In Camera 7:10pm

The Panel addressed the intensification of the development and its effect on the locality.

Moved R Donaldson seconded A Stokes

RAP57/24 The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Carried

The panel discussed extra conditions to address the existing car park and the presentation of the site to Ferry Street.

RAP58/24 **Development Application Number 24006627, by Hanlan Whyalla Pty Ltd & Whyalla Hotel Pty Ltd is granted Planning Consent subject to the following reasons/conditions/reserved matters with the inclusion of the conditions as described by J Perone relating to better design of the existing carpark and retaining existing fencing style and incorporate landscaped screening to the Ferry Street frontage:**

CONDITIONS

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

All works shall be conducted in such a manner that will mitigate or minimise impacts (particularly noise and dust) on the locality during and after construction.

Condition 3

Landscaping plantings as detailed in approved plans prepared by Adam Littlefield Landscape Architects, dated 19/08/2024, shall be planted prior to use of the development. Plantings shall be of an advanced maturity and shall be maintained, with diseased and dying plants replaced as necessary to the satisfaction of Council.

Condition 4

That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices, and shall be installed as per the Civil Plan prepared by TMK, to ensure that stormwater does not adversely affect the property and any adjoining property.

Condition 5

The driveway and parking areas shall be maintained in a good and trafficable condition to the reasonable satisfaction of the Council at all times.

Condition 6

No vehicle access and egress shall be gained through the boundary of the property to the adjoining laneway.

Condition 7

The existing gravel carpark as identified in the landscape masterplan shall be suitably engineered graded sealed and line marked.

Condition 8

The current fencing arrangement of part solid 1.8m fencing and open 1.8m fencing shall be retained with additional landscaping along the open section of fencing to provide screening.

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

Condition 1

All access to/from the site shall be gained via Rudall Avenue, Ferry Street, and Halliday Street only.

Condition 2

Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

ADVISORY NOTES

The applicant has a right of appeal against this decision, or the conditions which have been imposed. Such an appeal must be to either;

- the Upper Spencer Gulf Regional Assessment Panel and must be made within one (1) month after the day of receiving this notice of the decision unless the Assessment Panel, in its discretion, allows an extension of time; or**
- the Environment, Resources and Development Court within two (2) 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).

Carried

The Panel came out of Camera 7:48pm

S Payne advised the applicants of the decision of the panel and the inclusion of the two further conditions relating to fencing and landscaping as well as works, including sealing and marking, to the existing carpark to increase its usability.

8. Other business

Nil

9. Close

S Payne declared the meeting closed at 7:55 pm



**Stewart Payne
PRESIDING MEMBER**