



Port Augusta
CITY COUNCIL



Port Pirie
Regional Council



**UNEARTH
WHYALLA**

AGENDA

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

Civic Conference Room, Whyalla City Council,

21 Grundel St, Whyalla Norrie or;

Port Pirie Regional Council,

115 Ellen Street, Port Pirie

And online via Teams [join meeting here](#)

Tuesday 3 February 2026,

commencing at 5.30pm.



Port Augusta
CITY COUNCIL



**UNEARTH
WHYALLA**

AGENDA

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

Notice is hereby given that a meeting of the Upper Spencer Gulf Regional Assessment Panel will be held on 03 February 2026, Civic Conference Room, Whyalla City Council Building, 21 Grundel Street, Whyalla Norrie and Port Pirie Regional Council, Admin Meeting Room, 115 Ellen Street, Port Pirie, commencing at 5.30pm.

Adina Teaha
ASSESSMENT MANAGER
28 January 2026

1. Welcome – Stewart Payne, Presiding Member

2. Present

3. Apologies

4. Confirmation of Minutes

That the minutes of meeting held on 05 August 2025 be received and adopted.

5. Business Arising from the Previous Minutes

RAP73/25 - A report be prepared and presented by the Assessment Manager, Jodie Perone, at the next Panel Meeting. The purpose of the report is to consider the current condition requiring referral of projects exceeding \$5 million in value to the Panel.

This report is included in this Agenda, Item 8.1 – Instrument of Delegation

6. Conflict of Interest Declarations

7. Officer Reports

7.1 Development Application 25034042 Pages 1-76

Change of use to Indoor Recreation Facility (VSpot) with associated signage on front elevation.

8. Other business

8.1 Instrument of Delegation Pages 77-78

Review of \$5m Assessment Manager Delegation

9. Close

7.1 Development Application 25034042 - Change of use to Indoor Recreation Facility - 21 Jenkins Avenue, Whyalla Norrie

DEVELOPMENT NO.:	25034042
APPLICANT:	Adam Hinton-Thomson Nathan Presch Kirstin Mckay
ADDRESS:	21 Jenkins Avenue, Whyalla Norrie SA 5608
NATURE OF DEVELOPMENT:	Change of use to Indoor Recreation Facility (VSpot) with associated signage on front elevation.
ZONING INFORMATION:	Zones: • Local Activity Centre Overlays: • Building Near Airfields • Hazards (Flooding - Evidence Required) • Native Vegetation
LODGEMENT DATE:	31 Oct 2025
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes – 5 representations received – none to be heard
RELEVANT AUTHORITY:	Upper Spencer Gulf Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.20 23/10/2025
RECOMMENDATION:	Approval
RECOMMENDING OFFICER:	Lucas Trevisan City Planning Coordinator

CONTENTS:

ATTACHMENT 1:	Final Plans Set
ATTACHMENT 2:	Certificate of Title
ATTACHMENT 3:	Representations
ATTACHMENT 4:	Response to Representations
ATTACHMENT 5:	Liquor License Notice of Application

PROPOSED DEVELOPMENT:

The proposed development comprises the change of land use from a Shop (most recently a Salvation Army second-hand shop) to an Indoor Recreation Facility. In more detail, the proposal includes:

- **Land Use:** Change of use to an 'Indoor Recreation Facility', specifically operating as a Virtual Reality Arcade with accompanying traditional arcade games (golf simulators, shuffleboard, pool table). The proposal includes an ancillary bar and food service area for the sale of alcohol and reheating of food (air-fryers/pizza ovens).

- **Signage:** Installation of one (1) flush wall sign to the northern façade (parapet) of the building. The sign contains the text "VSPOT", measures 3.0m in width by 1.2m in height and is constructed of Aluminium Composite Panel (ACP) with a full-colour UV laminated print. The signage is non-illuminated.
- **Hours of Operation:** The application seeks operating hours between 10:30 am and 10:30 pm on any day, consistent with the associated Liquor License application.
- **Access & Openings:** Primary pedestrian access for patrons is restricted solely to the northern frontage facing Jenkins Avenue. The southern elevation contains a single door which is to be altered to open outwards, serving as an emergency exit only.
- **Car Parking:** The site does not contain on-site parking. The proposal relies on the existing shared off-street vehicle parking area located within the Jenkins Avenue road reserve (ABC Shopping Centre car park), which serves the integrated complex. Please note that while the shared parking is located within the road reserve, visually and functionally, it operates as a self-contained parking module solely to the ABC Shopping Centre. 53 vehicle parking spaces are provided to the integrated complex.
- **Seating & Capacity:** The venue proposes a maximum capacity of 100 persons. Seating is provided in the form of booths and a casual lounge area with a large screen television, designed for casual consumption of food and drink ancillary to the recreational activities rather than formal dining.
- **Lighting:** No additional external lighting is proposed as part of this application. Windows on the facade are proposed to be boarded up or obscured to control internal light spill and sound pollution.

SUBJECT LAND & LOCALITY:

Land Description:

The subject land comprises one allotment, being Lot 2 in Community Plan 21125, with a total area of 570.22m² (Certificate of Title 5878/940), commonly known as 21 Jenkins Avenue.

The allotment is irregular in shape, characterised by stepped side boundaries that tightly align with the footprint of the existing building within the broader integrated commercial complex. The existing built form covers the entirety of the site area.

The land functions within a Community Title Scheme governed by a Scheme Description and By-Laws (Dealings 9376502 and 9376503). The Scheme Description identifies that the development comprises four (4) community lots utilised for commercial purposes, supported by shared infrastructure.

While the land does not feature direct street frontage, its northern boundary abuts a designated Common Property driveway and car parking area. Clause 5.1 of the Scheme Description confirms that this area is sealed and bituminised to serve the Community Corporation. Consequently, the site relies on this private off-street parking shared by the Community Lot owners and their patrons, supplementing the public parking available in the Jenkins Avenue road reserve.

The southern boundary provides a straight frontage of 24.58m to the rear service laneway, which facilitates service vehicle access and emergency egress.



Locality:

The locality is characterised by an established commercial strip situated along the southern side of Jenkins Avenue, a primary arterial road featuring a wide median and service road infrastructure. The subject land forms part of a single-story integrated complex, known as the ABC Shopping Centre, which shares off-street vehicle parking located within the front road reserve. To the immediate rear of the site, a service laneway physically separates the commercial tenancies from the low-density residential dwellings to the south. The broader physical context is predominantly residential, consisting of detached dwellings to the north and south.

The subject land (indicated with red outline) and surrounding locality is visible within the screenshot from Metromap, below. Followed by photos showing the existing context of the building.



Photo 1: Northern elevation



Photo 2: Eastern elevation showing boarded windows – This act does not require assessment



Photo 3: Eastern side of the building showing community land between subject land and old Pizza Hut shop



Photo 4: Eastern elevation at rear of building



Photo 5: Southern elevation at rear of building. Please note that bin collection occurred on the day of inspection. Bins are typically stored in the building.



Zoning:

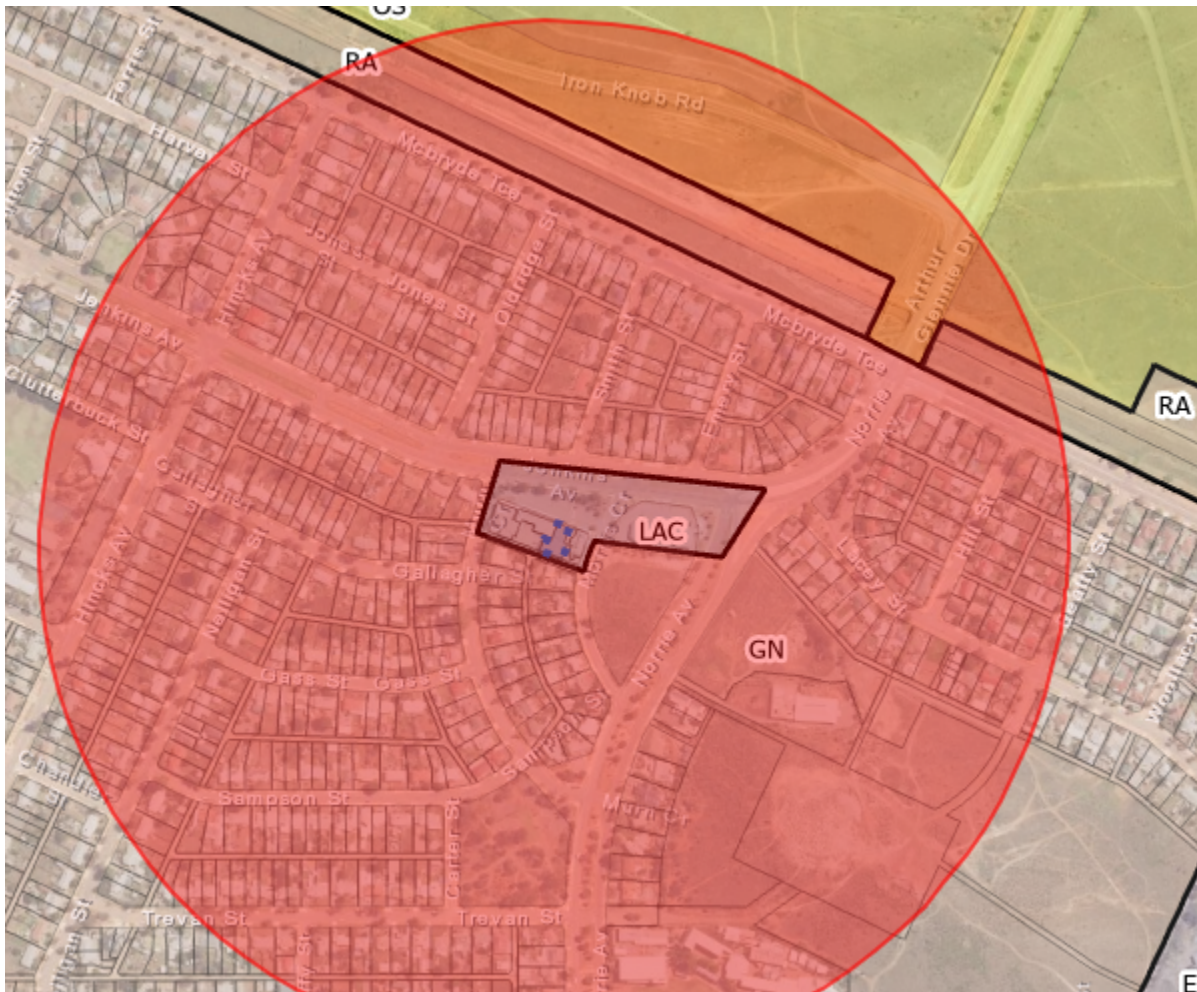
The subject land is located within the Local Activity Centre. The following zones are additionally present within 500m of the land:

General Neighbourhood – <1m surrounding the Local Activity Centre zone.

Remote Areas – Approx. 300m to the North

Open Space - <500m to the North

The land, highlighted, and applicable zoning can be seen within the screenshot taken from the South Australian Property and Planning Atlas, below.



PROCEDURAL MATTERS:

Relevant Authority:

The Upper Spencer Gulf Regional Assessment Panel is the relevant authority for this planning application under the Planning, Development and Infrastructure Act 2016. This is due to the application being subject to a Performance Assessment process under the Planning and Design Code with notification being undertaken and representations having been received which expressed 'opposition' to the development.

Consent Required:

Planning Consent

Category of Development:

- **Per Element:**
Change of use: Code Assessed - Performance Assessed
- Signage: Code Assessed – Deemed to Satisfy
- **Overall Application Category:**
Code Assessed - Performance Assessed
- **Reason**
P&D Code; Pursuant to Section 107 of the Planning, Development and Infrastructure Act 2016.

PUBLIC NOTIFICATION

Reason for Notification

The notification criteria found within table 5 of the Local Activity Centre excludes the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B. For the purposes of this application, Local Activity Centre Zone Table 5, Column A, does not explicitly list 'Indoor Recreation Facility', or similar. In which case Column A, Item 2 must be considered; "Any kind of development where the site of the development is **not** adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone".

Adjacent land is defined as land no more than 60 metres from the other land. Five allotments used for residential purposes and within a neighbourhood-type zone are present within a 60-metre buffer from the subject land, therefore notification was required.

List of Representations

7 representations were received during the notification period, all of which oppose the development.

Representations 6 and 7 have been omitted from the below table as they are duplicates of representors 2 and 1 respectively.

Does not support

No. of representation	Name	Address	Matters raised	Request to be heard
1	Om Prakash	21 Jenkins Avenue, Whyalla Norrie	• Overflow of activities into outdoor spaces • Sale of alcohol and food	No
2	Mohammad Belbisi	25 Warner Avenue, Findon	• Noise during nighttime hours	No
3	Saad Khan	149A Elliott Street, Whyalla Playford	• Alcohol consumption in outdoor areas • Noise during nighttime hours	No
4	Alkhalil Aljahdhami	18/32 Broadbent Terrace, Whyalla	• Noise and further nuisance	No

			during nighttime hours	
5	Shaikh Muckarram	34 Jenkins Avenue, Whyalla Norrie	Noise and further nuisance during nighttime hours	No

Complete representations can be found within the attachments.

Applicant's response

Complete Applicant's response can be found within the attachments; however, it has been summarised here.

V Spot Holdings Pty Ltd responded to the representations by clarifying that the proposed use is primarily a recreational entertainment venue, comprising Virtual Reality and arcade gaming, rather than a dedicated bar or restaurant, with food and alcohol service remaining ancillary to this function. To address amenity and noise concerns, the applicant confirmed the removal of rear speakers, the boarding up of windows to contain light and sound, and a commitment to cease trading by 10:30 pm.

Regarding proximity to the mosque and residential areas, the applicant detailed strict management protocols including CCTV installation, refusal of outdoor alcohol consumption, and active cooperation with Crimestoppers to mitigate anti-social behaviour and ensure public safety.

Finally, the applicant disputed claims regarding property devaluation and commercial competition, noting the long-term vacancy of the objecting neighbour's premises and the proposal's alignment with Local Activity Centre zoning objectives.

REFERRALS

Mandatory Referrals

No mandatory referrals were made.

Internal Referrals

No internal referrals were made.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code.

Question of Seriously at Variance

When considering this change in land use to 'Indoor Recreation Facility' from a non-use, a crucial aspect of the assessment is to determine whether it significantly deviates from the established Planning and Design Code. According to Section 107(2)(c) of the Planning, Development and Infrastructure Act, we must evaluate if the development is "seriously at variance," setting aside any minor discrepancies. If such a significant variance exists, approval cannot justifiably be granted. The courts have provided guidance on this matter. Essentially, "seriously at variance" implies a substantial departure from the Code, one that is not minor or insignificant. It's not simply a matter of the proposal differing from the Code; the deviation must be considerable. Past legal precedent has affirmed that this interpretation remains consistent across planning legislation. In the case of this Virtual Reality Arcade, a careful review indicates that it does not represent a grave or substantial departure from the Planning and Design Code. Therefore, rather than being deemed "seriously at variance," the proposal will be evaluated on its merits against the specific provisions of the Code, as outlined in Section 107(1)(2)(a) of the Act.

Overlays

Overlay	Desired Outcomes	Performance Outcomes	Assessment
Building Near Airfields	1 Maintain the operational and safety requirements of certified commercial and military airfields, airports, airstrips and helicopter landing sites through management of non-residential lighting, turbulence and activities that may attract or result in the congregation of wildlife.	N/A	Development does not involve any modifications to the built form.
Hazards (Flooding – Evidence Required)	1 Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.	N/A	Development does not involve any modifications to the built form.
Native Vegetation	1 Areas of native vegetation are protected, retained and restored in order to sustain biodiversity, threatened species and vegetation communities, fauna habitat, ecosystem services, carbon storage and amenity values.	N/A	No native vegetation exists within the site. No wildlife or wildlife habitats will be removed as a result of this development.

Technical Numeric Variations

None present at this location.

Land Use

The following Performance Outcomes (PO) are applicable:

Zone – PO 1.1

Retail, office, health and community facilities, services and other businesses provide a range of goods and services to the local community.

Zone – PO 1.5

Changes in the use of land encourage the efficient reuse of commercial premises to maintain and enhance vibrancy within activity centres.

The proposed development seeks a change of land use from a second-hand shop to an 'Indoor Recreation Facility', which is assessed against the Local Activity Centre Zone to provide a range of goods and services to the local community. Consistent with Zone PO 1.1, the introduction of a virtual reality arcade diversifies the mix of businesses within the centre, offering a new recreational service that complements existing retail and community facilities. Furthermore, the proposal directly addresses Zone PO 1.5 by reactivating a tenancy that has experienced a period of recent cessation, thereby encouraging the efficient reuse of an existing commercial premise. By occupying a vacant site without requiring any modifications to the external built form, the development enhances the vibrancy of the activity centre while utilising existing infrastructure.

Signage

The following Designated to Satisfy (DTS) are applicable. DTS which are not applicable due to the nature of the signage or the present Overlays have been omitted:

Advertisements – DTS 1.1

- *Not included due to size –*

Advertisements – DTS 1.3

Advertisements and/or advertising hoardings are contained within the boundaries of the site.

Advertisements – DTS 2.3

Advertisements satisfy all of the following:

- a) *are attached to a building*
- b) *other than in a Neighbourhood-type zone, where they are flush with a wall, cover no more than 15% of the building facade to which they are attached*
- c) *do not result in more than one sign per occupancy that is not flush with a wall.*

Advertisements – DTS 3.1

Advertisements contain information limited to a lawful existing or proposed activity or activities on the same site as the advertisement.

Advertisements – DTS 4.1

Advertisements do not incorporate any illumination.

Advertisements – DTS 5.1

Advertisements have a minimum clearance of 2.5m between the top of the footpath and base of the underside of the sign.

Advertisements – 5.2

No advertisement illumination is proposed.

Advertisements – 5.3

Advertisements satisfy all of the following:

- a) *are not located in a public road or rail reserve*
- b) *are located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram*

Advertisements – 5.4

Advertisements and/or advertising hoardings are not located along or adjacent to a road having a speed limit of 80km/h or more.

Advertisements – 5.6

Advertising satisfies all of the following:

- a) is not illuminated*
- b) does not incorporate a moving or changing display or message*
- c) does not incorporate a flashing light(s).*

A portion of the advertising signage will be positioned above 3.7m measured from finished ground level. Consequently, the signage requires assessment. However, as demonstrated above, the signage complies with the relevant Deemed to Satisfy criteria. Therefore, subject to Section 107(2)(a) of the *Planning, Development and Infrastructure Act 2016*, this element must be taken to have been granted planning consent.

Vehicle Parking

Off-street parking facilities are not being modified or expanded upon as part of this application. The development proposes the change in land use from a 'shop' to an 'Indoor Recreation Facility'. In accordance with Table 1 – General Off-Street Car Parking Requirements, of Transport, Access and Parking, the Shop land use required a greater volume of parking. A Shop (No commercial kitchen – In an integrated complex) requires 5 spaces per 100m², whereas an Indoor Recreation Facility (not being a Fitness Centre) requires 4.5 spaces per 100m². As the proposed use is less intensive than the Shop from a parking perspective, no additional assessment of parking is required. 53 shared vehicle parking spaces are provided for patrons of the integrated complex.

Interface between Land Uses

The following Desired Outcome (DO), Performance Outcomes (PO), and Designated Performance Features (DPF) are applicable:

Interface Between Land Uses (IBLU) – DO 1

Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

IBLU – PO 1.2

Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

IBLU – PO 2.1

Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:

- a) the nature of the development*
- b) measures to mitigate off-site impacts*
- c) the extent to which the development is desired in the zone*
- d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.*

IBLU – PO 4.1

Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).

IBLU – 4.6

Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.

The proposed development has been assessed against the Interface between Land Uses General Development Policies, seeking to ensure development is located and designed to mitigate adverse effects on neighbouring land uses.

Sensitive Receivers & Context

The subject land is situated in a sensitive interface context. It is bounded to the south by a rear laneway separating it from the General Neighbourhood Zone and immediately adjoins a place of worship (Mosque) located at 5 Morris Crescent to the south, also within the General Neighbourhood Zone. These uses are identified as sensitive receivers requiring careful consideration of noise and amenity impacts.

Acoustic Amenity

A key consideration for this proposal is the management of noise, not only from music (PO 4.6) but also from patron activity associated with the Virtual Reality (VR) gaming (PO 4.1).

While the applicant did not submit a formal acoustic report, a merit-based assessment of the noise sources suggests the proposal can achieve suitable amenity levels subject to conditions. Unlike a licensed venue with amplified bands or a crowded beer garden, the primary noise source here is internal patron voices (gaming reactions) and digital game audio. The applicant has removed existing rear speakers and committed to no live music.

Critically, the internal floor plan has been designed to locate high-activity zones (VR Arena, Golf Simulators) towards the centre and north of the building, while the southern portion of the tenancy, closest to the residential interface, is designated as a "Staff Only" service and storage area (Kitchen, Staff Area, Product Store). This internal layout effectively creates a physical buffer, ensuring that patron-generated noise does not emanate directly from the southern elevation. Furthermore, the "land-locked" nature of the tenancy provides additional acoustic shielding.

To ensure the lack of an acoustic report does not result in unregulated noise impacts, Condition 5 has been recommended, which strictly limits noise at the nearest residential boundary to 52dB(A) (day) and 45dB(A) (night), consistent with the indicative noise levels for a General Neighbourhood Zone receiver under the *Environment Protection (Commercial and Industrial Noise) Policy 2023*.

Food & Odour

Consultation with the Council's Environmental Health Officer (EHO) is required regarding the proposed food preparation. However, from a planning perspective, the applicant has confirmed the facility will not utilise a commercial kitchen or extraction system, limiting cooking to air-fryers and electric ovens. This "kitchenette" style operation effectively eliminates the risk of grease, odour, or vibration typically associated with commercial exhaust flues, satisfying IBLU PO 2.1 regarding off-site impacts.

Hours of Operation

The application seeks operating hours generally concluding by 10:30 pm, consistent with the Applicant's "Statement of Further Particulars" which specifies a closing time of 10:30 pm on Thursday through Saturday, and 8:30 pm on Sundays.

While the associated Liquor License public notice indicates a request for trading until 11:30 pm, the planning assessment has relied upon the Applicant's written commitment to the 10:30 pm closing time as a primary mitigation measure for protecting the amenity of the adjacent residential interface.

Accordingly, Condition 2 has been imposed to strictly limit the cessation of trade to 10:30 pm. This condition ensures that the land use operates within the parameters assessed and compatible with the locality, effectively overriding any broader trading hours that may be granted via the separate Liquor Licensing process.

Lighting & Surveillance (CPTED)

It is acknowledged that the applicant's proposal to "board up windows" for acoustic/light control presents a conflict with CPTED principles by reducing passive surveillance (Design PO 3.1).

To balance the need for acoustic containment with safety, the applicant has committed to the installation of CCTV cameras in surrounding areas and active cooperation with Crimestoppers. While the boarding of windows reduces internal-to-external visibility, the nature of the use (VR gaming) involves patrons wearing

headsets, meaning traditional passive surveillance from *within* the venue out to the street would be limited regardless.

No new external lighting is proposed; however, the site abuts the established, illuminated car park of the ABC Shopping Centre, ensuring safe pedestrian access during non-daylight hours. To ensure the "boarded windows" do not create a visual blight or "dead" frontage, Condition 6 requires any external treatments to be professionally finished to match the building's colour scheme.

Waste & Recycling

The proposal includes a dedicated Back Dock / Storage Area for waste management. The applicant has specified the provision of standard bins for general waste and a secondary dedicated bin for refundable liquor containers (recycling). This ensures appropriate separation of waste streams on-site without impacting the public realm or common property.

Building Layout

A site plan has been provided distinguishing the existing shell from the proposed fit-out. As the proposal involves the construction of internal partition walls (booths, reception, store rooms), Building Rules Consent is triggered due to the change in Building classification.

CONCLUSION

The proposed development seeks to change the land use of an existing tenancy at 21 Jenkins Avenue from a Shop to an Indoor Recreation Facility (Virtual Reality Arcade). The proposal is consistent with the Local Activity Centre Zone, which encourages a diversity of retail, business, and recreational activities that serve the local community.

Key aspects of the assessment include:

- **Reactivation:** The proposal reactivates a long-term vacant commercial premise, enhancing the vibrancy of the activity centre without requiring significant external built form modifications.
- **Parking & Traffic:** The proposed use generates a lower parking demand (4.5 spaces/100m²) than the former 'Shop' use (5 spaces/100m²), ensuring the existing Community Title and public parking infrastructure remains sufficient.
- **Interface Management:** The amenity of adjacent sensitive receivers (residential dwellings and the Mosque) is protected through strict physical and operational conditions. These include the removal of rear speakers, the boarding of windows for acoustic containment, and a condition restricting trade to 10:30 pm to prevent late-night disturbance.
- **Common Property:** Conditions have been imposed to explicitly confine all commercial activity to the subject allotment, protecting the adjacent Common Property (C1) and address neighbours' concerns regarding obstruction and liability.

Seven representations were received opposing the development. The assessment concludes that the specific operational nature of the facility (entertainment focused rather than alcohol focused), combined with the imposed conditions regarding noise (52dB(A) limit) and operating hours, sufficiently addresses these concerns.

Accordingly, the proposal is not considered to be seriously at variance with the Planning and Design Code and warrants the granting of Planning Consent.

RECOMMENDATION

It is recommended that the Regional Assessment Panel resolve that:

1. 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*.

2. Development Application Number 25034042, by Adam Hinton-Thomson, Nathan Presch and Kirstin McKay is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

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 trading activity, including the consumption of food and beverages and the storage of goods or waste, must be confined entirely within the boundaries of the now approved Indoor Recreation Facility. No commercial activity is permitted to encroach upon the adjacent Common Property (C1) identified in Community Plan 21125.

Condition 3

The approved advertisement shall be maintained in good repair at all times.

Condition 4

Any modifications to the external windows (including boarding or obscuring) shall be finished in a professional manner and painted or treated to match the existing external colour scheme of the building, to the reasonable satisfaction of the Council.

Condition 5

Noise generated from the premises (including music and patron activity) must not exceed 52dB(A) between 7:00 am and 10:00 pm and 45dB(A) between 10:00 pm and 7:00 am when measured at the boundary of the nearest residential allotment, consistent with the *Environment Protection (Commercial and Industrial Noise) Policy 2023*.

Condition 6

The hours of operation for the development herein approved shall be between 10:30am and 10:30pm Monday to Saturday, and 11:30am to 8:30pm Sunday. If operating hours are to substantially and frequently deviate from the times conditioned, the submission of a variation to amend the hours of operation is required.

ADVISORY NOTES

Planning Consent

Advisory Note 1

The applicant has a right of review and/or appeal against this decision, or the conditions which have been imposed, as follows;

- to seek a review of the decision of the Assessment Manager to the Upper Spencer Gulf Regional Assessment Panel - this 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
- to appeal the decision of the Assessment Manager to 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 is advised that this Planning Consent relates to the use of Lot 2 within the Primary Community Plan 21125 only. Any access to, or use of, the Common Property (C1) for egress, waste transport, or infrastructure maintenance is subject to the provisions of the Community Titles Act 1996 and the relevant By-Laws of the Community Corporation. Disputes regarding the use of Common Property are civil matters to be resolved between the Corporation members.

Advisory Note 3

The applicant is advised that By-Law Part 1(B) of Community Plan 21125 requires prior written approval from the Community Corporation (by majority vote) for any alterations to the exterior of the building. This includes the approved signage and the boarding/obscuring of windows required by Condition 4. Planning Consent does not override this requirement.

Advisory Note 4

The applicant is advised of their obligation to notify the Council's Environmental Health Officer (EHO) of the proposed food business and to ensure compliance with the *Food Act 2001* and the *Food Safety Standards*. All food handling and preparation areas should be designed, constructed, and operated in accordance with these standards.

Advisory Note 5

By-Law 8.2 mandates that garbage bins must be stored upon the community lot in a position such that they are not visible from outside the lot. The applicant is advised to ensure the designated waste storage area remains compliant with this By-Law to avoid potential compliance action by the Community Corporation.

Advisory Note 6

The applicant is advised that this Planning Consent does not constitute approval under the *Liquor Licensing Act 1997*. Furthermore, the hours of operation specified in Condition 6 of this consent take precedence over any wider trading hours that may be granted via a Liquor License.

OFFICER MAKING RECOMMENDATION

Name: Lucas Trevisan
Title: City Planning Coordinator
Date: 28 January 2026

ATTACHMENT 1: FINAL PLANS SET



Statement of Further Particulars – V Spot Holdings PTY LTD.

Business Details

Business Name: V Spot

Business Address: Shop 1 – ABC Shopping Centre, 21 Jenkins Avenue, Whyalla Norrie, SA 5608

Applicant:

Adam Hinton-Thomson – Director

Nathan Presch – Director

Kirstin McKay – Director

1. Specific Use Proposed

The proposed use of the premises is as a Recreational Venue comprising the following activities:

- Golf Simulators for indoor recreational play.
- Virtual Reality Gaming using VR headsets and a dedicated play area for free-roam immersive gaming.
- Lounge Area with a 100" screen for sport, event, and music streaming, social entertainment, and relaxation.
- Bar with Kitchen providing beverages (standard or alcoholic) and simple prepared foods, including air-fried items and grazing platters for on-site consumption.

All activities occur within the designated floor-plan areas.

2. Expected Number of Employees

The business will employ a total of five (5) staff members, consisting of:

- Three (3) Company Directors, who will also assist in day-to-day operations.
- Two (2) Regular Employees engaged in service and operational duties.

3. Expected Days and Times of Operation

The intended operating hours of V Spot are as follows:

- Monday – Wednesday: Closed
- Thursday – Saturday: 11:30 am – 10:30 pm
- Sunday: 11:30 am – 8:30 pm

4. Waste Storage and Disposal

Type of Bins

- Standard Household Garbage Bins (MGBs) for day-to-day operations and food waste.
- A secondary bin will collect refundable liquor containers for return to a recycling depot as required.
- All bins will be stored in the Back Dock / Storage Area of the premises. This ensures waste materials are kept separate from areas used by staff or patrons for food preparation and consumption.

Collection and Disposal Frequency

- **Council waste collection:** Weekly, in accordance with the local council's collection schedule.
- **Additional waste removal:** Ad-hoc rubbish disposal may occur by V Spot as necessary to maintain cleanliness and hygiene on premises.

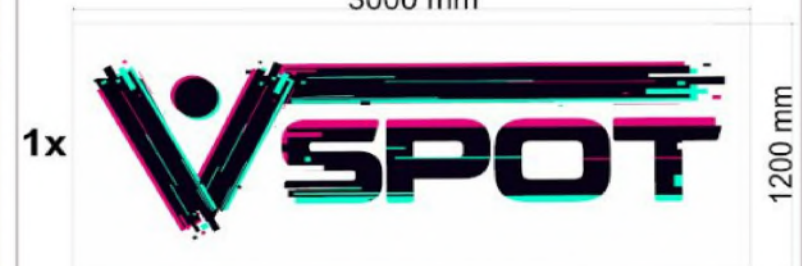


Note: Please sign and return this artwork within 24hrs to avoid delays to your delivery date. Production of your order will not commence until all artwork details have been approved.

ARTWORK APPROVAL

WO 20466
ACP Sign
 Full colour print with UV lamination

Supply only
 3000 mm



2x tubes of x-tack
 Install with X-Tack Adhesive and Masonry Screws

STANDARD PRODUCTION TIME IS BETWEEN 10-12 WORKING DAYS STARTING FROM DATE OF FINAL APPROVAL.
 (subject to fabrication).

54 Playford Ave,
 Whyalla Playford, SA 5600
 Ph: (08) 8645 4606
 Email: whyalla@signarama.com.au
 Web: www.signarama.com.au

☐ Please make the following changes
☐ The above artwork is correct please proceed

Signed

Date

ART PROOF No. 1
 Please Note:
 Alterations after this proof
 may incur a charge

PLEASE CHECK
☐ SPELLING
☐ SIZE
☐ LOGO

CONTRACTOR TO CONDUCT WHOLE OF THE SITE WORK PLACE SAFETY RISK ASSESSMENT INCLUDING ALL ACCESS & EGRESS INCLUDING ADJACENT PUBLIC SPACES SO AS TO DETERMINE THE FULL EXTENT OF ALL POSSIBLE SAFETY RISK FACTORS

TO THE PROCURER OF CONSTRUCTION PRODUCTS MUST DETERMINE THAT PRODUCTS ARE FIT FOR ITS INTENDED PURPOSE. ENSURE THE BUILDING PRODUCTS THEY SELECT, BUY AND INSTALL MEET ALL AUSTRALIAN BUILDING STANDARDS

CONTRACTOR TO MAKE PROVISIONS NECESSARY, DETERMINED FROM RISK ASSESSMENT AUDIT SO AS TO PROVIDE A SAFE WORK PLACE AS REQUIRED BY THE PROPOSED NEW WORKS INCLUDING THE STRUCTURAL INTEGRITY OF EXISTING BUILDING

CONTRACTOR. IS TO VISIT THE SITE. WHILE TENDERING / PRIOR TO TENDERING AND DETERMINE ACTUAL. EXTENT OF ALL WORKS TO BE DONE. TO BRING THE JOB TO AN APPROVED STAGE OF COMPLETION

JENKINS AVENUE

ADJACENT OPEN SPACE

COMMERCIAL SPACE

544.2 m.sqr

LOT 2

577 m.sqr

SHOP 1

NOTE : ALL DRAWINGS BE READ IN CONJUNCTION WITH AN INDUSTRY ASSOCIATED TYPE BUILDING SPECIFICATION SUCH AS HIA, MBA, BDA, NAT.SPEC SUPPLIED BY CONTRACTOR
CONTRACTOR IS TO CONSTRUCT ALL WORKS TO THE BUILDING CODE OF AUSTRALIA 2022 VOLUME TWO CLASS 1 & 10a BUILDINGS CLASS 1b & 10a & 10b & 10c OF NATIONAL CONSTRUCTION CODE 2022 VOLUME TWO ALL IN ACCORDANCE WITH ALL REGULATION AND CODES AND STANDARDS OF THE BUILDING CODE AUSTRALIA 2022 AND OR THE NATIONAL CONSTRUCTION CODE 2022 LOCAL AUTHORITY STATUTORY REQUIREMENTS AS APPLICABLE

ADJACENT SHOP

NOTE :
CONTRACTOR IS TO CHECK WITH ETSA, E&WS, TELECOM ETC. PRIOR TO TENDERING FOR DIRECTION AS TO THE FULL EXTENT ALL WORK TO BE DONE

NOTE :
EXISTING BUILDING MAY CONTAIN ASBESTOS, APPROPRIATE CARE IN THE HANDLING AND DISPOSAL OF SAME MUST BE TAKEN ALSO APPROVALS AND NOTIFICATIONS

EXISTING AREAS

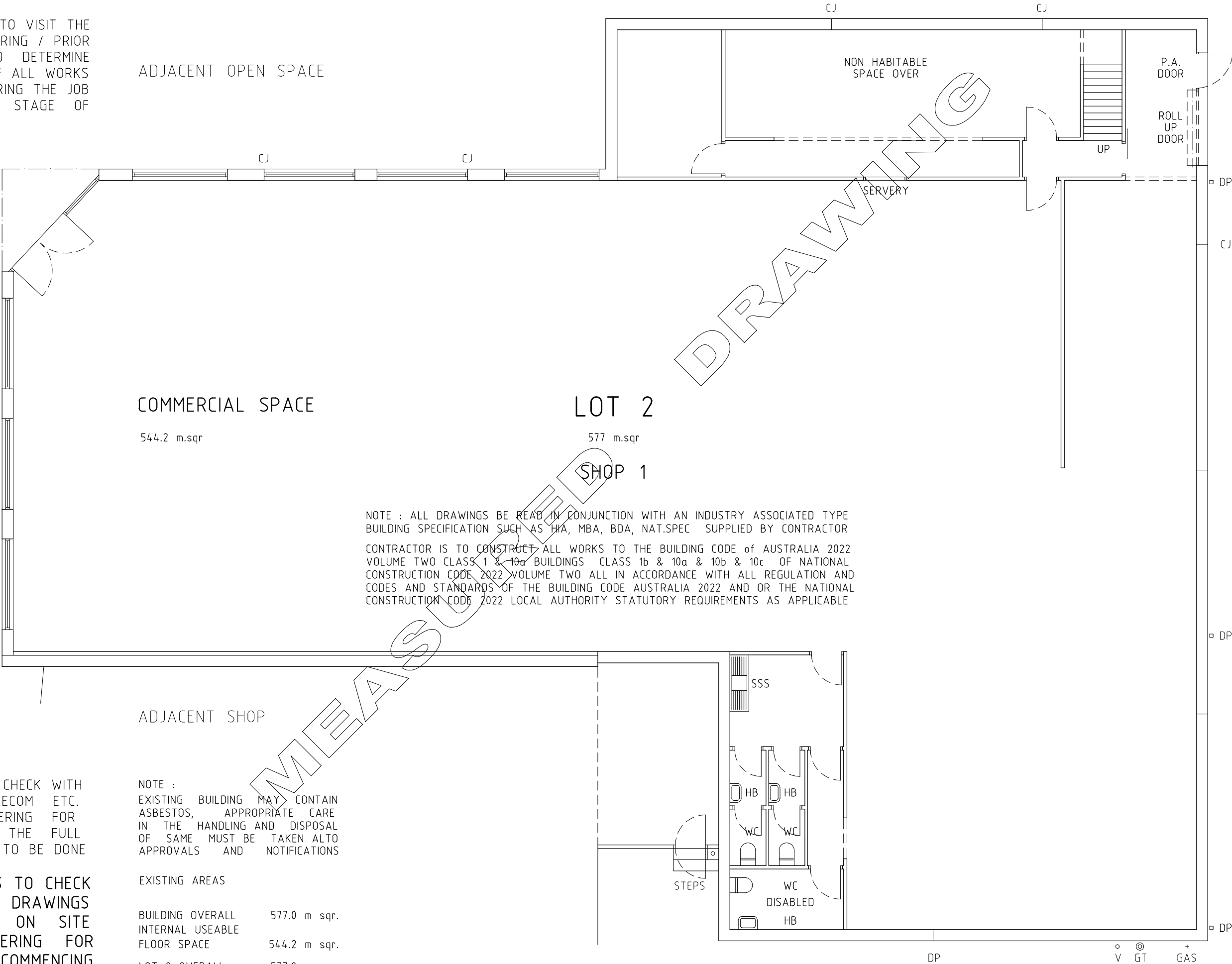
BUILDING OVERALL	577.0 m sqr.
INTERNAL USEABLE FLOOR SPACE	544.2 m sqr.
LOT 2 OVERALL	577.0 m sqr.

CONTRACTOR. IS TO CHECK AND VERIFY ALL DRAWINGS DIMENSIONS ETC. ON SITE PRIOR TO TENDERING FOR ERRORS BEFORE COMMENCING ANY OF THE WORKS.

SCALE 1 : 100

DRG. No.1653B1

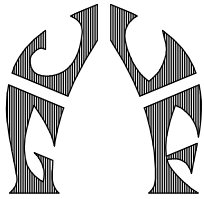
EXISTING



PUBLIC UTILITY WAY

PLAN VIEW

SHEET 3 OF 14



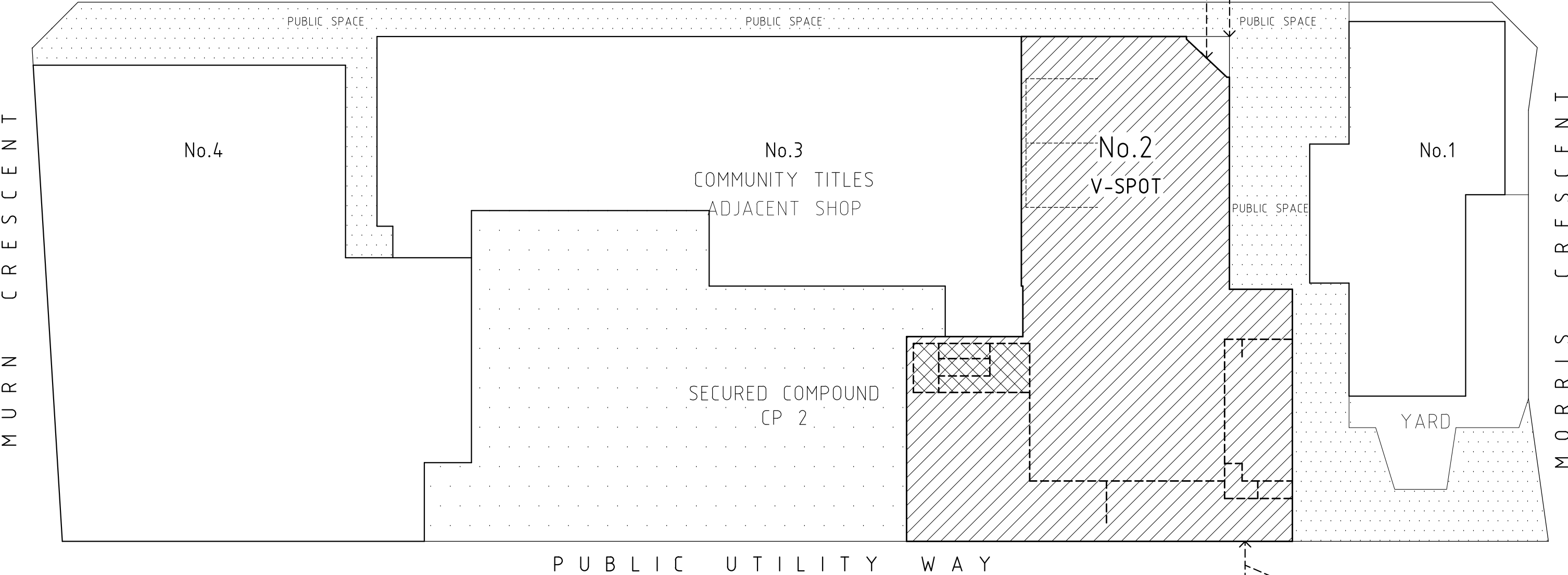
GULF DESIGN
0428 810 546
COPYRIGHT

CONTRACTOR TO CONDUCT WHOLE OF THE SITE WORK PLACE SAFETY RISK ASSESSMENT INCLUDING ALL ACCESS & EGRESS INCLUDING ADJACENT PUBLIC SPACES SO AS TO DETERMINE THE FULL EXTENT OF ALL POSSIBLE SAFETY RISK FACTORS

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NOTE : CONTRACTOR IS TO CHECK WITH ETSA, E&WS, TELECOM ETC. PRIOR TO TENDERING FOR DIRECTION AS TO THE FULL EXTENT OF ALL WORK TO BE DONE

NOTE : PRIOR TO COMMENCING ANY WORKS ALL. CONTRACTORS TO CONTACT DIAL BEFORE YOU DIG.. ENQUIRIES 1100 AND OR VISIT www.1100.com.au FOR DIRECTION AS TO ANY SERVICE BEING AFFECTED BY THE NEW WORK

INDICATES :  EXISTING BUILDING AND OVERALL BUILDING AREA

CONTRACTOR IS TO PROVIDE ALL NECESSARY TEMPORARY SUPPORT TO EXISTING STRUCTURE DURING ALL WORKS SO AS TO MAINTAIN INTEGRITY OF EXISTING BUILDING

: INDICATES  AMENITY TO WITHIN THE EXISTING BUILDING

EMERGENCY EXIT DOOR
EMERGENCY EXIT

EXISTING FIRE HYDRANT
DIAGRAMMATICALLY INDICATED

CONTRACTOR. IS TO CHECK AND VERIFY ALL DRAWINGS DIMENSIONS ETC. ON SITE PRIOR TO TENDERING FOR ERRORS BEFORE COMMENCING ALL OR ANY OF THE WORK
SCALE 1 : 250

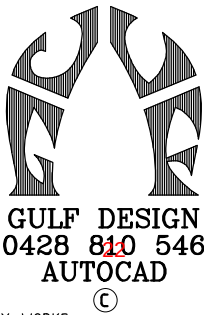
NOTE : EXISTING BUILDING MAY CONTAIN ASBESTOS, APPROPRIATE CARE IN THE HANDLING AND DISPOSAL OF SAME MUST BE TAKEN ALTO APPROVALS AND NOTIFICATIONS
DRG. No.1653A1

NOTE : ALL DRAWINGS BE READ IN CONJUNCTION WITH AN INDUSTRY ASSOCIATED TYPE BUILDING SPECIFICATION SUCH AS HIA, MBA, BDA, NAT.SPEC SUPPLIED BY CONTRACTOR
CONTRACTOR IS TO CONSTRUCT ALL WORKS TO THE BUILDING CODE of AUSTRALIA 2022 VOLUME TWO CLASS 1 & 10a BUILDINGS CLASS 1b & 10a & 10b & 10c OF NATIONAL CONSTRUCTION CODE 2022 VOLUME TWO ALL IN ACCORDANCE WITH ALL REGULATION AND CODES AND STANDARDS OF THE BUILDING CODE AUSTRALIA 2022 AND OR THE NATIONAL CONSTRUCTION CODE AND LOCAL AUTHORITY STATUTORY REQUIREMENTS .AS APPLICABLE

SITE PLAN

BUILDING AREAS	
BUILDING OVERALL	577.0 m sqr.
INTERNAL USEABLE FLOOR SPACE	544.2 m sqr.
TOTAL	577.0 m sqr.

SHEET 2 OF 14



CONTRACTOR TO CONDUCT WHOLE OF THE SITE WORK PLACE SAFETY RISK ASSESSMENT INCLUDING ALL ACCESS & EGRESS INCLUDING ADJACENT PUBLIC SPACES SO AS TO DETERMINE THE FULL EXTENT OF ALL POSSIBLE SAFETY RISK FACTORS

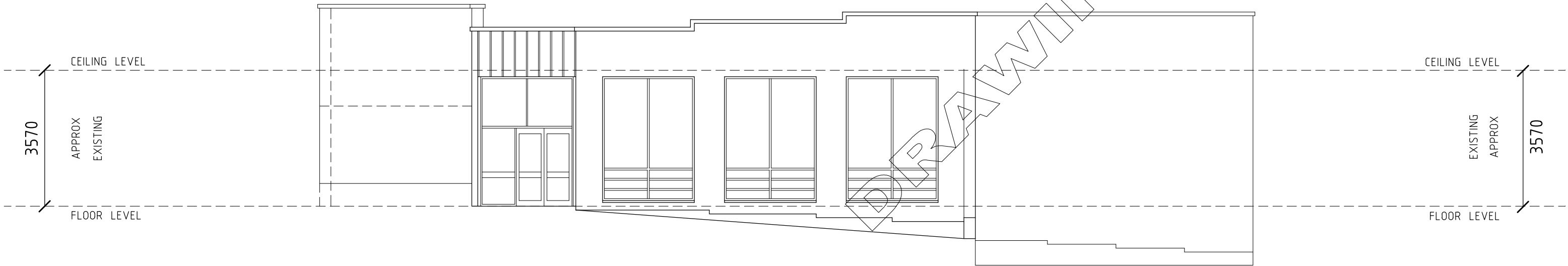
TO THE PROCURER OF CONSTRUCTION PRODUCTS MUST DETERMINE THAT PRODUCTS ARE FIT FOR ITS INTENDED PURPOSE. ENSURE THE BUILDING PRODUCTS THEY SELECT, BUY AND INSTALL MEET ALL AUSTRALIAN BUILDING STANDARDS

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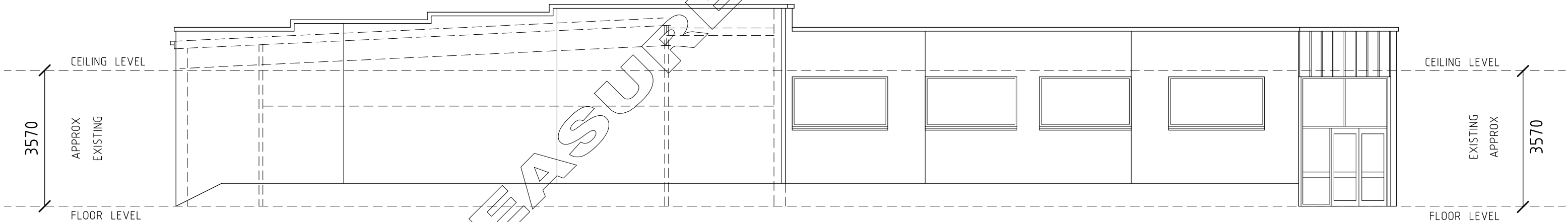
CONTRACTOR. IS TO VISIT THE SITE. WHILE TENDERING / PRIOR TO TENDERING AND DETERMINE ACTUAL. EXTENT OF ALL WORKS TO BE DONE. TO BRING THE JOB TO AN APPROVED STAGE OF COMPLETION

CONTRACTOR IS TO PROVIDE ALL NECESSARY TEMPORARY SUPPORT TO EXISTING STRUCTURE DURING ALL WORKS SO AS TO MAINTAIN INTEGRITY OF EXISTING BUILDING

CONTRACTOR IS TO BREAK INTO THE. EXISTING BUILDING TO THE FULL EXTENT REQUIRED FOR THE PROPER COMPLETION OF ALL THE WORKS AND MAKE GOOD ALL AFFECTED SURFACES TO MATCH WITH EXISTING UPON COMPLETION



NORTH ELEVATION A.



EAST ELEVATION B.

CONTRACTOR. IS TO CHECK AND VERIFY ALL DRAWINGS DIMENSIONS ETC. ON SITE PRIOR TO TENDERING FOR ERRORS BEFORE COMMENCING ANY OF THE WORKS.

SCALE 1 : 100

NOTE :

EXISTING BUILDING MAY CONTAIN ASBESTOS, APPROPRIATE CARE IN THE HANDLING AND DISPOSAL OF SAME MUST BE TAKEN ALTO APPROVALS AND NOTIFICATIONS

DRG. No.1653C1

NOTE : ALL DRAWINGS BE READ IN CONJUNCTION WITH AN INDUSTRY ASSOCIATED TYPE BUILDING SPECIFICATION SUCH AS HIA, MBA, BDA, NAT.SPEC SUPPLIED BY CONTRACTOR

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ELEVATIONS

BUILDING AREAS

EXISTING OVERALL	577.0 m sqr.
INTERNAL USABLE FLOOR SPACE	544.2 m sqr.
TOTAL	577.0 m sqr.

SHEET 7 OF 14



CONTRACTOR TO CONDUCT WHOLE OF THE SITE WORK PLACE SAFETY RISK ASSESSMENT INCLUDING ALL ACCESS & EGRESS INCLUDING ADJACENT PUBLIC SPACES SO AS TO DETERMINE THE FULL EXTENT OF ALL POSSIBLE SAFETY RISK FACTORS

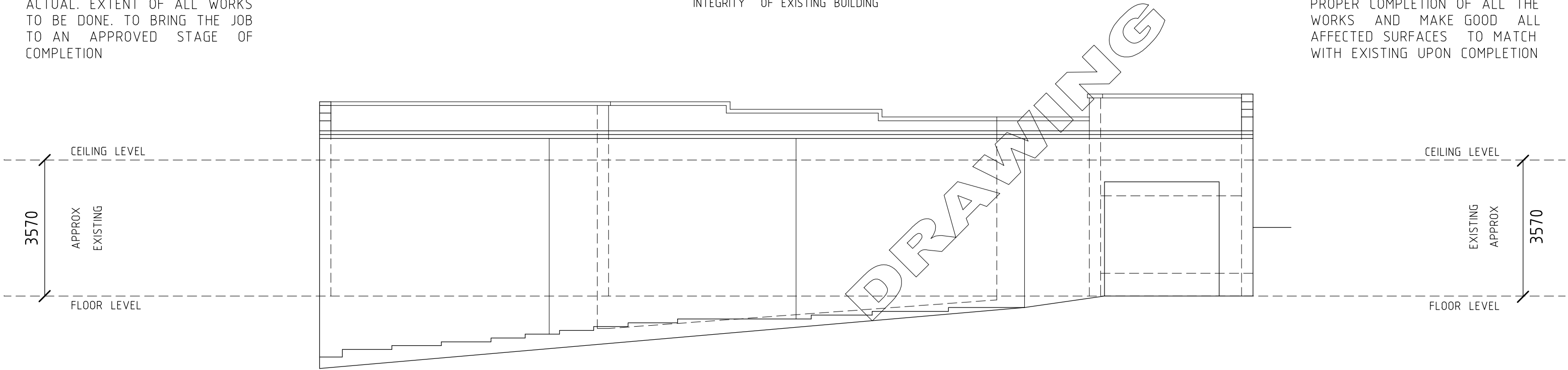
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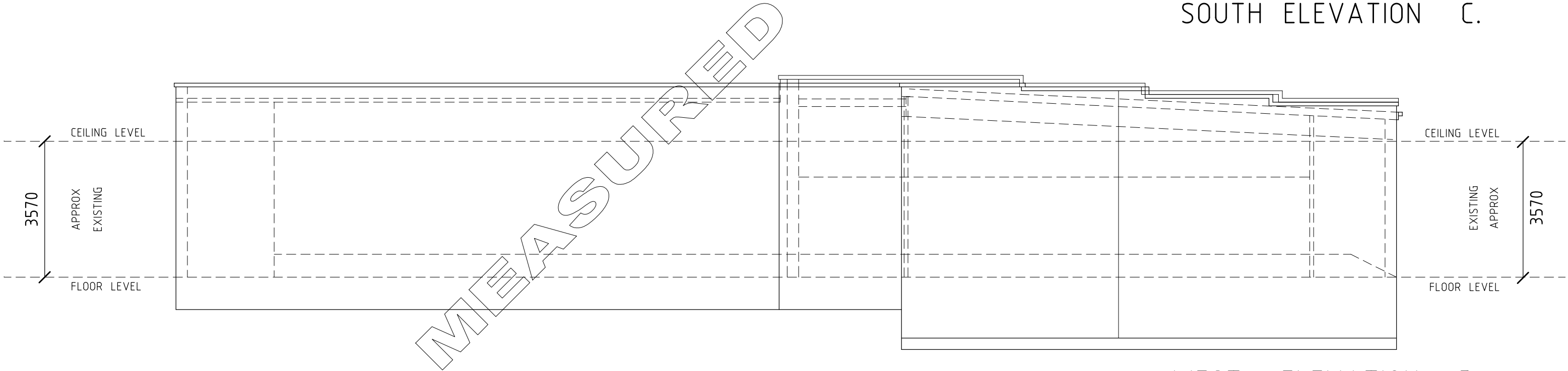
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SOUTH ELEVATION C.



WEST ELEVATION D.

CONTRACTOR. IS TO CHECK AND VERIFY ALL DRAWINGS DIMENSIONS ETC. ON SITE PRIOR TO TENDERING FOR ERRORS BEFORE COMMENCING ANY OF THE WORKS.

NOTE :

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NOTE : ALL DRAWINGS BE READ IN CONJUNCTION WITH AN INDUSTRY ASSOCIATED TYPE BUILDING SPECIFICATION SUCH AS HIA, MBA, BDA, NAT.SPEC SUPPLIED BY CONTRACTOR

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BUILDING AREAS

EXISTING OVERALL	577.0 m sqr.
USABLE INTERNAL FLOOR SPACE	544.2 m sqr.
TOTAL	577.0 m sqr.

SCALE 1 : 100

DRG. No.1653C2

ELEVATIONS

SHEET 8 OF 14



CONTRACTOR TO CONDUCT WHOLE OF THE SITE WORK PLACE SAFETY RISK ASSESSMENT INCLUDING ALL ACCESS & EGRESS INCLUDING ADJACENT PUBLIC SPACES SO AS TO DETERMINE THE FULL EXTENT OF ALL POSSIBLE SAFETY RISK FACTORS

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ADJACENT OPEN SPACE

NOTE :
ALTER EXISTING FRONT ENTRY DOOR SO AS TO GIVE A . SINGLE HANDLE DOWN WARD LEVER TYPE ACTION EXIT DOOR TO OPENING OUTWARDS

NOTE :
SIGNAGE TO A.S. 1428.1

NOTE :
ALTER EXISTING REAR EXIT DOOR SO AS TO GIVE A SINGLE HANDLE DOWN WARD LEVER TYPE ACTION DOOR TO OPEN OUTWARDS

JENKINS AVENUE

PUBLIC UTILITY WAY

NOTE :
CONTRACTOR IS TO CHECK WITH E.T.S.A, E&WS, TELECOM ETC. PRIOR TO TENDERING FOR DIRECTION AS TO THE FULL EXTENT ALL WORK TO BE DONE

ADJACENT SHOP

NOTE :
CONTRACTOR IS TO PROVIDE ALL NECESSARY TEMPORARY SUPPORT TO EXISTING STRUCTURE DURING ALL WORKS SO AS TO MAINTAIN INTEGRITY OF EXISTING BUILDING

NOTE :
EXISTING BUILDING MAY CONTAIN ASBESTOS, APPROPRIATE CARE IN THE HANDLING AND DISPOSAL OF SAME MUST BE TAKEN ALTO APPROVALS AND NOTIFICATIONS

NOTE :
EXISTING AMENITIES TO BE MODIFIED SO AS TO PROVIDE A COMMON AIR LOCK ENTRY TO TWO(2) UNISEX AMBULANT TOILETS ONE. (1) UNISEX DISABILITY TOILET

NOTE :
ALL NEW INTERNAL BUILDING WORK IS OF A NON STRUCTURAL NON LOAD BEARING & NON PERMANENT ALL OF A DIS-MOUNTABLE TYPE CONSTRUCTION

NOTE :

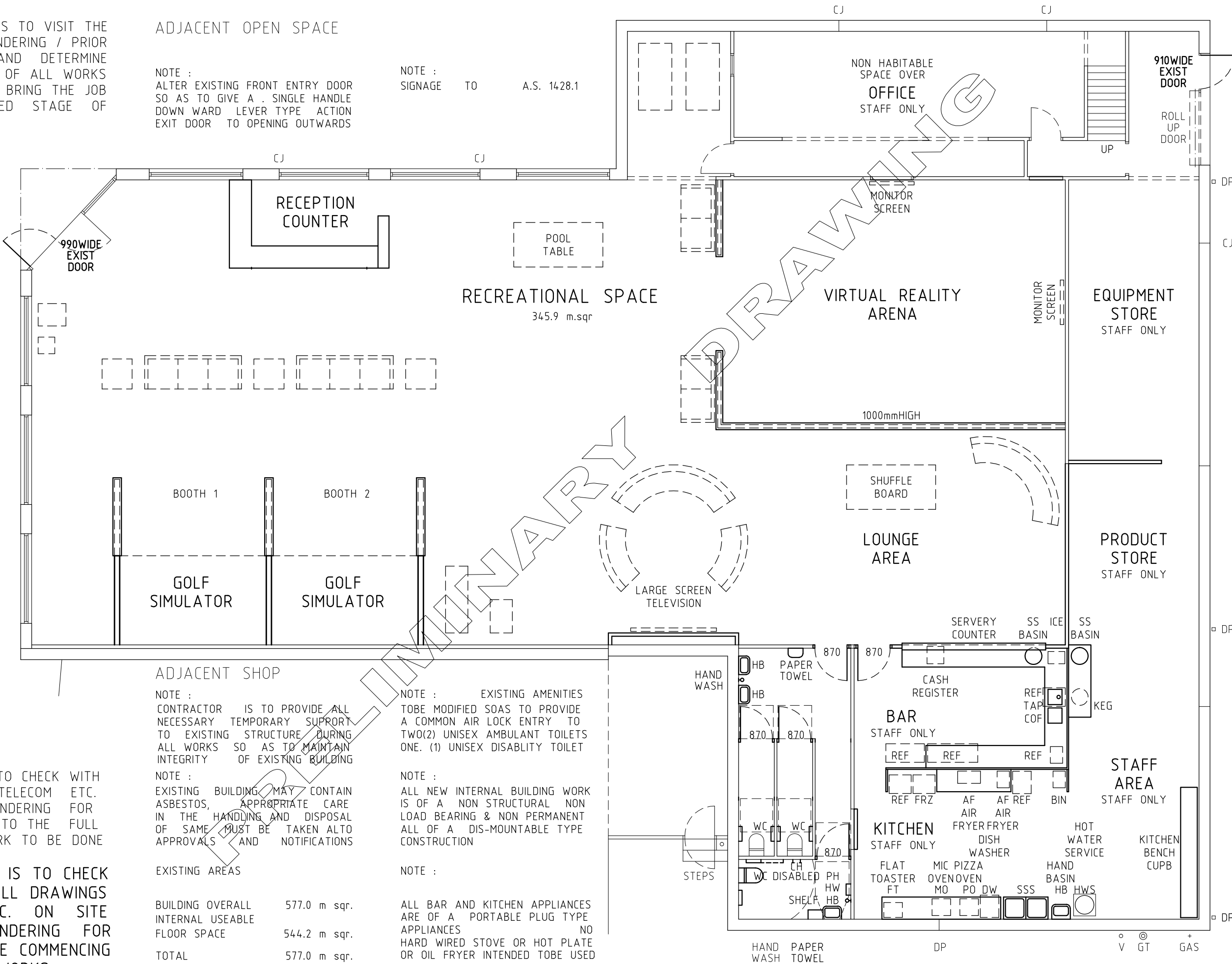
ALL BAR AND KITCHEN APPLIANCES ARE OF A PORTABLE PLUG TYPE APPLIANCES NO HARD WIRED STOVE OR HOT PLATE OR OIL FRYER INTENDED TO BE USED

CONTRACTOR. IS TO CHECK AND VERIFY ALL DRAWINGS DIMENSIONS ETC. ON SITE PRIOR TO TENDERING FOR ERRORS BEFORE COMMENCING ANY OF THE WORKS.

SCALE 1 : 100

DRG. No.1653B2

PROPOSED



PLAN VIEW

SHEET 4 OF 14



GULF DESIGN
0428 810 546
COPYRIGHT

CONTRACTOR TO CONDUCT WHOLE OF THE SITE WORK PLACE SAFETY RISK ASSESSMENT INCLUDING ALL ACCESS & EGRESS INCLUDING ADJACENT PUBLIC SPACES SO AS TO DETERMINE THE FULL EXTENT OF ALL POSSIBLE SAFETY RISK FACTORS

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⊥ ⊥
CH CH
INDICATES :
TWO (2) COAT HOOKS

 NCC 2022 SECTION.E4
SPEC.E2.2a. EM.LIGHT
INDICATES :
EMERGENCE LIGHTING

CONTRACTOR. IS TO CHECK AND VERIFY ALL DRAWINGS DIMENSIONS ETC. ON SITE PRIOR TO TENDERING FOR ERRORS BEFORE COMMENCING ANY OF THE WORKS.

SCALE 1 : 50

TO THE PROCURER OF CONSTRUCTION PRODUCTS MUST DETERMINE THAT PRODUCTS ARE FIT FOR ITS INTENDED PURPOSE. ENSURE THE BUILDING PRODUCTS THEY SELECT, BUY AND INSTALL MEET ALL AUSTRALIAN BUILDING STANDARDS

PROPOSED

CONTRACTOR IS TO PROVIDE ALL NECESSARY TEMPORARY SUPPORT TO EXISTING STRUCTURE DURING ALL WORKS SO AS TO MAINTAIN INTEGRITY OF EXISTING BUILDING

NOTE :
SIGNAGE TO A.S. 1428.1

FIT . PAPER TOWEL DISPENSER
TO TOILET AIR LOCK

RE-MOVE EXISTING SINK AND CUPBOARD & MAKE READY FOR NEW WORKS
FIT EXISTING HAND BASINS INDICATED AND MAKE GOOD . ON COMPLETION
FIT HAND SANITIZER DISPENSER ASSOCIATED TO RE-USED HAND BASINS AS INDICATED

900 x 900 CIRCULATION SPACE

RE-MOVE EXISTING TOILET ENTRY DOORS AND FRAMES
FIT NEW 870mmWIDE DOORS AND FRAMES

RE-MOVE EXISTING INTERNAL TOILET DOORS AND FRAMES TO WALL
MAKE GOOD COMPLETION

FIT 400mmLONG GRAB RAILS TO
TO AMBULANT TOILET INDICATED

900 x 900 CIRCULATION SPACE

FIT 900mmLONG GRAB RAIL.. TO
TO DISABLED. TOILET INDICATED

FIT APPROVED DISABLED TOILET WITH BACK REAST TO EXISTING TOILET POSITION .
MAKE GOOD

FIT 400mmLONG GRAB RAIL.. TO
TO DISABLED. TOILET INDICATED

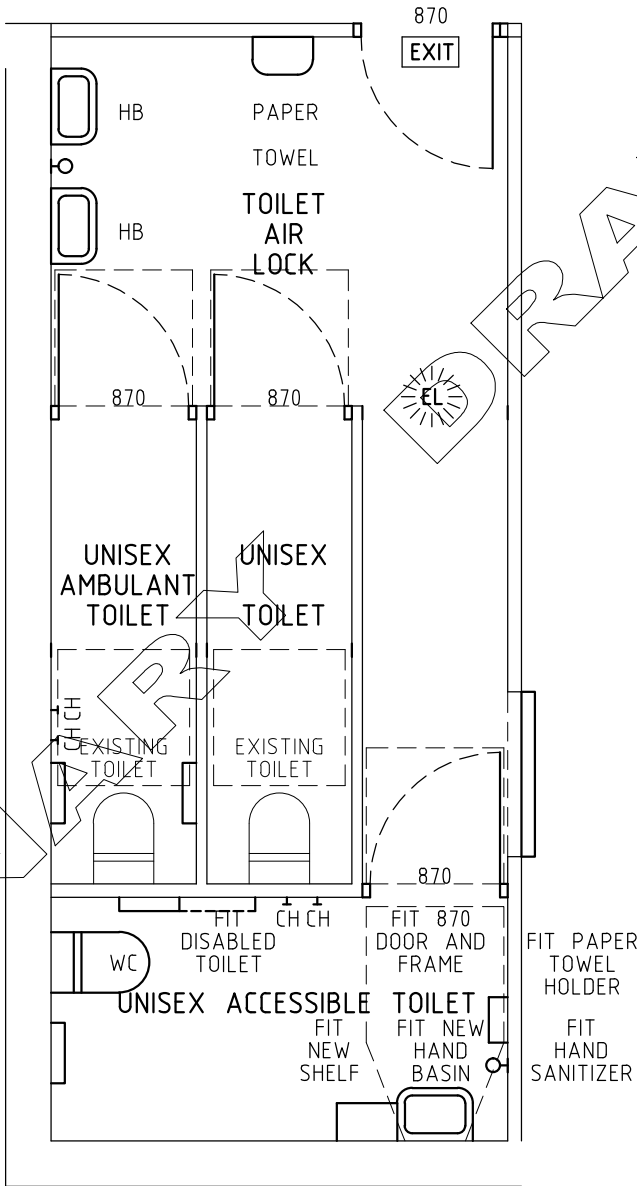
RE-MOVE EXISTING HAND BASIN TERMINATE AND MAKE GOOD
FIT APPROVED DISABLED HAND BASIN WITH SHELF AND MIRROR OVER

 NCC 2022 SECTION.E4
INDICATE : E4.5 EXIT SIGNS
EXIT LIGHT PERMANENTLY LUMINATED

NOTE :

EXISTING BUILDING MAY CONTAIN ASBESTOS, APPROPRIATE CARE IN THE HANDLING AND DISPOSAL OF SAME MUST BE TAKEN ALTO APPROVALS AND NOTIFICATIONS

DRG. No.1653B4



RE-MOVE EXISTING TOILET ENTRY DOOR AND FRAME AND FIT NEW 870mm WIDE DOOR AND FRAME

RE-MOVE EXISTING PASSAGE DOOR AND FRAME TO WALL
MAKE GOOD ON COMPLETION

RE-MOVE EXISTING INTERNAL TOILET HAND BASINS TERMINATE AND .
MAKE GOOD COMPLETION
RE-MOVE EXISTING INTERNAL TOILET DOORS AND FRAMES TO WALL
MAKE GOOD COMPLETION

900 x 900 CIRCULATION SPACE

FIT 400mmLONG GRAB RAILS TO
TO AMBULANT TOILET INDICATED

RE-MOVE EXISTING TOILET ENTRY DOORS AND FRAMES
FIT NEW 870mmWIDE DOORS AND FRAMES
CLOSE OFF EXISTING OPEN WAY AS FOR EXISTING
MAKE GOOD

FIT . PAPER TOWEL DISPENSER ASSOCIATED TO HAND BASIN

FIT HAND SANITIZER DISPENSER ASSOCIATED TO HAND BASIN

UPGRADES TO EXISTING AMENITIES

PART GROUND PLAN

NOTE : ALL DRAWINGS BE READ IN CONJUNCTION WITH AN INDUSTRY ASSOCIATED TYPE BUILDING SPECIFICATION SUCH AS HIA, MBA, BDA, NAT.SPEC SUPPLIED BY CONTRACTOR

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PLAN VIEW

EXISTING AREAS

BUILDING OVERALL	577.0 m sqr.
INTERNAL USEABLE FLOOR SPACE	544.2 m sqr.
LOT 2 OVERALL	577.0 m sqr.

SHEET 6 OF 14

CONTRACTOR TO MAKE PROVISIONS NECESSARY, DETERMINED FROM RISK ASSESSMENT AUDIT SO AS TO PROVIDE A SAFE WORK PLACE AS REQUIRED BY THE PROPOSED NEW WORKS INCLUDING THE STRUCTURAL INTEGRITY OF EXISTING BUILDING

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ATTACHMENT 2: CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5878 Folio 940

Parent Title(s) CT 5876/360
Creating Dealing(s) ACT 9376501
Title Issued 04/09/2002 **Edition** 1 **Edition Issued** 04/09/2002

Estate Type

FEE SIMPLE

Registered Proprietor

THOMAS ANTHONY ANTONIO
OF C/- SHOP 1 ABC VILLAGE WHYALLA NORRIE SA 5608
1 / 2 SHARE

ROGER VICTOR THOMPSON
OF C/- SHOP 1 ABC VILLAGE WHYALLA NORRIE SA 5608
1 / 2 SHARE

Description of Land

LOT 2 PRIMARY COMMUNITY PLAN 21125
IN THE AREA NAMED WHYALLA NORRIE
HUNDRED OF RANDELL

Easements

NIL

Schedule of Dealings

Dealing Number	Description
7871987	MORTGAGE TO BANK OF SOUTH AUSTRALIA LTD.

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan

Lodgement Date	Dealing Number	Description	Status
02/07/2002	9376502	SCHEME DESCRIPTION	FILED
02/07/2002	9376503	BY-LAWS	FILED

Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G2/1983

Administrative Interests NIL

Certificate of Title

Title Reference: CT 5878/940

Status: CURRENT

Parent Title(s): CT 5876/360

Dealing(s) Creating Title: ACT 9376501

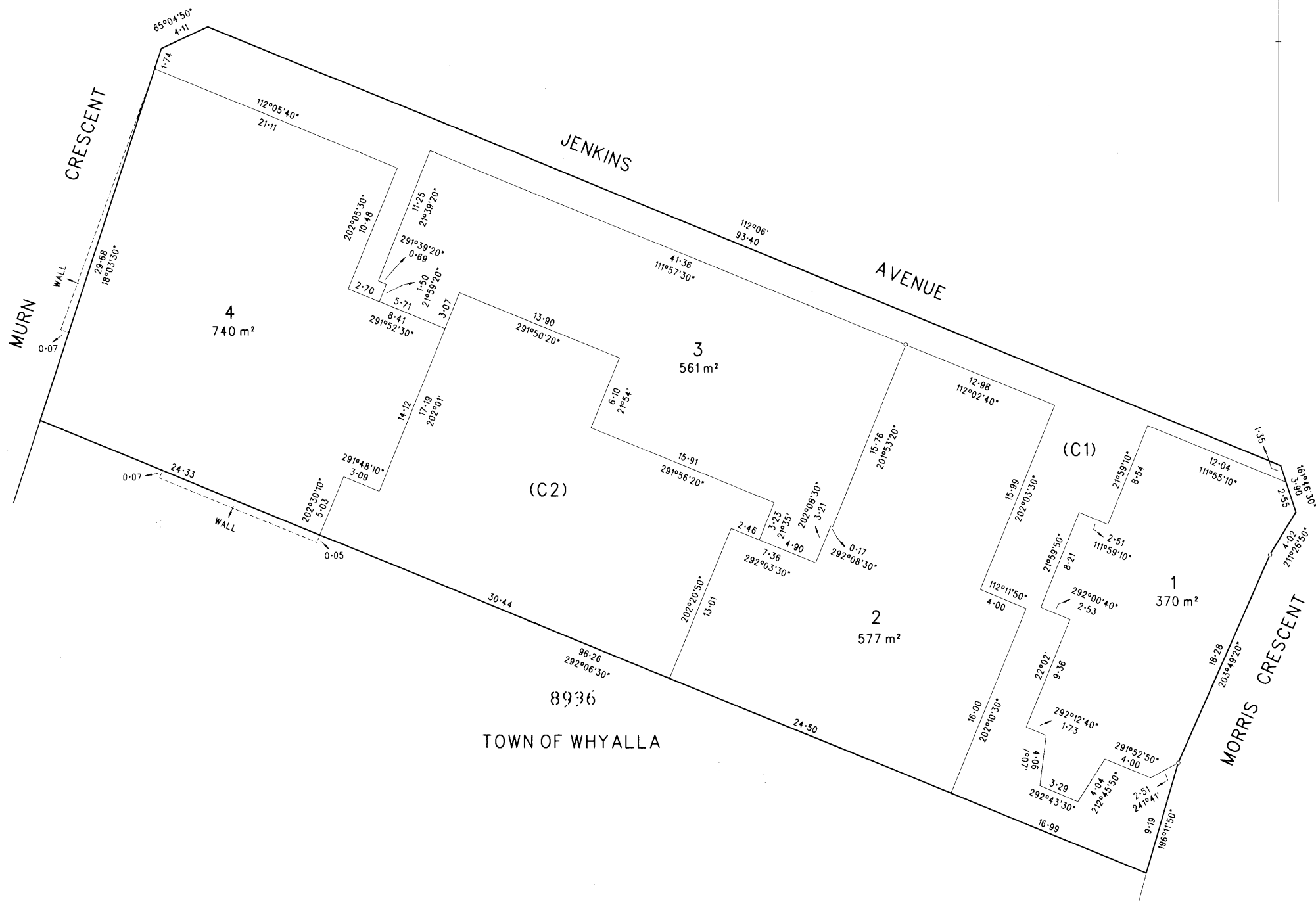
Title Issued: 04/09/2002

Edition: 1

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
14/02/1995	11/05/1995	7871987	MORTGAGE	REGISTERED	BANK OF SOUTH AUSTRALIA LTD.

7/8/01 C 21125



COMMUNITY PLAN NUMBER			
CP 21125			
PLAN TYPE PRIMARY			
THIS IS SHEET 1 OF 2 SHEETS			
DEPOSITED 2/9/2002			
PRO REGISTRAR GENERAL			
CLOSURE CHECKED AD	PLAN EXAMINED WJS	PLAN APPROVED [Signature]	P.M.S. APPROVED
TITLE REFERENCE CT 5265/878			

LAND DESCRIPTION
ALLOTMENTS 2680 TO 2689 INCL
TOWN OF WHYALLA

IRRIGATION AREA DIVISION
HUNDRED RANDALL
AREA WHYALLA NORRIE
COUNCIL CITY OF WHYALLA
MAP REF. 6431-1-g

O.B. FP 42947 TOTAL AREA 3324 m²

DEV. No. 850/COD1/01

SCALE 0 2 4 8 12 16 20 METRES

ANNOTATIONS
ENCROACHMENT OF WALL OCCURS OVER RESERVE
CREATED IN GOVT. GAZ. 21.3.1963
ENCROACHMENT OF WALL OCCURS OVER MURN CRESCENT
NO VISIBLE SIGNS OF SERVICE INFRASTRUCTURE AT TIME
OF SURVEY
THE COMMON PROPERTY ARE DESIGNATED
(C1) AND (C2) FOR LAND INFORMATION PURPOSES ONLY
AND DO NOT PROVIDE A LEGAL IDENTIFIER FOR
THE COMMON PROPERTY

ALL DISTANCES ARE GROUND DISTANCES
COMBINED SCALE FACTOR 1.00029 ZONE 53 MGA 94
BEARING DATUM MGA 94 DISTANCE
DERIVED FROM TERTIARY NETWORK

CERTIFICATE OF LICENSED SURVEYOR

I, Peter Jeffrey WATT
a licensed Surveyor under the Survey Act 1992, certify that this
community plan has been correctly prepared in accordance with the
Community Titles Act 1996 to a scale prescribed by regulation.

Dated the day of 15.06.2001
Licensed Surveyor [Signature]

LEGEND	
NETWORK PSW	FD
NETWORK STATION	FD
PERMANENT SURVEY MARK	PLACED FOUND GONE
REFERENCE MARKS	PLACED FOUND GONE
DRILL HOLE & WING	FD
DIRECTION CHANGE	FD
PART DISTANCES	FD
CALCULATED DATA	FD
COPIED DATA	FD

FUGRO SURVEY
46 Victoria Parade
Pt Augusta S.A. 5700
Ph (08)86423044
Fax (08)86426348
REF 16158 - 1551

LOCATION AND COMMON PROPERTY PLAN

LOT ENTITLEMENT SHEET

C 21125

COMMUNITY PLAN NUMBER

CP 21125

THIS IS SHEET 2 OF 2 SHEETS

APPROVED

DEPOSITED

[Signature]
19-12-01

2, 9, 2002 *[Signature]*

PRO REGISTRAR-GENERAL

APPLICATION 9376501

SCHEDULE OF LOT ENTITLEMENTS		
LOT	LOT ENTITLEMENT	SUBDIVIDED
1	10	
2	10	
3	15	
4	15	
AGGREGATE	50	

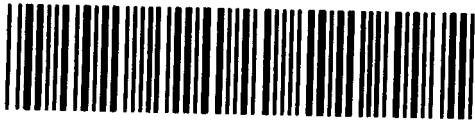
CERTIFICATE OF LAND VALUER

I R P Taylor being a land valuer within the meaning of the Land Valuers Act 1994 certify that this schedule is correct for the purposes of the Community Titles Act 1996.

Dated the ..4..... day of ..September.....2001

[Signature]
.....
Signature of Land Valuer

Orig. LF 9376503



11:16 2-Jul-2002

3 of 3

Fees: \$0.00

LANDS TITLES REGISTRATION
OFFICE
SOUTH AUSTRALIA

LODGEMENT FOR FILING UNDER THE
COMMUNITY TITLES ACT 1996

FORM APPROVED BY THE REGISTRAR-GENERAL

Series No.	Prefix
3	LF

BELOW THIS LINE FOR OFFICE USE ONLY

Date	Time
FEES	
R.G.O.	POSTAGE
90-50	

BELOW THIS LINE FOR AGENT USE ONLY

Lodged by: T.R. & K. GROOM
85A Angas Street
Adelaide SA 5000

AGENT CODE

Correction to: T.R. & K. GROOM

GROM

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH INSTRUMENT
(TO BE FILLED IN BY PERSON LODGING)

1.
2.
3.
4.
5.

Assessor

PICK-UP NO.	ROA 9242167
CP	21125
DEV. NO.	850 : 0001 : 01

Lands Titles 14:42 05/07/02 165893
REGISTRATION FEE \$90.50

CORRECTION	PASSED
------------	------------

FILED 2-9-2002

REGISTRAR GENERAL

DELIVERY INSTRUCTIONS (Agent to complete)
PLEASE DELIVER THE FOLLOWING ITEM(S) TO
THE UNDERMENTIONED AGENT(S)

ITEM CT/CL REF.	AGENT CODE

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

BY-LAWS
DEVELOPMENT NO.
850/C001/01

BY-LAWS

COMMUNITY PLAN NUMBER: CP 21125

**9 - 27 JENKINS AVENUE
WHYALLA NORRIE S.A. 5608**

TERMS OF INSTRUMENT NOT
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BY-LAWS
DEVELOPMENT NO.
850/C001/01

COMMUNITY TITLES ACT AND REGULATIONS 1996.
MANAGEMENT BY-LAWS

WARNING

The terms of these by-laws are binding upon the Community Corporation, the owners, occupiers and lessees of the community lots and all persons entering upon the community parcel.

These by-laws relate to the control and preservation of the essence or theme of the Community Corporation and as such may only be amended or revoked by special resolution of the Community Corporation in accordance with section 39 of the Community Titles Act 1996 except that a unanimous resolution of the Community Corporation is required to vary the number of votes prescribed by these by-laws that may be cast in respect of each community lot.

If the whole or any part of a provision of these by-laws is invalid, unenforceable or of illegal intent, it is severed. The remainder of these by-laws will have full force and effect.

TERMS OF INSTRUMENT NOT
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BY-LAWS
DEVELOPMENT NO.
850/C001/01

INDEX

Definitions

PART 1

Permitted Use

PART 2 - MANDATORY BY LAWS

1. Common Property
2. Carparking
3. Installation of Airconditioning
4. Garden Sheds
5. Control of Lessees and Licensees
6. Operation and Management of the Scheme
7. Internal Fencing
8. Garbage
9. Service Infrastructure
10. Insurance
11. Maintenance of a Building on a Lot
12. Maintenance of Landscaping on Lots
13. Keeping of Pets
14. Right of Peaceful Enjoyment
15. Community Corporation's Right to Recover Money
16. Community Corporation not Liable for Damage
17. Obligations

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CHECKED BY LANDS TITLES OFFICE

BY-LAWS
DEVELOPMENT NO.
850/C001/01

DEFINITIONS

UNLESS THE CONTRARY INTENTION APPEARS THE FOLLOWING APPLIES:

- A. Reference to 'the Act' means the Community Titles Act 1996.
- B. Reference to the 'Regulations under the Act' means the Community Titles Act Regulations 1996.
- C. 'Corporation' means Community Corporation No. 21125 Incorporated constituted in accordance with Part 9 of the Act.
- D. 'Rules' means the rules made by the Corporation pursuant to the power contained in these by-laws and the Act.
- E. Singular includes the plural and vice versa.
- F. Reference to the masculine includes the feminine and includes a firm, a body corporate, an association or an authority.
- G. 'Occupier' of a lot includes, if the lot is unoccupied, the owner of the lot.

TERMS OF INSTRUMENT NOT
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BY-LAWS
DEVELOPMENT NO.
850/C001/01

PART 1

Permitted Use.

- A. The lots created by CP 21125 shall be used for commercial purposes only.
- B. There shall be no alterations or additions to the exterior of the building unless they are harmonious and in context with the design and concept of the development as a whole and are only to be undertaken with the prior written approval of the Corporation being first had and obtained by majority vote.

PART 2

Mandatory By-Laws

By-law 1 Common Property

- 1.1 The common property is delineated on page 1 of the primary plan and includes all of the land comprised within the parent title and buildings comprised thereon that are not set aside as a community lot or a subsidiary of the respective community lot.
- 1.2 The Corporation is responsible for the administration, management, control, use and maintenance of the common property.
- 1.3 A person must not obstruct vehicular or pedestrian traffic on the common property.
- 1.4 The proprietor, lessee or occupier of a community lot must give notice to the Corporation of any damage or defect in the common property immediately they become aware of the damage or defect.
- 1.5 The Corporation shall not be liable or responsible for any damage to or theft of any item owned by, or placed or left there by or with the authority of a community lot owner, lessee or occupier, on the common property for any reason whatsoever.
- 1.6 Motor vehicles on the common property shall comply with the provisions of the Road Traffic Act 1961 and shall not travel at a speed exceeding 10km per hour.
- 1.7 Community lot owners, lessees and/or occupiers shall ensure that all common property areas are kept clean and tidy at all times to the reasonable satisfaction of the Corporation.

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BY-LAWS
DEVELOPMENT NO.
850/C001/01

By -Law 2 Carparking

For the purpose of these by-laws, “motor vehicles” shall mean and include motor vehicles licensed to carry up to eight (8) persons including passenger cars, vans, four wheel drives, utilities and motor cycles as defined in the Road Traffic Act 1961.

- 2.1 Community lot owners, lessees or occupiers or any person or visitor shall not park or leave motor vehicles parked upon the common property for any purpose whatsoever, other than within the areas (if any) designated from time to time by the Corporation as visitor parking areas.
- 2.2 Community lot owners, lessees or occupiers must provide protection for the paving or other surface areas of the driveway and/or visitor carparking areas against leaking fluids from motor vehicles parked upon those portions of the common property.
- 2.3 Washing and cleaning of motor vehicles shall be permitted on the common property areas at the discretion of the Corporation but such activity shall not interfere with motor vehicles parked in the adjacent driveway area of the common property.
- 2.4 The Corporation shall not be liable or responsible for any damage or theft to, from or of any motor vehicle parked in a visitor carpark area.
- 2.5 The Corporation shall maintain public liability insurance over the common property.

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BY-LAWS
DEVELOPMENT NO.
850/C001/01

By-law 3 Installation of Airconditioning

It shall be permitted that the proprietors of lots may install airconditioning units subject to the following limitations;

3.1 Roof Mounted Units

The colour of the airconditioning unit must be similar to that of the roof on which it is installed.

3.2 Split System Units

Where it is necessary to mount the main airconditioning unit on the ground or wall, it shall only be installed in a position so as not to be visible from the front of the lot.

3.3 Prohibited Airconditioning Systems

An airconditioning system which protrudes through a wall or window is not permitted unless it is not visible from outside the lot.

By-law 4 Garden Sheds

Notwithstanding Part 1 above,

Proprietors of lots may install a garden shed with the following limitations;

4.1 Garden sheds may only be installed in the rear of the lot,

4.2 Subject to council approval as necessary.

4.3 Sheds will be of colorbond steel construction in an appropriate colour.

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

BY-LAWS
DEVELOPMENT NO.
850/C001/01

By-law 5 Control of Lessees and Licensees

- 5.1 These by-laws shall apply to the lessees and licensees of the community lots.
- 5.2 A proprietor whose lot is the subject of a lease or licence agreement must provide the lessee or licensee with a copy of these by-laws.
- 5.3 It shall be the responsibility of the proprietor whose lot is subject to a lease or licence to take all reasonable steps including without limitation, any action available to him under the lease or licence agreement to ensure that the lessee or licensee of the lot and any person on the community parcel with the consent (express or implied) of the lessee or licensee complies with the by-laws of the scheme.
- 5.4 The proprietor of a lot must not, without the Corporation's authorisation, lease the lot, or grant a right of occupation in respect of that lot for valuable consideration, for a period of less than two months.

By-Law 6 Operation and Management of the Scheme

- 6.1 The Corporation shall be constituted in accordance with and shall have the powers, duties and obligations contained in Part 9 of the Act.
- 6.2 The Corporation may appoint a manager to administer to the extent permitted by the Regulations made under the Act, on behalf of the Corporation:
 - 6.2.1 The functions and obligations of the Corporation under the Act, and,
 - 6.2.2 The administration and enforcement of these by-laws and the Rules.
- 6.3 Essential Terms of the Management Agreement;

The following terms must be included in any management agreement;

 - 6.3.1 The manager is to be appointed on a contract that is of a term not longer than twelve (12) months subject to annual review by the Corporation.
 - 6.3.2 If on an annual review, or at any other time the Corporation is dissatisfied with the performance of the manager, the Corporation may terminate the management contract.
- 6.4 A lot owner may cast one (1) vote in respect of their community lot on any matter arising for decision at a general meeting of the Corporation.

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

BY-LAWS
DEVELOPMENT NO.
850/C001/01

By-law 7 Internal Fencing

- 7.1 The Fences Act 1975 applies as between owners of adjoining community lots.
- 7.2 Notwithstanding by-law 7.1 above, where fencing is in need of replacement, it shall be replaced by fencing of the same type, design, height and colour.

By-law 8 Garbage

- 8.1 The occupiers of the respective community lots must provide a garbage bin for the storage of garbage upon their lots and ensure that arrangements are made for the collection of garbage by the local council, or its contractor in accordance with that Council's By-laws and garbage collection arrangements.
- 8.2 Garbage bins shall be stored upon the community lot in a position such that they are not visible from outside the lot.
- 8.3 Lot owners shall place garbage bins for collection at the kerbside in such a position so as not to affect traffic on the road nor access to any driveway.
- 8.4 The proprietor or occupier of a lot must not:
- a. bring or accept objects or materials on to the lot or common property that are likely to cause justified offence to the other lot owners or occupiers or;
 - b. allow refuse to accumulate so as to cause justified offence to others.

By-law 9 Service Infrastructure

Pursuant to the Act;

The Corporation shall be responsible for the maintenance, repair and replacement of the service infrastructure upon the common property and through a community lot, where it services another community lot.

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

BY-LAWS
DEVELOPMENT NO.
850/C001/01

By-law 10 Insurance

- 10.1 The Corporation must review on an annual basis all insurances effected by it and the need for new insurances.
- 10.2 Notice of an annual general meeting of the Corporation must include a form of motion to decide whether insurances effected by the Corporation should be confirmed, varied or extended and
- 10.3 The Corporation must immediately effect new insurances or vary or extend existing insurances if there is an increased risk or a new risk.
- 10.4 A proprietor or occupier of a community lot must not, except with the approval of the Corporation, do anything that might;-
 - a. void or prejudice insurance effected by the Corporation; or
 - b. increase any insurance premium payable by the Corporation.
- 10.5 Each proprietor of a lot shall insure all buildings and other improvements on the lot.
The insurance must be against risks that a normally prudent person would insure against; and
 - a. must be for the full cost of replacing the building or improvements with new materials; and
 - b. must cover incidental costs such as demolition, site clearance, architect's fees and engineering fees.
 - c. must keep current a public risk policy for the sum of not less than TEN MILLION DOLLARS (\$10,000,000.00)
- 10.6 The proprietor of each lot must provide the Corporation, as requested by the Corporation from time to time, with evidence of a current policy of insurance effected by the proprietor in terms of this by-law.

By-law 11 Maintenance of a Building on a Lot

- 11.1 The proprietor or occupier of a lot must without limitation, keep and maintain the exterior of the building clean and tidy and in good repair and condition so as to maintain the harmonious appearance of the development as a whole.
- 11.2 The proprietor or occupier of a lot must carry out all required maintenance on the exterior of the buildings on a lot in a proper and workerlike manner, so as not to diminish or impede the other lot owners' enjoyment of their respective lots and to the satisfaction of the Corporation.

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

BY-LAWS
DEVELOPMENT NO.
850/C001/01

By-law 12 Maintenance of Landscaping on Lots

- 12.1 The proprietor or occupier of a lot must ensure the landscaping upon that lot is kept neat and tidy and free of rubbish and to the satisfaction of the Corporation.

By-law 13 Keeping of Pets

- 13.1 Subject to the Act, a person bound by these by-laws must not, without the consent of the Corporation, keep any animal on or in the vicinity of a lot.
- 13.2 By-law 13.1 shall not apply to occupiers, proprietors or persons lawfully upon the common property or lots who suffer a disability and require the assistance of a dog specifically trained to aid them in respect of that disability.

By-law 14 Right of Peaceful Enjoyment

- 14.1 No proprietor, occupier or person lawfully upon a lot or common property shall impede, interfere with or prevent the peaceful enjoyment of another lot or common property.

TERMS OF INSTRUMENT NOT
CHECKED BY LANDS TITLES OFFICE

BY-LAWS
DEVELOPMENT NO.
850/C001/01

By-law 15 Community Corporation's Right to Recover Money

- 15.1 The Community Corporation may recover any money owing to it under the by-laws or by application of the Act as a debt.
- 15.2 The proprietor or occupier of a lot must pay or reimburse the Corporation for costs, damages and expenses incurred in connection with the contemplated or actual enforcement of the by-laws, in relation to that proprietor or occupier upon demand.
- 15.3 The costs, charges and expenses recoverable by the Corporation shall include without limitation, those expenses incurred in retaining any independent consultant or other person to evaluate any matter of concern and its administration costs in connection with those events.
- 15.4 The Corporation may charge interest at a rate of 12% per annum on any overdue monies owed by a proprietor or occupier of a lot.

By-law 16 Community Corporation not Liable for Damage

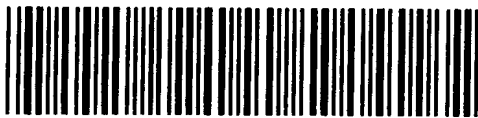
The Corporation is not liable for damage to or loss of property or injury to any person(s) on or near the community parcel due to any cause other than the negligence or a fraud of the Corporation or any employee or agent of the Corporation.

By-law 17 Obligations of Proprietors and the Community Corporation

Notwithstanding obligations defined under the Act;

- 17.1 The proprietor of a lot must immediately notify the Corporation in writing of any change of ownership, or any change of address of the proprietors of that lot or any change of the occupants of that lot.
- 17.2 The Corporation shall keep all appropriate building plans, documents and other such records which may assist with the administration of these by-laws.

Orig. LF 9376502



11:16 2-Jul-2002

2 of 3

Fees: \$0.00

LANDS TITLES REGISTRATION
OFFICE
SOUTH AUSTRALIA

LODGEMENT FOR FILING UNDER THE
COMMUNITY TITLES ACT 1996

FORM APPROVED BY THE REGISTRAR-GENERAL

Series No.	Prefix
2	LF

BELOW THIS LINE FOR OFFICE USE ONLY

Date	Time
FEES	
R.G.O.	POSTAGE
90-50	

BELOW THIS LINE FOR AGENT USE ONLY

Lodged by: T.R. & K. GROOM
85A Angas Street
Adelaide SA 5000
Correction to: T.R. & K. GROOM

AGENT CODE

642
GROOM

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH INSTRUMENT
(TO BE FILLED IN BY PERSON LODGING)

1.
2.
3.
4.
5.

Assessor

PICK-UP NO.	RD 9242/67
CP	21125
DEV. NO.	850 : 0001 : 01

LANDS TITLES REGISTRATION FEE \$90.50
14:42 05/07/02 165893

CP21125 Ex06

CORRECTION
19.6.2002

PASSED

[Signature]

FILED 2-9-2002

[Signature]
pro



DELIVERY INSTRUCTIONS (Agent to complete)
PLEASE DELIVER THE FOLLOWING ITEM(S) TO
THE UNDERMENTIONED AGENT(S)

ITEM CT/CL REF.	AGENT CODE

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BY LANDS TITLES OFFICE

Page 1 of 7

SCHEME DESCRIPTION
Development No. 850/C001/01

SCHEME DESCRIPTION

COMMUNITY PLAN NO. 21125

9-27 Jenkins Avenue, Whyalla Norrie SA 5608

SCHEME DESCRIPTION
Development No. 850/C001/01

<u>INDEX</u>	<u>Page No.</u>
1. Description of the land	3
2. Nature of proposed development	3
3. Purposes for which the community lots and common property may be used	4
4. Standard of buildings and other improvements	4
5. Developer's obligations	5
6. Council endorsement	6
7. Plans of land division and development consents	7

SCHEME DESCRIPTION
Development No. 850/C001/01

COMMUNITY TITLES ACT, 1996

SCHEME DESCRIPTION

1 DESCRIPTION OF LAND

- 1.1 The community parcel and lots and common property into which the parcel is to be divided are identified in the plan of community division to be lodged with the Registrar General together with its Scheme Description in respect of 9-27 Jenkins Avenue, Whyalla Norrie SA 5608 in the Hundred of Randell and known as 9-27 Jenkins Avenue, Whyalla Norrie SA 5608 being the whole of the land comprised in Certificate of Title Register Book VOLUME 5265 FOLIO 878.

2. NATURE OF PROPOSED DEVELOPMENT

- 2.1 The community plan is a primary plan being the division of Allotments 2680 to 2689 inclusive into:
- 2.1.1 Four (4) community lots with:
- Lot 1 comprising a single shop
 - Lot 2 comprising a single shop
 - Lot 3 comprising 9 shops
 - Lot 4 comprising a single shop
- 2.1.2 Two (2) common property lots
- 2.1.3 The development is a plan of community division pursuant to the Community Titles Act 1996 and is comprised of existing buildings and structures with no further works required to be undertaken by the developer.

SCHEME DESCRIPTION
Development No. 850/C001/01

3. PURPOSES FOR WHICH LOTS MAY BE USED

- 3.1 The community lots may only be used for business purposes and have development approval from the City of Whyalla for use as offices for professional and commercial purposes and shops for the sale of goods by retail or the supply of services.
- 3.2 The common property shall be used as a driveway, for car parking and for the accommodation of service infrastructure and for access, ingress and egress to the lots within the development.

4. STANDARD OF BUILDINGS AND OTHER

- 4.1 Community Lot 1 - is a single storey structure erected in approximately 1981 and built from brick, fibro cement, brick and trapezium shaped panel walls and tiled roof.
- 4.2 Community Lot 2 - is a single storey structure erected in approximately 1981 and built from besser block/brick walls and galvanised iron roof.
- 4.3 Community Lot 3 - is a single storey structure erected in approximately 1960 and built from brick/fibro cement panels and galvanised iron roof.
- 4.4 Community Lot 4 - is a single storey structure erected in approximately 1981 and built from besser block/brick walls and galvanised iron roof.

SCHEME DESCRIPTION
Development No. 850/C001/01

5. DEVELOPER'S OBLIGATIONS

- 5.1 Portion of the common property is comprised of a driveway and carpark areas that are sealed and bitumenised and are in good condition at present. Similarly the service infrastructure to the development situated beneath the common property and other garden areas, comprising the remainder of the common property area is currently maintained in good condition by the developer. The developer (up to the time of deposit of the plan of community division to which this Scheme Description relates), and subsequently the community corporation, have an obligation to maintain the surface of these areas in good and substantial repair at all times.

EXECUTION BY THE DEVELOPER

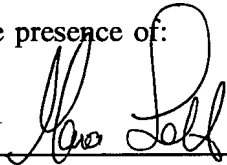


THOMAS ANTHONY ANTONIO



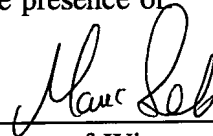
ROGER VICTOR THOMPSON

in the presence of:



Signature of Witness

in the presence of:



Signature of Witness

MARIA LEAHY

Full Name of Witness

MARIA LEAHY

Full Name of Witness

c/o 136 McDONALD STREET ADE

WHYALLA NORRIE

Address of Witness

136 McDONALD STREET ADE

WHYALLA NORRIE

Address of Witness

08 86440333

Daytime telephone no. of Witness

08 86440333

Daytime telephone no. of Witness

SCHEME DESCRIPTION
Development No. 850/C001/01

COUNCIL ENDORSEMENT

The City of Whyalla hereby endorses the Scheme Description herewith in accordance with the Community Titles Act 1996.

1. All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any) in accordance with this Scheme Description and the relevant plan of community division under the Community Titles Act 1996 have been granted.*

~~OR~~

~~No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this Scheme Description.*~~

(delete that which is not applicable)

2. This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this Scheme Description.

DATED the 19th day of July 2001

This Scheme Description is endorsed by



SIGNED FOR AND ON BEHALF OF
City of Whyalla

WITNESS: 

DATE: 19.7.2001

TERMS OF INSTRUMENT NOT CHECKED
BY LANDS TITLES OFFICE

Page 7 of 7

SCHEME DESCRIPTION
Development No. 850/C001/01

7. PLANS OF LAND DIVISION AND DEVELOPMENT CONSENTS

Not Applicable.

ATTACHMENT 3: REPRESENTATIONS

Details of Representations

Application Summary

Application ID	25034042
Proposal	Change of use to Indoor Recreation Facility (VSpot).
Location	21 JENKINS AV WHYALLA NORRIE SA 5608

Representations

Representor 1 - Om Prakash

Name	Om Prakash
Address	21 JENKINS AVENUE WHYALLA NORRIE SA, 5608 Australia
Submission Date	27/11/2025 02:50 PM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development
Reasons Refer attached document	

Attached Documents

ParkashRepresentation-27November2025-12923728.pdf

From: Om Parkash <oparkash11@gmail.com>
Sent: Thursday, 27 November 2025 11:19 AM
To: Council Mail Box
Subject: I117128 - 1-250 - Notice of Development ID 25034042

You don't often get email from oparkash11@gmail.com. [Learn why this is important](#)

Good morning Sir / Madam

Regarding:- Notice of Development Application ID 25034052 , change of use to Indoor Recreational Facility (VSpot)

Subject Land:- 21 Jenkins Avenue Whyalla Norrie SA 5608

We, Om Prakash and Ranjana Sharma, are the owners of the commercial property located at 21 Jenkins Avenue, Whyalla Norrie SA 5608, which we purchased in 2010. At the time of purchase, the adjoining premises operated solely as a retail shop, and this was a material consideration in our decision to invest in the property. Had we been aware that the neighbouring premises might later be converted into a restaurant or a venue incorporating kitchen and bar facilities, we would not have purchased the property.

We therefore lodge a formal and strong objection to the current development application submitted by Indoor Recreational Facility (VSpot, application ID 25034042) seeking approval for a change of use, including the installation or operation of any commercial kitchen, bar, alcohol-serving facilities, or food and beverage preparation or pizzas service activities.

1. Objection to Use of the Land Between the Two Properties

We strongly object to any proposed use by V Spot of the land located between our property (the former Pizza Hut building, 21 Jenkins Avenue Whyalla Norrie SA 5608) and their premises, VSpot, (ABA shipping centre, Shop 1, 21 Jenkins Avenue Whyalla Norrie)

This area must not be used by VSpot for any operational, storage, commercial, seating, trading, or other purposes because:

Our grease trap infrastructure is installed within this area.

The space functions as a public pedestrian walkway.

Any alternative or unauthorised use may restrict public access, obstruct essential infrastructure, and create safety concerns like falls etc, amenity, and legal compliance concerns.

Accordingly, we do not consent to VSpot utilising this land under any circumstances.

2. Objection to Bar, Alcohol Service, Kitchen, and Food-Preparation Facilities

We also strongly object to the approval of:

Any bar or alcohol-serving facilities;

Any commercial kitchen or food-preparation operations; and

Any equipment for cooking like Pizzas air-frying, deep-frying, or restaurant-style food preparation.

Our property at 21 Jenkins Avenue was originally constructed and approved specifically for restaurant and bar operations, and it contains the required infrastructure, including a bar and a grease trap, toilets facilities We have made a significant financial investment in this property and continue to incur mortgage, maintenance, and operational expenses. We have long-term plans to reopen a food and beverage business on our site.

At the time of purchase, the adjoining premises were not approved for restaurant or bar use.

Approving V Spot's proposal would:

Cause significant depreciation of our property's value;

Interfere with the operation and future viability of our intended business;

Result in financial loss and hardship; and

Cause mental and emotional stress due to the unexpected and incompatible change in neighbouring land use.

For these reasons, we strongly oppose the inclusion of any bar facilities, alcohol service, or full kitchen operations within the V Spot development application.

3. Request for Refusal of the Application

In light of the reasons outlined above, we respectfully request that the relevant authority:

1. Refuse any application or approval that would allow V Spot to operate a commercial kitchen, bar, or any form of food like Pizzas and beverage service; and

2. Prohibit V Spot from using, occupying, or interfering with the public walkway or the land containing the grease trap servicing our property and safety concerns

Thank you for your attention and for taking our concerns into serious consideration.

Please let us know if you need any further information

Kind regards,

Om Prakash & Ranjana Sharma
Owners, 21 Jenkins Avenue
Whyalla Norrie SA 5608

Representations

Representor 2 - Mohammad Belbisi

Name	Mohammad Belbisi
Address	25 Warner Avenue FINDON SA, 5023 Australia
Submission Date	01/12/2025 10:00 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons The specific reasons I believe that consent should be refused due to pressing concerns about the safety of the community and the wellbeing. Also, it would be noisy for the neighbours at night.	

Attached Documents

Representations

Representor 3 - Saad Khan

Name	Saad Khan
Address	149A Elliott Street WHYALLA PLAYFORD SA, 5600 Australia
Submission Date	01/12/2025 10:02 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

We regularly attend the mosque at 5 Morris Crescent, Whyalla Norrie, and wish to raise concerns about the proposed business facility opening at the neighbouring address. Our main concerns are as follows: 1. Alcohol Consumption and Public Safety The proposed facility will be serving alcohol. We request that measures be implemented to ensure alcohol is not taken outside the licensed premises, particularly given the close proximity to the mosque. This is important to maintain respect for the place of worship and ensure the safety and comfort of our community members, including families and children. 2. Noise Pollution (Including Loud Music) We are also concerned about potential noise disturbances, such as loud music or late-night activity, which could impact prayer times, community events, and the overall peaceful environment of the mosque. We kindly request that appropriate noise-control measures and operating restrictions be put in place to prevent disruption.

Attached Documents

Representations

Representor 4 - Alkhalil Aljahdhami

Name	Alkhalil Aljahdhami
Address	18/32 Broadbent Terrace WHYALLA SA, 5600 Australia
Submission Date	01/12/2025 10:06 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons I object to this development because having a venue that serves alcohol so close to the mosque raises serious community safety concerns. It is likely to bring noise, late-night disturbance, and behaviour that impacts families and children who use the area. This development would harm the safety, peace, and overall amenity of the community.	

Attached Documents

Representations

Representor 5 - Shaikh Muckarram

Name	Shaikh Muckarram
Address	34 Jenkins ave WHYALLA NORRIE SA, 5045 Australia
Submission Date	01/12/2025 10:19 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

Reasons

Here is a short, clear, formal objection letter you can use for council: --- Formal Objection Letter – Entertainment Venue Serving Alcohol Near a Mosque To Whom It May Concern, I am writing to raise my concerns regarding the proposed entertainment venue that will serve alcohol near the local mosque. A mosque is a place of worship that requires a peaceful and respectful environment. An alcohol-serving venue nearby is inappropriate and may offend community members, as alcohol is prohibited in Islam. Entertainment venues often create noise, crowds, and late-night disturbances. This directly affects prayer times, especially early mornings and evenings, when worshippers need quiet surroundings. Families, elderly people, and children attending the mosque may also feel unsafe due to the increased potential for alcohol-related behaviour, such as disorderly conduct or loitering. Overall, placing an alcohol-serving entertainment venue next to a religious place risks community conflict, discomfort, and a loss of harmony. I respectfully request that the council reconsider this development and explore a more suitable location. Sincerely, Shaikh

Attached Documents

Representations

Representor 6 - Mohammad Belbisi

Name	Mohammad Belbisi
Address	25 Warner Avenue FINDON SA, 5023 Australia
Submission Date	03/12/2025 11:22 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons The specific reasons I believe that consent should be refused due to pressing concerns about the safety of the community and the well-being. Also, it would be noisy for the neighbours at night.	

Attached Documents

IncomingEmailReResponseToRequestForDocumentation-1December2025-12971723.pdf

Cristina Schubert

From: Council Mail Box
Sent: Tuesday, 2 December 2025 12:01 PM
To: Cristina Schubert
Subject: FW: I117200 - 1-250 - REPRESENTATION ON APPLICATION
Attachments: Representation-on-Application-Version-4.docx

SynergySoft: I117200 - 1-250

Jade Grund

Records Management Officer



Whyalla City Council

PO Box 126

Whyalla SA 5600

t. 08 8640 3444

m.

e. jade.grund@whyalla.sa.gov.au

w. whyalla.sa.gov.au



Whyalla City Council acknowledges the Barngarla People as the traditional custodians of Whyalla and the surrounding region. We respect the Barngarla People's spiritual relationship with their country, with land, sea and sky and acknowledge their Elders – past, present and future.



The information transmitted in this message and its attachments (if any) is intended only for the person or entity to which it is addressed. The message may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information, by persons or entities other than the intended recipient is prohibited. If you have received this in error, please contact the sender and delete this e-mail and associated material from any computer. The intended recipient of this e-mail may only use, reproduce, disclose or distribute the information contained in this e-mail and any attached files, with the permission of the sender.

From: Mohamad B <mohamad.belbisi@islamicsocietysa.org.au>

Sent: Monday, 1 December 2025 10:08 PM

To: Council Mail Box <council@whyalla.sa.gov.au>

Subject: I117200 - 1-250 - REPRESENTATION ON APPLICATION

You don't often get email from mohamad.belbisi@islamicsocietysa.org.au. [Learn why this is important](#)

Dear Members of Whyalla Council,

I hope this message finds you well. Please find the attached letter for your review and consideration.

Thank you for your time and attention.

Regards,
Mohammad

Representations

Representor 7 - Om Prakash

Name	Om Prakash
Address	21 JENKINS AVENUE WHYALLA NORRIE SA, 5608 Australia
Submission Date	03/12/2025 11:26 AM
Submission Source	Email
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons Please refer to attached document	

Attached Documents

ParkashRepresentation-27November2025-12971830.pdf

From: Om Parkash <oparkash11@gmail.com>
Sent: Thursday, 27 November 2025 11:19 AM
To: Council Mail Box
Subject: I117128 - 1-250 - Notice of Development ID 25034042

You don't often get email from oparkash11@gmail.com. [Learn why this is important](#)

Good morning Sir / Madam

Regarding:- Notice of Development Application ID 25034052 , change of use to Indoor Recreational Facility (VSpot)

Subject Land:- 21 Jenkins Avenue Whyalla Norrie SA 5608

We, Om Prakash and Ranjana Sharma, are the owners of the commercial property located at 21 Jenkins Avenue, Whyalla Norrie SA 5608, which we purchased in 2010. At the time of purchase, the adjoining premises operated solely as a retail shop, and this was a material consideration in our decision to invest in the property. Had we been aware that the neighbouring premises might later be converted into a restaurant or a venue incorporating kitchen and bar facilities, we would not have purchased the property.

We therefore lodge a formal and strong objection to the current development application submitted by Indoor Recreational Facility (VSpot, application ID 25034042) seeking approval for a change of use, including the installation or operation of any commercial kitchen, bar, alcohol-serving facilities, or food and beverage preparation or pizzas service activities.

1. Objection to Use of the Land Between the Two Properties

We strongly object to any proposed use by V Spot of the land located between our property (the former Pizza Hut building, 21 Jenkins Avenue Whyalla Norrie SA 5608) and their premises, VSpot, (ABA shipping centre, Shop 1, 21 Jenkins Avenue Whyalla Norrie)

This area must not be used by VSpot for any operational, storage, commercial, seating, trading, or other purposes because:

Our grease trap infrastructure is installed within this area.

The space functions as a public pedestrian walkway.

Any alternative or unauthorised use may restrict public access, obstruct essential infrastructure, and create safety concerns like falls etc, amenity, and legal compliance concerns.

Accordingly, we do not consent to VSpot utilising this land under any circumstances.

2. Objection to Bar, Alcohol Service, Kitchen, and Food-Preparation Facilities

We also strongly object to the approval of:

Any bar or alcohol-serving facilities;

Any commercial kitchen or food-preparation operations; and

Any equipment for cooking like Pizzas air-frying, deep-frying, or restaurant-style food preparation.

Our property at 21 Jenkins Avenue was originally constructed and approved specifically for restaurant and bar operations, and it contains the required infrastructure, including a bar and a grease trap, toilets facilities We have made a significant financial investment in this property and continue to incur mortgage, maintenance, and operational expenses. We have long-term plans to reopen a food and beverage business on our site.

At the time of purchase, the adjoining premises were not approved for restaurant or bar use.

Approving V Spot's proposal would:

Cause significant depreciation of our property's value;

Interfere with the operation and future viability of our intended business;

Result in financial loss and hardship; and

Cause mental and emotional stress due to the unexpected and incompatible change in neighbouring land use.

For these reasons, we strongly oppose the inclusion of any bar facilities, alcohol service, or full kitchen operations within the V Spot development application.

3. Request for Refusal of the Application

In light of the reasons outlined above, we respectfully request that the relevant authority:

1. Refuse any application or approval that would allow V Spot to operate a commercial kitchen, bar, or any form of food like Pizzas and beverage service; and

2. Prohibit V Spot from using, occupying, or interfering with the public walkway or the land containing the grease trap servicing our property and safety concerns

Thank you for your attention and for taking our concerns into serious consideration.

Please let us know if you need any further information

Kind regards,

Om Prakash & Ranjana Sharma
Owners, 21 Jenkins Avenue
Whyalla Norrie SA 5608

ATTACHMENT 4: RESPONSE TO REPRESENTATIONS

APPLICANT RESPONSE TO INDIVIDUAL REPRESENTATIONS

V Spot Holdings Pty Ltd

Shop 1, 21 Jenkins Avenue,
Whyalla Norrie, SA, 5608

12/12/2025

To the Relevant Authority for Whyalla City Council.

Please see the following responses from V Spot Holdings PTY LTD, relating to public responses received regarding our change of use application # 25034042 (Public Notice 12144)

Representor #1: Om Prakash & Ranjana Sharma

Summarised concerns:

- 1. Purchased property in 2010 when the V Spot premises operated as a retail store. States this was a material consideration in their decision.*
- 2. Objection to use of the land between their property and V Spot.*
- 3. Objection to bar, alcohol service, commercial kitchen, and food prep facilities.*
- 4. States future desire to re-open a food and beverage business at their site. States V Spot operating as a recreational venue will cause significant depreciation of their property value. Result in their financial loss and hardship. Cause them mental and emotional stress.*

Applicant Response:

V Spot respect the concerns of Om Prakash and Ranjana Sharma.

1. It is worth noting that the premises owned by Om and Ranjana has sat vacant for many years in the ABC shopping centre without the property being leased. Further to this, after discussions with another local business, we have been made aware that when approaching the owners about taking on a lease for a food business in that property, the owners were only interested in selling their property, not leasing it out. The property has also been listed for sale for many years. V Spot believe their intent to reopen a restaurant in the future may not be completely truthful and previous operation of a business shouldn't mean they hold a monopoly for food or alcohol service in the area for the future. It is worth noting that V Spot is not a restaurant or bar, but a recreational entertainment business that will provide a light food and alcohol service to compliment our business offerings.

2. V Spot maintains it has no interest in outside trading on the property in between the two buildings, nor does it have any interest in the infrastructure between the buildings. It is worth noting that since taking possession of Shop 1, 21 Jenkins Avenue, the directors of V Spot have put in a significant amount of work in increasing security in the area to help deter antisocial behaviours that have been evident including that of vandalism and drug use. On request we can provide the Crimestoppers active case number if it is of any interest to the council or owners of that property. The directors of V Spot have also raised concerns of safety in the public area Mr Prakash mentions, due to deterioration of infrastructure in Ekblom Court.
3. V Spot are aiming to operate as a recreational leisure business, as suggested by the Whyalla City Council, offering new age technological entertainment for its patrons. The terminology of bar and commercial kitchen with food prep facilities aren't accurate, with V Spot solely looking to provide food and beverage options to patrons while in the venue undertaking our recreational offerings. Our aim is to provide light refreshment for patrons while enjoying their experience, which is why only simple air fried foods and pizzas are offered on our menu – there is no commercial kitchen infrastructure or heavy duty appliances required to provide this low level of food/alcohol service. There is no in-house formal dining, nor is there any takeaway service. It should be assumed that V Spot isn't taking away business from our neighbour, as there is no business operating. The local activity centre zoning explicitly supports a mixed, synergistic commercial use of the area.
4. As indicated above, intent to re-open a business in the future shouldn't be a factor in a change of use for our building, especially when that may not even be the case. The operation of V Spot in the ABC shopping centre should be looked at as an opportunity for the local area, as the centre has had a decline in building occupation for many years, with our presence giving the area some much needed interest and foot traffic. The statistic of depreciation of their property is hearsay, and comes with no proof, however we believe that new interest in the area will only be of benefit to our neighbours, providing them with a higher opportunity to sell with new found interest in the area. Any financial loss or hardship seems difficult to take into consideration, considering their property has remained unleased and for sale for such a large number of years. It also doesn't seem appropriate for the directors of V Spot to comment on any mental and emotional stress on individuals caused by a new business opening in the area, however a councillor or psychologist may be a more appropriate forum for that purpose.

Representor #2 & #6 (Duplicate submissions): Mohammad Belbisi.

“The specific reasons I believe that consent should be refused due to pressing concerns about the safety of the community and the wellbeing. Also, it would be noisy for the neighbours at night.”

Applicant Response:

V Spot respect the concerns of Mohammad Belbisi. To clarify V Spot have already taken steps to increase safety and wellbeing for the surrounding community by installing CCTV cameras in the areas surrounding our building to try and minimise already existent antisocial and illegal behaviours in the area, actively working with Crimestoppers to eliminate the vandalism and drug use we have witnessed in the adjacent laneway since taking possession of the property.

Concern regarding noise for the neighbours at night has been taken into account. As a recreation venue, we operate on a bookings basis, no bands or live music, no late trading, and we have even removed speakers from the rear areas of the building (which were already existing) and boarded up windows to eliminate light and sound pollution, to minimise any risk of disruption.

There is also no outdoor trading for V Spot, and any food or liquor sales are only complimentary to V Spot’s recreational offerings.

Any noise concerns for neighbours are no different to any retail premises, and any behaviours deemed to be unacceptable by V Spot will always be registered in our incident log and escalated to SAPOL accordingly.

Representor #3: Saad Khan.

“We regularly attend the mosque at 5 Morris Crescent, Whyalla Norrie, and wish to raise concerns about the proposed business facility opening at the neighbouring address. Our main concerns are as follows:

1. Alcohol Consumption and Public Safety The proposed facility will be serving alcohol. We request that measures be implemented to ensure alcohol is not taken outside the licensed premises, particularly given the close proximity to the mosque. This is important to maintain respect for the place of worship and ensure the safety and comfort of our community members, including families and children.

2. Noise Pollution (Including Loud Music)

We are also concerned about potential noise disturbances, such as loud music or late-night activity, which could impact prayer times, community events, and the overall peaceful environment of the mosque. We kindly request that appropriate noise-control measures and operating restrictions be put in place to prevent disruption.”

Applicant Response:

V Spot respects the concerns of Saad Khan, and the following actions have already been taken to ensure no issues or disturbances that could arise for any of our neighbours in the community.

1. Alcohol consumption and public safety: V Spot are at all times required to stay compliant with all requirements under the Liquor Licencing Act 1997, and any failures can result in serious penalties for the patron, as well as our business, including the potential for a suspension of our licence.
It is important to note that V Spot will be a recreational venue offering entertainment in the form of Golf Simulation, Arcades, and Virtual Reality Gaming. The food and liquor side of our business are purely complimentary, and a bar/club vibe is not what we’re aiming to achieve.
We are absolutely aware of our close proximity to the Mosque on Morris Crescent, and we will ensure our staff follow strict procedures to ensure compliance where all patrons remain inside the venue, with no liquor to be taken outside under any circumstance, including installation of signage warning patrons to remain in the venue and not loiter outside.
2. Noise pollution: One of the first actions V Spot undertook was performing analysis of the existing speakers within our venue. A direct result of this included the removal of speakers from the rear part of the building to ensure no noise could be heard outside the venue if any music is played. Further to this V Spot have boarded up the side and some front windows, which further minimises any associated risk of noise pollution occurring. Our core business offerings actually generate very little noise and pose little risk in creating noise pollution. We welcome any persons attending the mosque to visit V Spot to gain an understanding of our business offerings, to put them at ease.

Representor #4: Alkhalil Aljahdhami.

"I object to this development because having a venue that serves alcohol so close to the mosque raises serious community safety concerns. It is likely to bring noise, late-night disturbance, and behaviour that impacts families and children who use the area. This development would harm the safety, peace, and overall amenity of the community."

Applicant Response:

V Spot respects the concerns of Alkhalil Aljahdhami and the close proximity of V Spot (a recreational venue) and the Mosque on Morris Crescent.

We start by noting that V Spot serves the community first and foremost as a recreational venue, providing entertainment in the form of golf simulation and virtual reality gaming experiences, and not a bar or club. Further to this, the following actions have already been taken to ensure no issues or disturbances that could arise for any of our neighbours in the community.

1. Alcohol consumption and public safety: V Spot are at all times required to stay compliant with all requirements under the Liquor Licencing Act 1997, and any failures can result in serious penalties for the patron, as well as our business, including the potential for a suspension of our licence.
The food and liquor side of our business are purely complimentary, and a bar/club vibe is not what we're aiming to achieve.
We are absolutely aware of our close proximity to the Mosque on Morris Crescent, and we will ensure our staff follow strict procedures to ensure compliance where all patrons remain inside the venue, with no liquor to be taken outside under any circumstance, with monitoring of the front of property by staff, and signage inside the venue to alert patrons that no alcohol is to be taken/consumed outside under any circumstances.
2. Noise pollution: One of the first actions V Spot undertook was performing analysis of the existing speakers within our venue. A direct result of this included the removal of speakers from the rear part of the building to ensure no noise could be heard outside the venue when music is played. Further to this V Spot have boarded up the side and some front windows, which further minimises any associated risk of noise pollution occurring.
3. Late night trading: V Spot intends to trade between the hours of 11am and 10:30pm on select days, mitigating any risk of late night disturbances. Our core business offerings actually generate very little noise and pose little risk in creating noise pollution. We welcome any persons attending the mosque to visit V Spot to gain an understand of our business offerings, to put them at ease.
4. Community safety: At V Spot we have taken steps to increase safety and wellbeing for the surrounding community by installing CCTV cameras in the areas surrounding our building to try and minimise already existent antisocial and illegal behaviours in the area, actively working with Crimestoppers to eliminate the vandalism and drug use we have witnessed in the adjacent laneway since taking possession of the property.

Representor #5: Shaikh Muckarram.

Here is a short, clear, formal objection letter you can use for council:---Formal Objection Letter Entertainment Venue Serving Alcohol Near a Mosque To Whom It May Concern, I am writing to raise my concerns regarding the proposed entertainment venue that will serve alcohol near the local mosque. A mosque is a place of worship that requires a peaceful and respectful environment. An alcohol-serving venue nearby is inappropriate and may offend community members, as alcohol is prohibited in Islam. Entertainment venues often create noise, crowds, and late-night disturbances. This directly affects prayer times, especially early mornings and evenings, when worshippers need quiet surroundings. Families, elderly people, and children attending the mosque may also feel unsafe due to the increased potential for alcohol-related behaviour, such as disorderly conduct or loitering. Overall, placing an alcohol-serving entertainment venue next to a religious place risks community conflict, discomfort, and a loss of harmony. I respectfully request that the council reconsider this development and explore a more suitable location. Sincerely, Shaikh

Applicant Response:

V Spot respects the concerns of Shaikh Muckarram and their response generated by an AI tool, as noted by the first line of their representation. We also respect their concern in relation to the proximity of V Spot (a recreational venue) and the Mosque on Morris Crescent.

We start by noting that V Spot serves the community first and foremost as a family friendly recreational venue, providing entertainment in the form of golf simulation and virtual reality gaming experiences, and not a bar or club. Further to this, the following actions have already been taken to ensure no issues or disturbances that could arise for any of our neighbours in the community.

1. Alcohol consumption and public safety: V Spot are at all times required to stay compliant with all requirements under the Liquor Licencing Act 1997, and any failures can result in serious penalties for the patron, as well as our business, including the potential for a suspension of our licence.
The food and liquor side of our business are purely complimentary, and a bar/club vibe is not what we're aiming to achieve.
We are absolutely aware of our close proximity to the Mosque on Morris Crescent, and we will ensure our staff follow strict procedures to ensure compliance where all patrons remain inside the venue, with no liquor to be taken outside under any circumstance, with monitoring of the front of property by staff, and signage inside the venue to alert patrons that no alcohol is to be taken/consumed outside under any circumstances. It is also worth noting that the property directly next to V Spot has previously been used as a restaurant and has held liquor licences in the past, while closer in proximity to the mosque.
2. Noise pollution: One of the first actions V Spot undertook was performing analysis of the existing speakers within our venue. A direct result of this included the removal of speakers from the rear part of the building to ensure no noise could be heard outside the venue when music is played. Further to this V Spot have boarded up the side and some front windows, which further minimises any associated risk of noise pollution occurring.

3. Late night trading: V Spot intends to trade between the hours of 11am and 10:30pm on select days, mitigating any risk of late night disturbances. Our core business offerings actually generate very little noise and pose little risk in creating noise pollution. We welcome any persons attending the mosque to visit V Spot to gain an understand of our business offerings, to put them at ease.
 4. Community safety: At V Spot we have taken steps to increase safety and wellbeing for the surrounding community by installing CCTV cameras in the areas surrounding our building to try and minimise already existent antisocial and illegal behaviours in the area, actively working with Crimestoppers to eliminate the vandalism and drug use we have witnessed in the adjacent laneway since taking possession of the property.
-

FINAL STATEMENT

Through the above responses V Spot and its directors Adam Hinton-Thomson, Kirstin Presch, and Nathan Presch hope to have answered to an acceptable degree how the change of use for our building is in the community interest, with steps already taken to ensure the safety of the surrounding community.

Our venue aims to provide Whyalla with a safe, fun, family friendly recreational venue, that aligns with community values, enhances neighbourhood amenity, provides employment and economic benefits, improves local safety through surveillance and escalation, and maintains respect for all cultural and religious sensitivities.

We submit that these responses demonstrate that our proposal is responsible, low risk, and firmly in the public interest.

ATTACHMENT 5: LIQUOR LICENSE NOTICE OF APPLICATION

Notice of Application

Under section 52 of the *Liquor Licensing Act 1997*

V Spot Holdings Pty Ltd has to the licensing authority for the grant of an **On Premises** licence in respect of premises to be situated at Shop 1, 21 Jenkins Avenue Whyalla Norrie 5608 SA to be known as V SPOT AU.

The following authorised hours for the consumption of liquor on the licensed premises are sought by this application:

Monday	10:30am to 11:30pm	Friday	10:30am to 11:30pm
Tuesday	10:30am to 11:30pm	Saturday	10:30am to 11:30pm
Wednesday	10:30am to 11:30pm	Sunday	10:30am to 11:30pm
Thursday	10:30am to 11:30pm		

The applicant has applied for a maximum capacity of 100 persons.

The application has been set down for determination on **12 January 2026**.

Submissions in respect of the application can be made by lodging the form available at www.cbs.sa.gov.au/advertised-liquor-notices# at least 7 days before the date of determination. A copy of the submission will be automatically sent to the applicant at admin@vspot.com.au

The application and certain documents and material relevant to the application may be inspected at the office of the Liquor and Gambling Commissioner, 95 Grenfell Street, Adelaide SA 5000 until 7 days before the date of determination. To book an inspection appointment, please select the link at <https://www.cbs.sa.gov.au/advertised-liquor-and-gaming-notices>

Please scan for more information about the application.



8.1 - Instrument of Delegation - Upper Spencer Gulf Regional Assessment Panel (USGRAP) - review of \$5m Assessment Manager delegation

As Members are aware, the USGRAP is the relevant authority for planning applications that are subject to public notification.

In the normal way, the USGRAP resolved to give powers to the Assessment Manager (and to sub-delegate to identified staff) the administrative and procedural tasks associated with a development application, and to grant consent to certain applications on behalf of the Panel, via the Instrument of Delegation for the Upper Spencer Gulf Regional Assessment Panel, dated 24 March 2021.

The Panel resolved at its 5 August 2025 meeting that:

'A report be prepared and presented by the Assessment Manager, Jodie Perone, at the next Panel Meeting. The purpose of the report is to consider the current condition requiring referral of projects exceeding \$5 million in value to the Panel'.

This report has now been prepared by the current appointed Assessment Manager, Adina Teaha.

The delegation that relates to the above matter, is delegation 2.1 of the Instrument of Delegation for the USGRAP under the Planning, Development and Infrastructure Act 2016, where the USGRAP has delegated authority to the Assessment Manager as follows:

-
- 2.1 The power pursuant to section 102(1)(a)(i) of the Act to assess a development against and grant or refuse planning consent to a development application.

This delegation 2.1 is then limited by the Schedule of Conditions or Limitations Applicable to Delegations, as follows:

2.1	This delegation can only be exercised by delegates where: • no representations have been received in respect to the relevant development application; and • the development cost does not exceed \$5,000,000; and • the development is, in the opinion of the Assessment Manager, not of major significance to the relevant council area.
-----	---

This delegation is further limited to certain officers and not to refuse an application.

It is considered that the \$5m and major significance limitation be removed – this would be replaced by a more typical limitation that applies elsewhere in SA Regional councils, modelled say on the Riverland Regional Assessment Panel, that is, the limitation be as follows:

- 2.1 - This delegation can only be exercised by delegates where:
- no valid representations are received; or
 - all valid representations are withdrawn; or
 - a representor has lodged a valid representation in support of the application and does not wish to be heard.

An example of where such a revised delegation would help streamline and make decision making more efficient, would be say a school redevelopment where there is no change in use, the redevelopment is centralised on a large school precinct, and no representations are

received – in this scenario, if this where say a \$6m development it would currently need to be reported to the Panel regardless of if representations were received or not, but under the proposed new arrangement it would not.

The revised delegations would also allow for a development application to be approved under delegation, where only representations in support were received (with no issues raised) unless they wish to be heard.

Noting, the Assessment Manager remains the relevant authority for all non-Notifiable applications (regardless of value) and those decisions rest entirely with the Assessment Manager (or his/her council planner delegates).

RECOMMENDATION

That the Upper Spencer Gulf Regional Assessment Panel resolves to amend the Schedule of Conditions or Limitations Applicable to Delegation in the Instrument of Delegation for the Upper Spencer Gulf Regional Assessment Panel, dated 24 March 2021, as follows:

This delegation can only be exercised by delegates where:

- no valid representations are received; or
- all valid representations are withdrawn; or
- a representor has lodged a valid representation in support of the application and does not wish to be heard.

OFFICER MAKING RECOMMENDATION

Name: Adina Teaha

Title: Assessment Manager

Date: 28 January 2026