



# MINUTES

## UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

**Minutes of the Upper Spencer Gulf Regional Assessment Panel meeting held in the Civic Reception Room, Civic Building, 21 Grundel Street, Whyalla Norrie, on Wednesday 21 February 2023, commencing at 5.36pm.**

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

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

It was the consensus of the panel to alter the agenda to allow time for the representor for Application 23020830 to attend, and for the first item to be Application 23028135 due to its straightforward nature.

### 2. Present

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

Staff/advisors: J Perone, Assessment Manager, C Schubert, Minute Taker (WCC) and L Trevisan, Planning Officer (WCC).  
Attendance via Microsoft Teams – A Teaha, Planning Officer (PPRC), P Coombes (URPS for PACC)

Applicants: J & S Tatchell (2020830)  
Attendance via Microsoft Teams: E Zhang Green and Gold Energy (Golden Invest Pty Ltd) J Mason, Mason DA Planning (660/117/2020), S Caldwell, Russell Yelland (23028135).

Representor: V Hewett (660/117/2020),  
Attendance via Microsoft Teams: N Knox (23020830),

### 3. Apologies,

Nil

**4. Confirmation of Minutes**

Moved A Stokes, seconded F Barr

**RAP35/24 That the minutes of meeting held on 14 November 2023 be received and adopted**

**CARRIED**

**5. Business Arising from the Previous Minutes**

Nil.

**6. Conflict of Interest Declarations**

Nil

**R Donaldson, E Zhang and J Mason entered the meeting at 5:38pm**

**7. Officer Reports**

**7.1 Development Application 23028135**

New boarding house facility (student accommodation) with 33 beds, associated facilities, services, car parking and landscaping – and demolition of five existing buildings (containing 12 beds) and a shed, 455-461 The Terrace, Port Pirie.

A Teaha gave an overview of the report.

The Panel had a short discussion regarding the item.

Moved F Barr, seconded A Stokes

**RAP36/24 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, for the following reason:-**

- (a) There is no change in the use of the land – it is an existing secondary school with existing boarding facilities and some existing boarding room buildings will be demolished.**

**Carried**

Moved N Stassinpoulos, seconded F Barr

- RAP37/24 1. **Development Application Number 23028135, by Russell & Yelland Architects for a new boarding house facility (student accommodation), at 455-461 The Terrace Port Pirie be granted Planning Consent subject to the following reserved matters and conditions.**

**Reserved matter**

- (a) Provision of a final schedule of building materials, finishes and colours to the satisfaction of the Assessment Manager or delegate, prior to Development Approval.**
- (b) Provision of a final detailed landscape plan to the satisfaction of the Assessment Manager or delegate, prior to Development Approval.**

**Conditions**

**General**

**Condition 1**

**The development is to take place in accordance with the supporting documentation and plans relating to Development Application Number 23028135, except as modified by any conditions attached to this Decision Notification.**

**Condition 2**

**That all car parks, driveways and vehicle manoeuvring areas shall be set out and line marked in accordance with the approved plans and in accordance with Australian Standard – Off Street Parking – Car Parking Facilities and be constructed, drained and paved with bitumen, concrete or paving bricks in accordance with sound engineering practice to the reasonable satisfaction of the Council prior to use of the development.**

**Condition 3**

**Stormwater infrastructure to be installed in accordance with the application documentation, to the satisfaction of the Council.**

**Condition 4**

**The applicant shall provide sealed driveway road crossovers to The Terrace (10m wide each) and associated works, at the applicant's cost – the applicant must provide final design details and civil works plans to the Council for approval prior to undertaking such works.**

**Condition 5**

**The landscaping areas as shown on the approved plans must be planted prior to occupation of the development. The plantings shall be watered and maintained, with diseased and dying plantings replaced as necessary, to the satisfaction of the Council.**

## **Notes**

### **Advisory Note 1**

**Building Rules approval and final Development Approval must be sought and obtained prior to undertaken any development.**

### **Advisory Note 2**

**No signage shall be erected without the prior consent of the relevant planning authority.**

### **Advisory Note 3**

**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 Council, with all costs being borne by the applicant.**

### **Advisory Note 4**

**The interference with Council infrastructure is an offence under the Local Government Act and no work shall take place on Council land without the prior written consent of Council; in particular the interference with the footpath or kerbing for the installation of lawns, pipes, pavers, concrete or vehicular crossovers requires the submission of plans and details to Council for approval prior to the commencement of work.**

### **Advisory Note 5**

**Pursuant to Section 202 of the Planning, Development and Infrastructure Act 2016, you have the right of appeal to the Environment, Resources and Development Court against either (1) a refusal of consent or (2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period allowed by the Court.**

**The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Ph. 8204 0289).**

### **Advisory Note 6**

**Once development approval is granted, the development must be:**

- a) Substantially commenced within 24 months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of 24 months from this date (unless Council extends this period), and a new development application shall be required; and**
- b) Fully completed within 3 years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of 3 years from this date (unless Council extends this period), and a new development application shall be required; and**

- c) **Any request for an extension of time must be lodged through the Plan SA portal prior to the expiry of the above-mentioned periods.**

**Carried**

**S Caldwell vacated the meeting at 5.50pm**

7.2 Development Application 660/117/2020

Solar farm (4.95MW) with ancillary infrastructure, battery storage, fencing and landscaping.

S Payne gave a short overview of the item and its determination in relation to both the Development Act 1993 and the Planning Development and Infrastructure Act 2016.

Representor, V Hewett, addressed the panel in relation to her representation.

J Mason responded to matters raised.

The Panel discussed the proposal in relation to objectives and principles of both the Planning & Design Code and the Port Augusta Development Plan (Consolidated 7 July 2016)

J Mason and P Coombes responded to questions from the Panel.

**N Knox entered the meeting at 5:55pm**

Moved R Donaldson, seconded N Stassinopoulos

- RAP38/24 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**

**Carried**

Moved A Stokes, seconded R Donaldson

- RAP39/24 2. Development Application Number 660-117-2020 by Golden Invest Pty Ltd is refused Development Plan Consent for the following reasons:**
- 1. The proposal is contrary to Objective 1 of the Rural Living Zone in that it is not for “rural activities”.**
  - 2. The proposal is contrary to Objective 2 of the Rural Living Zone in that it does not contribute to the desired character of the Zone by being a “small scale, low impact business activities associated with the use of the land” and would detract from the “rural-residential character” of the locality. Further, the proposed solar array is not a “sparse”**

form of development and is not generously set back from all boundaries.

3. **The proposal is contrary to Principle of Development Control 6 in that it is not consistent with the desired character for the Zone.**

**Carried**

**A Teaha vacated the meeting at 6:13pm**

**V Hewett, E Zhang, J Mason and P Coombes vacated the meeting at 6:35pm**

7.3 Development Application 23020830

Change of land use to Service Trade Premises and Maintenance Workshop Shed, 261 McBryde Terrace, Whyalla Playford.

L Trevisan gave a brief overview of the application

Representor, N Knox, addressed the panel in relation to her representation.

J Tatchell responded to matter raised.

The Panel discussed matters raised and possible solutions. Consensus was reached to include additional conditions to assist in addressing possible matters that may arise in the future.

Moved A Stokes, seconded R Donaldson

- RAP40/24     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,**

**Carried**

Moved N Stassinpoulos, seconded F Barr

- RAP41/24     2.     Development Application Number 23020830, by Stefanie Tatchell and Jason Tatchell is granted Planning Consent subject to the following 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**

Neither advertising nor advertising structures form part of this approval. Should advertising for the business be desired, an application to Council is required.

**Condition 3**

Potted pine tree landscaping as detailed in approved plans, shall be placed prior to use of the development. Plantings shall be watered via an automated irrigation system, and 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 to ensure that stormwater does not adversely affect 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**

That all practical measures shall be employed during workshop construction to ensure that no nuisance is created to the general public as a result of wind blown dust, such measures to include the use of water truck, water sprinkling or paper mulching to ensure that destabilised earth does not subsequently erode once the effects of damping have worn off.

**ADVISORY NOTES**

**Advisory notes imposed by the Planning Authority:**

**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).

**Carried**

Moved N Stassinpoulos, seconded F Barr

- RAP42/24 3. The Upper Spencer Gulf Development Assessment Panel delegate the authority to the Assessment Manager to compile and impose conditions relating to;**
- 1. Hours of operation between 6.30am and 5pm; with consideration given to ad hoc call outs.**
  - 2. Contain noise emissions pursuant to the Marshall Day Acoustic Report**
  - 3. Work on western boundary not to exceed the EPA guidelines in respect to noise.**
  - 4. Any intensification of the site is to be subject to a further application to Council.**

**Carried**

**9. Other business**

Nil

**10. Close**

S Payne declared the meeting closed at 7:15pm



**Stewart Payne  
PRESIDING MEMBER**