



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 Friday 13 October 2023, commencing at 5.30pm.

1. Welcome – Stewart Payne, Presiding Member

Stewart P thanked everyone for their attendance and declared the meeting open.

2. Present

Panel Members

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

Staff/advisors:

Attendance via Microsoft Teams - J Perone, (Assessment Manager), C Schubert, Minute Taker (WCC).

3. Apologies,

R Donaldson

4. Confirmation of Minutes

Moved F Barr, seconded A Stokes

RAP32/23 That the minutes of meeting held on 10 October 2023 be received and adopted

CARRIED

5. Business Arising from the Previous Minutes

5.1 Deferred item - Development Application 23012328

Child care centre (89 Places), landscaping, car park, fencing, outbuilding and new wastewater disposal system.

S Payne reviewed the EPA response and advised the decision at the last meeting to pursue legal advice should the EPA not amend their condition is unnecessary as the Act is clear that an EPA response is a direction. Therefore, it would be useful to include a note to advise the applicant to obtain a Statement of Suitability prior to substantial commencement of the project.

Stewart P gave a brief recap of the item and the reason for it being deferred.

5.2 EPA response

Refer above

Moved F Barr, seconded A Stokes

RAP33/23 CONDITIONS

Planning Consent

Conditions imposed by Regional Assessment Panel

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

Except in relation to waste collection, the approved operating hours are as follows:

- **Monday to Friday: 6:30am to 6:00pm on the same day.**

Condition 3

Waste (refuse) collection by a private contractor must be limited to the following hours, in accordance with the Environmental Noise Assessment prepared by Sonus:

- **Sundays and Public Holidays: 9:00am to 7:00pm on the same day.**
- **Any other day: 7:00am to 7:00pm on the same day.**

Condition 4

Vehicles must not park within car parking spaces 1 to 7 (inclusive) prior to 7:00am, in accordance with the Environmental Noise Assessment prepared by Sonus. As shown on the site plan, the developer must provide signage to car parking spaces 1 to 7 that states “No Parking Before 7am” (or similar).

Condition 5

Waste (refuse) collection by a private contractor must be contained entirely within the boundaries of the subject site. Private contractors must not collect waste from bins presented outside the subject site or at the side of the road.

Condition 6

All car parking, driveways and vehicle manoeuvring areas shall be set out and delineated in accordance with Australian

Standards (including any requirement for additional accessible car parking under AS 2890.6).

Condition 7

The development shall incorporate landscaping comprising native trees and shrubs, located within the boundaries of the allotment, and maintained in good condition at all times, to the reasonable satisfaction of Council.

Condition 8

Stormwater from at least 60% of the roof area must be directed to a combined retention and detention tank with a total capacity of 6000L, with 1000L plumbed into the building. Any stormwater overflow from the site must be directed to the surrounding stormwater network, not exceeding the rate of pre-development stormwater flows. Stormwater from the subject site shall not be discharged over any footpath. The stormwater system associated with this development must be maintained in good condition at all times, including any outlets, the headwall and scour protection.

Condition 9

The development must be serviced by an on-site waste water treatment system which:

- Is wholly located and contained within the allotment of development it will service;
- Will comply with the requirements of the South Australian Public Health Act 2011 and the South Australian On-site Wastewater Systems Code; and
- Is approved by the relevant authority.

Condition 10

The car park must incorporate low-height bollard lighting or similar which conforms with Table 2.5 of AS 1158.3.1-2020 (Pedestrian Area Lighting Standard). Such lighting must be baffled and directed in a manner so that it does not unreasonably spill into adjacent land.

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

Condition 11

All access to/from the development shall be gained in accordance with the site plan produced by SMFA, Job No. 22115, Drawing No. SK101, dated 25.7.2023

Condition 12

The access point/s shall be constructed in concrete extending from the property boundary to the edge of the road seal in order to maximise traction for vehicles exiting the site and minimise debris being dragged onto the carriageway. The access points shall incorporate generous flaring.

Condition 13

Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility

between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 14

All vehicles shall enter and exit the site in a forward direction. The largest vehicle permitted on-site shall be restricted to a 10m refuse vehicle.

Condition 15

The entry and exit points shall be suitably signed and line-marked to reinforce the desired traffic flow.

Condition 16

Stormwater run-off shall be collected on-site and discharged without impacting the safety or integrity of the adjacent road. In addition, longitudinal drainage of the adjacent road shall be maintained (including any required trafficable headwalls) adjacent and across the access to minimise the impact on the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

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

Condition 17

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use.

ADVISORY NOTES

Planning Consent

Advisory Notes imposed by Regional Assessment Panel

Advisory Note 1

Planning Consent 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

The applicant's attention is drawn Condition 17 imposed by Environment Protection Authority under Section 122 of the Act and notes that it may be in the applicant's best interest to

obtain the “*statement of site suitability*” early in the site construction phase.

Advisory Note 3

Within its referral advice, the Commission of Highways states “low lying power lines across the frontage of this development may create an issue for waste collection trucks accessing the site. This may need to be reviewed.” It is recommended that you discuss this potential issue with SA Power Networks and/or the Office of the Technical Regulator.

Advisory Note 4

It is the responsibility of the applicant / developer to obtain all other necessary consents and easements (at no cost to Council), including (but not limited to) the consent of the Australian Rail Track Corporation Ltd to construct the stormwater outlet within the railway corridor.

Advisory Note 5

No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

The applicant has a right of appeal against in relation to any decision or conditions imposed in relation to 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 5000 (telephone number 8204 0289).

This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

The proposed development shall be undertaken in accordance with the plans and information submitted unless otherwise specified as a condition of consent.

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

Advisory Note 6

The applicant/owner/operator are 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 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.


CARRIED

6. Other business

- 6.1 The Panel agreed with Fiona Barr's suggestion that Council staff and Josh be thanked for acting so quickly to get the EPA response and arrange the meeting.

7. Close

S Payne declared the meeting closed at 5:36pm



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Stewart Payne
PRESIDING MEMBER