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 the meeting now

Tuesday 5 August 2025,

commencing at 5.30pm.

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 05 August 2025, 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.

Jodie Perone
ASSESSMENT MANAGER
01 August 2025

1. Welcome – Stewart Payne, Presiding Member

2. Present

3. Apologies

Jordan Hunt

4. Confirmation of Minutes

That the minutes of meeting held on 03 June 2025 be received and adopted.

5. Business Arising from the Previous Minutes

6. Conflict of Interest Declarations

7. Officer Reports

7.1 Development Application 24017105 Pages 1 - 21

Change of land use to include ‘tourist accommodation’, and Installation of a demountable cabin for the purpose of providing short-term tourist accommodation, and installation of shipping container (outbuilding) for the purposes of domestic storage. 46 Lighthouse Drive, Point Lowly, SA 5601.

7.1.1 One (1) Representor wishes to be heard.

7.2 Development Application 24010506 Pages 22 - 60

Reserved Matter.

Change of land use to Service Trade Premises (Motor Vehicle Showroom) with associated freestanding advertisements and storage shed. 32 & 34-36 Forsyth St Whyalla SA 5600.

8. Other business

8.1 Verbal Report

Conditions of delegations from the Panel.

9. Close

DEVELOPMENT NO.:	24017105
APPLICANT:	Glenn Wastell
ADDRESS:	46 LIGHTHOUSE DR POINT LOWLY SA 5601
NATURE OF DEVELOPMENT:	Change of land use to include 'tourist accommodation', and Installation of a demountable cabin for the purpose of providing short-term tourist accommodation, and installation of shipping container (outbuilding) for the purposes of domestic storage.
ZONING INFORMATION:	**Zones:** • Rural Settlement **Overlays:** • Hazards (Bushfire - Regional) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation **Technical Numeric Variations (TNVs):** • Finished Ground and Floor Levels (Minimum finished ground level is 3.65m AHD; Minimum finished floor level is 3.9m AHD)
LODGEMENT DATE:	12 Sept 2024
RELEVANT AUTHORITY:	Assessment panel/Assessment manager at Upper Spencer Gulf Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.16 29/8/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Lucas Trevisan City Planning Coordinator
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

CONTENTS:

ATTACHMENT 1: **Final Plans Set**

ATTACHMENT 2: **Representations**

ATTACHMENT3: **Site Photos**

DETAILED DESCRIPTION OF PROPOSAL:

The proposed development comprises the installation and operation of tourist accommodation for the purposes of leasing through short-term accommodation sites, and the installation of a shipping to be used as an outbuilding – In more detail it includes:

- installation and construction of demountable building
- Change of land use to include 'tourist accommodation'
- Operation of tourist accommodation
- Placement of shipping container for domestic storage purposes

BACKGROUND:

This application is retrospective in nature, as the demountable building and shipping container are already present within the site and until an enforcement notice was imposed upon the landowner by the Council, was operating through Airbnb.

This has occurred as the applicant was reportedly unaware that the change of land use to include 'tourist accommodation' and the installation of the demountable building constituted *development* under the *Planning, Development and Infrastructure Act 2016* and, therefore, required a formal application for development approval prior to commencing works and subsequent operations.

SUBJECT LAND & LOCALITY:

Land Description:

The subject land comprises one allotment with a total area of 1064m^2. Certificate of Title 5842/688, street addressed as 46 Lighthouse Drive.

The allotment is an irregular quadrilateral in shape with a longer eastern boundary than western boundary.

The land features primary street frontage to Lighthouse Drive (29.39m) with no secondary street frontages. However, the land is unique in that the northern boundary (40.39m) abuts a public carpark and the western boundary (21m) has beachfront access.

Consistent with the established character of the locality, the dwelling is sited towards the beachfront and ancillary structures face the primary street. This differs from the Planning and Design Code's general desire for the dwelling to present to the primary street.

Locality:

The subject land is situated within a coastal area characterised primarily by residential dwellings. The locality also features a number of amenities and points of interest that are significant to the proposed use of the land for tourist accommodation. These include a boat ramp, a public playground, and a pristine beachfront. Additionally, the area contains State Heritage listed cottages and a lighthouse, which are of tourism interest.

Approximately 550 meters from the subject land, though outside the defined locality, is the Santos site, which constitutes a significant industrial land use.

The subject land (indicated with red outline) and surrounding locality is visible within the screenshot taken from Metromap, below.

Zoning:

The subject land is located within the Rural Settlement Zone. The following zones are additionally present within 500m of the land:

Open Space - <1m to the south-west

Strategic Employment – 366.7m to the north-west

Infrastructure (Ferry and Marina Facilities) - 138.9m to the north-east

Coastal Waters and Offshore Islands – Surrounding the Point

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 both ‘support with concern’ and ‘no support’.

Consent Required:

Planning Consent

Category of Development:

- **Per Element:**
  Tourist accommodation: Code Assessed - Performance Assessed

- **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 Rural Settlement Zone 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, Rural Settlement Zone Table 5, Column A, does not explicitly list ‘tourist accommodation’, or similar. In which case Column A, Item 1 must be considered; “Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development”. Due to the established low-scale residential character of the locality, the addition of a tourist accommodation for

the purposes of short-term accommodation is not considered minor in nature, therefore notification was required.

List of Representations
2 representations were received during the notification period – 1 opposing the development and 1 in support, however with some concerns.

Support with concerns

No. of representation	Name	Address	Matters raised	Request to be heard
	Chris Wagner	4 Essington Lewis Avenue, Whyalla	• Unapproved traversal of Council carpark by guests of proposed accommodation • Dust migration caused by more trips generated • Obstructed legal entry into property	No

Does not support

No. of representation	Name	Address	Matters raised	Request to be heard
	Bevan White	72 Raws Street, Whyalla	• Unapproved traversal of Council carpark by guests of proposed accommodation	Yes

Complete representations can be found within the attachments.

Applicant's response
While a formal written submission was not provided by the applicant following the public notification period, the primary concerns raised in the representations were addressed through the submission of revised documentation during the assessment process.
The amended plans removed the proposed access and egress via the adjoining public carpark, resolving the main issue raised by the representors. The related concern regarding dust generation from the use of the carpark has also consequently been resolved. While the subject land itself will remain unsealed and has the potential to generate some dust, this is consistent with the property's existing condition and is not anticipated to be significantly intensified by the approved use.

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 include Tourist Accommodation, 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 Tourist Accommodation, 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**
Hazards (Bushfire - Regional)	**1** Development, including land division responds to the relevant level of bushfire risk and is sited and designed to mitigate the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change. **2** To facilitate access for emergency service vehicles to aid the protection of lives and assets from bushfire danger.	PO 1.1 PO 3.2	8 rainwater tanks are present within the site: 6 on the southern boundary and 2 on the northern boundary. The development is positioned away from any significant vegetation that may increase fire risk. The site can be easily accessed by fire appliance vehicles, and the adjoining road reserve is wide enough for a suitable turnaround.
Hazards (Flooding - Evidence Required)	**1** Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure	PO 1.1 Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters	The development is consistent with the Desired and Performance Outcomes of the Hazards (Flooding - Evidence Required) Overlay. The

	and the environment from potential flood risk through the appropriate siting and design of development.	where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	land has a natural slope towards the ocean, and the subject site is not paved or concreted, allowing for natural stormwater permeability into the soil.. The design minimises the risk of floodwaters entering the building and causing damage, aligning with the overlay's objective to mitigate potential flood impacts through appropriate siting and design.
Limited Land Division	**1** The long-term use of land for primary production is maintained by minimising fragmentation through division of land.	N/A	Land division does not form part of this application.
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

- Finished Ground and Floor Levels (Minimum finished ground level is 3.65m AHD; Minimum finished floor level is 3.9m AHD)

The Planning and Design Code has facilities that set or determine various technical and/or numeric requirements in relation to specified classes of development.
Section 66(4) of the Act provides that the Code *may* include provisions that provide for the adaptation of the rules that apply in relation to a specified zone or subzone or as an overlay to provide for necessary and appropriate local variations in specified circumstances. In varying a particular policy, these specific provisions or policies may be spatially applied without the need for the Code to apply the specific policy through a separate zone, subzone or overlay.

The applicant has supplied a contoured site plan detailing the relevant levels for the proposed development in AHD. An assessment of this plan confirms that the finished floor level of the demountable building is above the minimum 3.9m AHD required. Therefore, the development complies with the relevant TNV.

Land Use
The following Performance Outcomes (PO) and Designated Performance Features (DPF) are applicable:

Zone – PO 1.1
Predominantly low density residential development with complementary non-residential uses compatible with a low density residential character and the development pattern of the settlement.

Zone – DPF 1.1
Development comprises one or more of the following:
(h) Outbuilding
(j) Tourist accommodation

Zone – PO 1.3
Small-scale tourist accommodation that supports the visiting public and holiday makers.

The proposed development aligns with the land use provisions for the Rural Settlement Zone. The Planning and Design Code explicitly lists 'tourist accommodation' as a Designated Performance Feature (DPF 1.1) for the zone. The proposal, which involves a single demountable cabin for short-term rental, is considered a small-scale tourist accommodation that supports visitors and holidaymakers drawn to the area's coastal and heritage attractions (PO 1.3). This use is complementary to the existing low-density residential character and is compatible with the established development pattern of the settlement, thereby satisfying the requirements of PO 1.1. The outbuilding is additionally listed as an envisaged use within the Designated Performance Feature 1.1.

Design and Siting
The following Performance Outcomes (PO) and Designated Performance Features (DPF) are applicable:

Zone – PO 2.1
Buildings are set back from primary street boundaries consistent with the existing streetscape.

Zone – PO 3.1
Buildings contributes to the prevailing character of the neighbourhood and complements the height of nearby buildings.

Zone – PO 6.1
Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.

Design – PO 4.1
Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.

Design – PO 13.1
Residential ancillary buildings and structures are sited and designed to not detract from the streetscape or appearance of buildings on the site or neighbouring properties.

Design – PO 13.5
Ancillary accommodation:

a) *is sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties*

b) *is integrated within the site of the dwelling to which it is ancillary and incorporates shared utilities and shared open space.*

The design and siting of the proposed development are consistent with the relevant provisions of the Planning and Design Code. The development includes two ancillary structures: the demountable tourist accommodation and a shipping container for domestic storage. The demountable cabin is sited at the western boundary, while the shipping container is placed on the eastern boundary, oriented to ensure legal vehicle access to the site is maintained. This arrangement is consistent with the established local character of the area, where primary dwellings are oriented towards the beachfront and ancillary structures face the street.
Due to the location of existing sheds, the demountable tourist cabin is not visible from Lighthouse Drive and therefore does not detract from the streetscape. While the shipping container is located towards the street frontage, its placement is consistent with the pattern of ancillary structures in the locality. The tourist cabin presents as a contemporary 'granny flat' with a white and light colour scheme, a design considered compatible with the low-scale coastal character of the neighbourhood (Zone PO 3.1, Zone PO 6.1, Design PO 13.1, Design PO 13.5). The cabin is also explicitly designed to maximise natural sunlight and ventilation, featuring large windows on its western elevation to capitalise on coastal views (Design PO 4.1). As the tourist accommodation is located on the same allotment as the primary dwelling, it is appropriately integrated with the site, sharing access and open space (Design PO 13.5).

Interface between Land Uses
The interface between the proposed tourist accommodation and surrounding land uses is considered acceptable and is not anticipated to cause adverse impacts on the amenity of the locality. The primary reason for this is that the demountable building is located on the same site as the landowner's existing dwelling. The landowners are therefore the closest sensitive receivers and are in a position to manage the activities of their guests, mitigating the potential for noise or other nuisance. The next nearest sensitive receiver is located approximately 21 meters from the development, with a public carpark situated between the two sites, providing a sufficient buffer. Furthermore, the nature of the development itself, a single accommodation unit for short-term stays, is more closely aligned with ancillary accommodation than a large-scale commercial tourist park operation. As such, the use is not inherently a generator of significant noise, light, and other amenity impacts that would unreasonably affect neighbouring properties.

Traffic Impact, Access and Parking
The following Performance Outcomes (PO) and Designated Performance Features (DPF) are applicable:

Design – PO 2.1
Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.

Design – PO 6.1
Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.

Design – PO 7.2
Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.

Design – PO 19.5
Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.

Transport, Access and Parking (TAP) – PO 3.4
Access points are sited and designed to minimise any adverse impacts on neighbouring properties.

TAP – DPF 5.1
Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:

b) *Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply*

TAP – PO 6.2
Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.

The proposed development is considered to meet the relevant provisions for traffic, access, and parking. While initial plans and public representations indicated access would be made through the adjoining public carpark, this has now been rectified with amended documentation to reflect this change. All vehicle access and egress now occur directly and safely from the primary street frontage on Lighthouse Drive, providing a direct route to on-site parking spaces (Design PO 2.1, Design PO 19.5, TAP PO 3.4). The provision of two on-site parking spaces is sufficient, meeting the minimum requirement of one space per four accommodation bedrooms as stipulated by Transport, Access and Parking Table 1 (TAP DPF 5.1). The vehicle parking areas will remain unsealed, which is consistent with the existing character of the site and the locality, allows for maximum permeability, and is not expected to adversely impact adjacent sensitive receivers (Design PO 7.2, TAP PO 6.2). Furthermore, there is no indication that the parking or driveway areas are located over any on-site effluent disposal systems as the provided site plan shows the on-site waste system located away from the proposed parking area (Design PO 6.1).

CONCLUSION

The proposed development, comprising a change of land use to include tourist accommodation and the installation of a demountable cabin and shipping container, has been assessed against the relevant provisions of the Planning and Design Code. The assessment concludes that the proposal is consistent with the relevant provisions of the Planning and Design Code. The small-scale nature of the tourist accommodation is an appropriate complementary use that supports tourism in the locality without compromising the area's low-density residential character. The design and siting of the buildings are in keeping with the established pattern of development and will not result in adverse impacts on the streetscape or the amenity of neighbouring properties. Furthermore, matters relating to traffic, access, parking, and potential land use interface conflicts have been satisfactorily addressed, with initial concerns raised during public notification regarding site access now resolved. Therefore, the development is not considered to be at variance with the Planning and Design Code and warrants the granting of Planning Consent.

RECOMMENDATION

It is recommended that the Upper Spencer Gulf 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 24017105, by Glenn Wastell is granted Planning Consent subject to the following conditions:

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 vehicle access and egress for the subject land shall be from Lighthouse Drive only. Vehicle access shall not be gained from or through the adjoining public carpark to the north.

Condition 3

The on-site car parking spaces identified in the approved plans shall be maintained and available for use by occupants and guests of the tourist accommodation at all times and must not be used for general storage or any other purpose which detracts from the vehicle parking available for the tourist accommodation.

Condition 4

The demountable cabin shall be used for short-term tourist accommodation only and shall not be occupied by any person as a permanent or principal place of residence.

Condition 5

Within 60 days of this consent being granted, the external surfaces of the shipping container visible from Lighthouse Drive shall be painted in a muted, non-reflective colour that is complementary to the surrounding environment, to the satisfaction of the relevant authority.

ADVISORY NOTES

Planning Consent

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

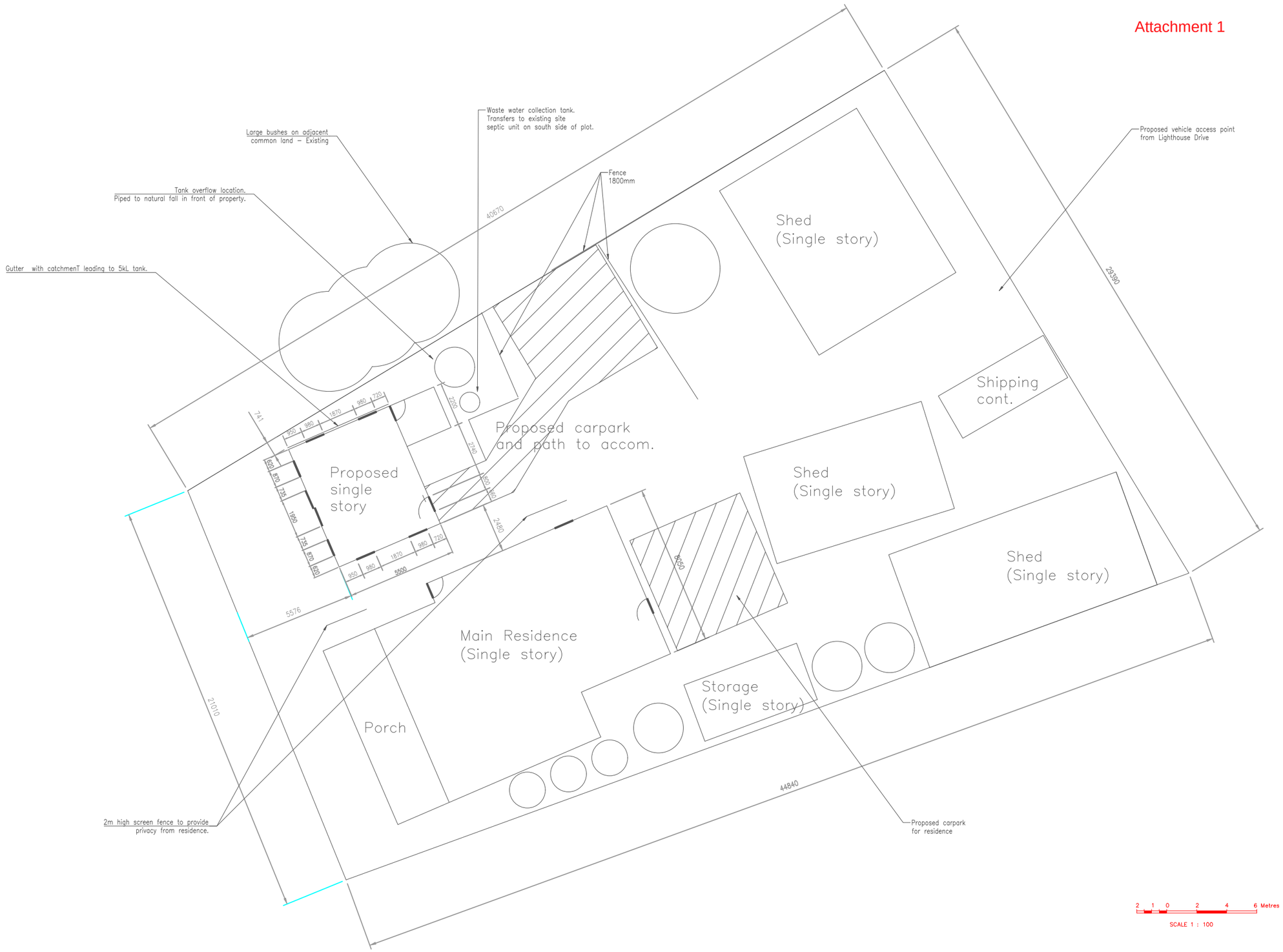
- the Upper Spencer Gulf Regional Assessment Panel and must be made within **one (1) month** after the day of receiving this notice of the decision unless the Assessment Panel, in its discretion, allows an extension of time; or
- the Environment, Resources and Development Court within **two (2) months**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

The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

OFFICER MAKING RECOMMENDATION

Name: Lucas Trevisan
Title: City Planning Coordinator
Date: 29 July 2025

Attachment 1



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A	2.4.25	ISSUED FOR INFORMATION	S.O'B			

SOLUTIONS PPRE

DRAWN BY S O'BRIEN	DATE 2.4.25
CHECKED BY	DATE
DESIGN ENGINEER	DATE
ENGINEER CHECK	DATE
ENG MGR / PRJ MGR	DATE
APPROVED FOR CONSTRUCTION SIGNED : DATE : AUTHORISED ONLY WHEN SIGNED	

46 LIGHTHOUSE DRIVE
POINT LOWLY
PROPOSED B&B LOCATION
LAYOUT

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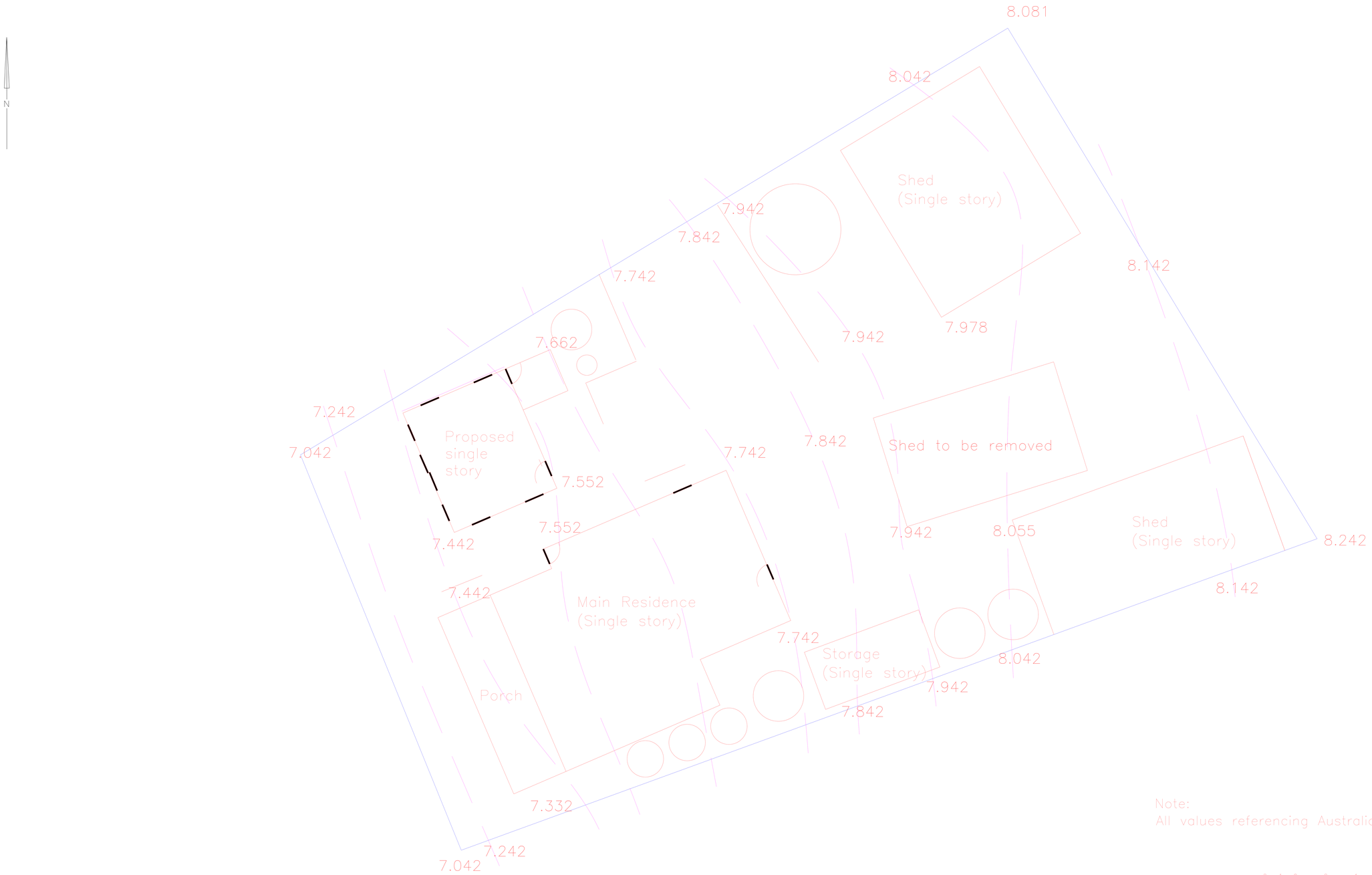

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SOLUTIONS PPRE

DRAWN BY S O'BRIEN	DATE 2.4.25
CHECKED BY	DATE
DESIGN ENGINEER	DATE
ENGINEER CHECK	DATE
ENG MGR / PRJ MGR	DATE
APPROVED FOR CONSTRUCTION SIGNED : DATE : AUTHORISED ONLY WHEN SIGNED	

46 LIGHTHOUSE DRIVE
POINT LOWLY
SITE FALL CONTOUR PLAN

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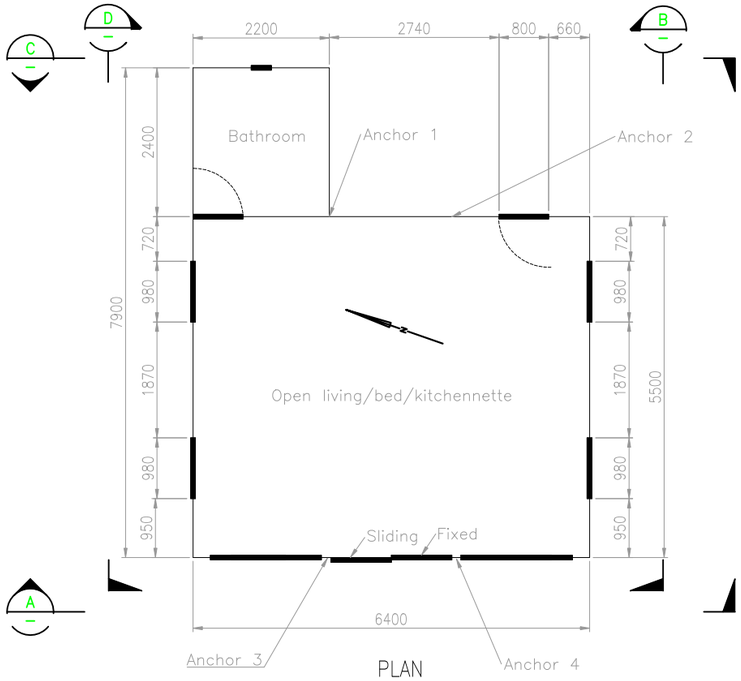
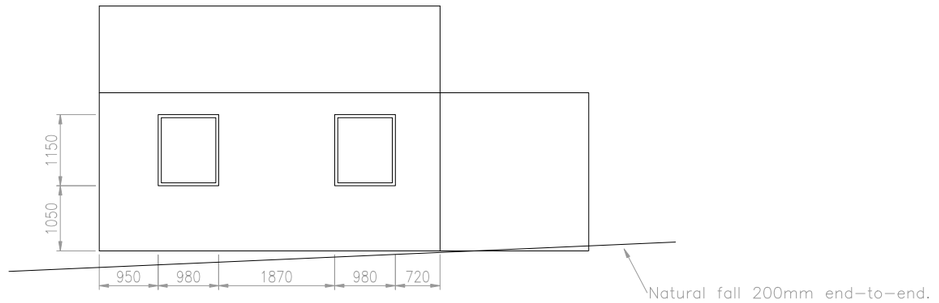


PLAN



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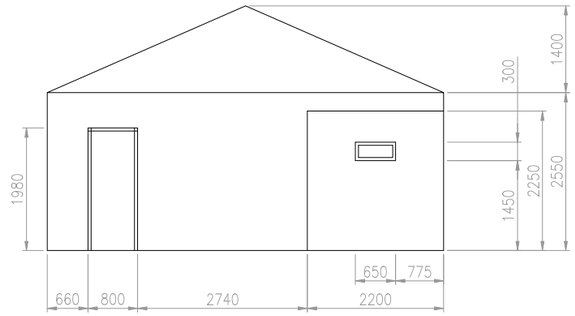
SECTION B
SCALE 1:50



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SECTION C
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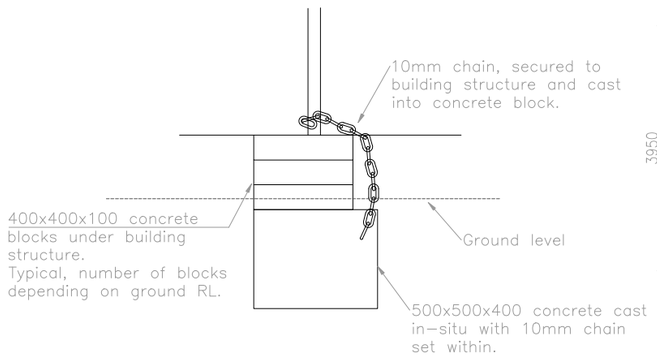
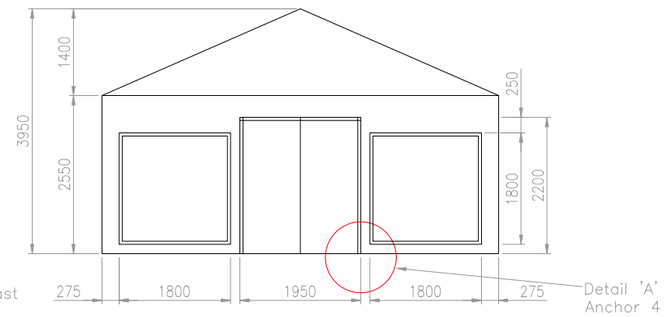


DETAIL 'A'

Typical at four points
identified as Anchor 1-4



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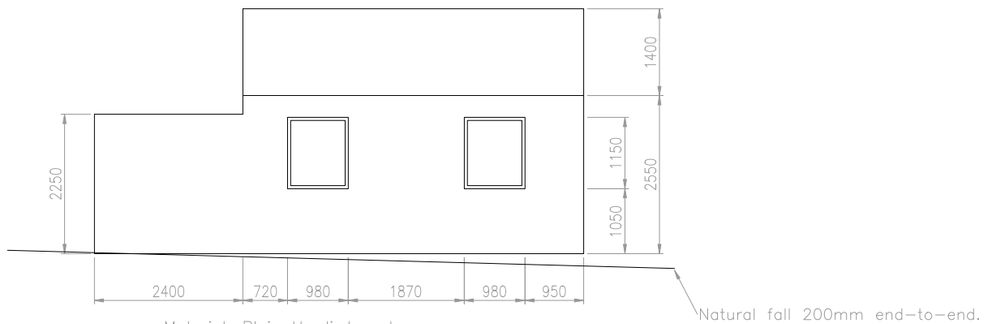

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SECTION D
SCALE 1:50

1 0.5 0 1 2 3 Metres
SCALE 1 : 50

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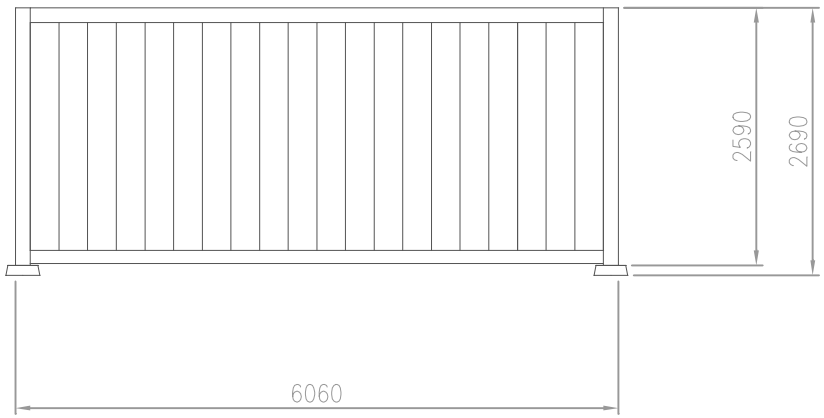
REV	DATE	REVISION DESCRIPTION	BY	CHK	DES ENG	PROJ
C	15.7.25	WINDOWS ENLARGED AND ANCHOR DETAIL	S.O'B			
B	25.4.25	CLARITY RE CLEARANCE TO DOOR BASE	S O'B			
A	2.4.25	ISSUED FOR INFORMATION	S O'B			

SOLUTIONS PPRE

DRAWN BY S O'BRIEN	DATE 2.4.25
CHECKED BY	DATE
DESIGN ENGINEER	DATE
ENGINEER CHECK	DATE
ENG MGR / PRJ MGR	DATE ATION
APPROVED FOR CONSTRUCTION SIGNED : DATE : AUTHORISED ONLY WHEN SIGNED	

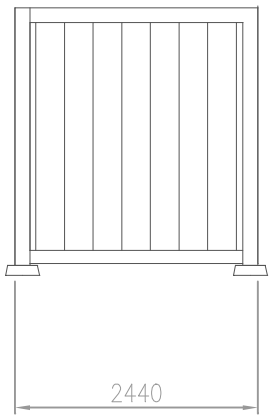
46 LIGHTHOUSE DRIVE
POINT LOWLY
PROPOSED B&B DWELLING
PLAN & ELEVATIONS

SCALE 1:50 | A1 | DRAWING NUMBER 25005-152 | REV C



SHIPPING CONTAINER ELEVATION – LOOKING NORTH
Ground fall negligible. Supported on 100mm concrete blocks

APPEARANCE – White painted steel four sides



SHIPPING CONTAINER ELEVATION – LOOKING WEST
Door at other end (West)

1 0.5 0 1 2 3 Metres

SCALE 1 : 50

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SOLUTIONS PPRE

DRAWN BY S O'BRIEN	DATE 25.5.25	
CHECKED BY	DATE	
DESIGN ENGINEER	DATE	
ENGINEER CHECK	DATE	
ENG MGR / PRJ MGR	DATE ATION	

APPROVED FOR CONSTRUCTION
SIGNED :
DATE :
AUTHORISED ONLY WHEN SIGNED

46 LIGHTHOUSE DRIVE
POINT LOWLY
SHIPPING CONTAINER
ELEVATIONS

SCALE 1:50 | A1 | DRAWING NUMBER 16005-3 | REV A

Details of Representations

Attachment 2

Application Summary

Application ID	24017105
Proposal	Placement of a cabin ancillary to an existing dwelling for the purpose of providing short-term tourist accommodation
Location	46 LIGHTHOUSE DR POINT LOWLY SA 5601

Representations

Representor 1 - Bevan White

Name	Bevan White
Address	72 Raws Street WHYALLA SA, 5600 Australia
Submission Date	21/04/2025 07:58 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

Reasons
Entry to the development is off the carpark the building is already there and being used as accommodation there is a real safety for foot traffic going to beach or returning from beach council fencing from carpark has been removed allowing access to property and depleting carparks for beach users plan not drawn correctly buildings missing on plan and also services

Attached Documents

Representations

Representor 2 - Chris Wagner

Name	Chris Wagner
Address	4 Essington Lewis Avenue WHYALLA SA, 5600 Australia
Submission Date	24/04/2025 08:58 AM
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 support the development with some concerns

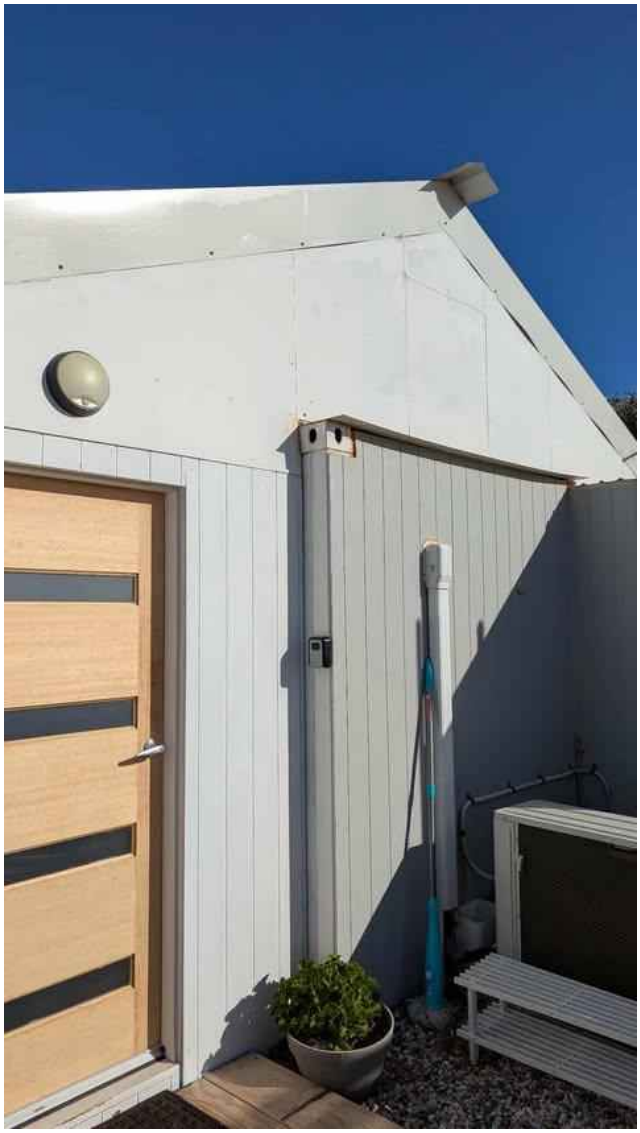
Reasons

My concerns are around where the car park is for the B&B and how the customers are able to access it. The drawing shows the boundary fence leaving a gap from the public car park side, if this is how they do intend to have it I would think that it will introduce possible concerning interaction with pedestrians and cars. There is a main access point to the main swimming beach directly next to this position Also it creates much more fugitive dust due to the increased traffic which impacts the adjoining properties Currently they are using this as their own access driveway as they have blocked the proper drive to their own residence. There is a shipping container on their block that they have omitted from the plan drawing, that is stopping this access.

Attached Documents

Site Photos

East Elevation



East Elevation – Front Deck

West Elevation

DEVELOPMENT NO.:	24010506
APPLICANT:	Adam Albanese
ADDRESS:	34-36 FORSYTH ST WHYALLA SA 5600 32 FORSYTH ST WHYALLA SA 5600
NATURE OF DEVELOPMENT:	Change of land use to Service Trade Premises (Motor Vehicle Showroom) with associated freestanding advertisement(s) and vehicle parts storage shed.
ZONING INFORMATION:	**Zones:** • Township Main Street **Overlays:** • Hazards (Flooding - Evidence Required) • Native Vegetation
LODGEMENT DATE:	7 May 2024
RELEVANT AUTHORITY:	Regional assessment panel/Assessment manager at Upper Spencer Gulf Regional Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.7 18/04/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Lucas Trevisan City Planning Coordinator
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Internal referral to Assets – Stormwater and Traffic

Attachments:

ATTACHMENT 1: Report presented to the USGRAP 27 August 2024

ATTACHMENT 2: Minutes from meeting 27 August 2024

ATTACHMENT 3: Lighting plan and calculations

ATTACHMENT 4: Confirmation Signify Engineer

ATTACHMENT 5: Signed agreement between Applicant and neighbour

PURPOSE

This report asks the Upper Spencer Gulf Regional Assessment Panel to resolve that the Applicant for Development Application 24010506 has satisfied the requirements of Reserved Matter 1, which relates to the submission of a compliant lighting plan.

BACKGROUND

On 27 August 2024, the Panel resolved to grant Planning Consent for Development Application 24010506, submitted by Adam Albanese, for a 'Change of land use to Service Trade Premises (Motor Vehicle Showroom) with associated freestanding advertisement(s) and vehicle parts storage shed' at 32 & 34-36 Forsyth Street, Whyalla.

The application had received two public representations, both of which raised concerns regarding potential light spill from the proposed outdoor lighting. At the hearing, representor Mr. Jereome Connolly addressed the Panel and presented supporting material regarding the lighting's potential impact on his property.

Following discussion, the Panel determined that the issue of lighting should be addressed as a reserved matter. The Panel subsequently reworded the originally proposed Condition 9 and established it as Reserved Matter 1.

RESERVED MATTER 1

The Planning Consent was granted subject to the following Reserved Matter 1:

> *The applicant shall provide a lighting plan that ensures that the constructed lighting will meet the Australian Standard AS/NZS 4282 and confirmation from a suitably qualified lighting expert that the lighting will not unreasonably impact on residential premises outside of the site to the satisfaction of the Upper Spencer Gulf Regional Assessment Panel*.

ASSESSMENT OF SUBMITTED DOCUMENTATION

In response to Reserved Matter 1, the applicant has supplied the following documentation for review:

- A lighting plan and calculation report prepared by Signify for the North East Auto Group Car Dealership Whyalla.
- An email from Igor Nikolic, Application Engineer at Signify, dated 28 April 2025, confirming the design's compliance.
- A signed agreement between the applicant, Adam Albanese, and the representor, Jerome Connelly, dated September 13, 2024.

All supplied documentation is contained within the attachments.

The submitted lighting plan and calculation report from Signify details the technical specifications and orientation of the proposed lighting. The plan includes an "Obtrusive Light-Compliance Report" which assesses the design against Australian Standard AS/NZS 4282:2023. This report confirms that the maximum allowable illuminance value is 10 Lux. The calculation results for the northern boundary, which adjoins the residential property, show a light spill of 0.9 Lux, which is well below the allowable limit and therefore achieves a "PASS" rating.

This technical compliance is supported by the email from Mr. Igor Nikolic, Application Engineer for Signify. Mr. Nikolic confirms that the "Design is covering all the standards when it comes to Obtrusive light and spill

to adjoining residential properties according to AS/NZS 4282-2023 for Medium District Non curfew L1 standard". This provides the required confirmation from a suitably qualified lighting expert.

Furthermore, the applicant has proactively worked with the concerned resident, Mr. Jerome Connelly. The submitted letter, signed by both parties, confirms an agreement has been reached whereby all site lighting will be turned off from 10 pm nightly, with motion sensors installed on lights for after-hours security. This demonstrates that the specific concerns raised during the Panel meeting have been resolved to the satisfaction of the representor.

Taken together, the submitted technical data, expert confirmation, and the agreement with the concerned resident comprehensively satisfy the requirements of Reserved Matter 1.

RECOMMENDATION

It is recommended that the Upper Spencer Gulf Regional Assessment Panel resolve that:

1. The documentation submitted by the applicant for Development Application 24010506 has satisfied the requirements of Reserved Matter 1, as resolved by the Panel on 27 August 2024.

OFFICER MAKING RECOMMENDATION

Name: Lucas Trevisan
Title: City Planning Coordinator
Date: 31/07/2025

DEVELOPMENT NO.:	24010506
APPLICANT:	Adam Albanese
ADDRESS:	34-36 FORSYTH ST WHYALLA SA 5600 34-36 FORSYTH ST WHYALLA SA 5600 32 FORSYTH ST WHYALLA SA 5600
NATURE OF DEVELOPMENT:	Change of land use to Service Trade Premises (Motor Vehicle Showroom) with associated freestanding advertisement(s) and vehicle parts storage shed.
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CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Lucas Trevisan City Planning Coordinator
REFERRALS STATUTORY:	None
REFERRALS NON-STATUTORY:	Internal referral to Assets – Stormwater and Traffic

Attachments:

ATTACHMENT 1: Final Plans

ATTACHMENT 2: Representations

ATTACHMENT 3: Response to representations

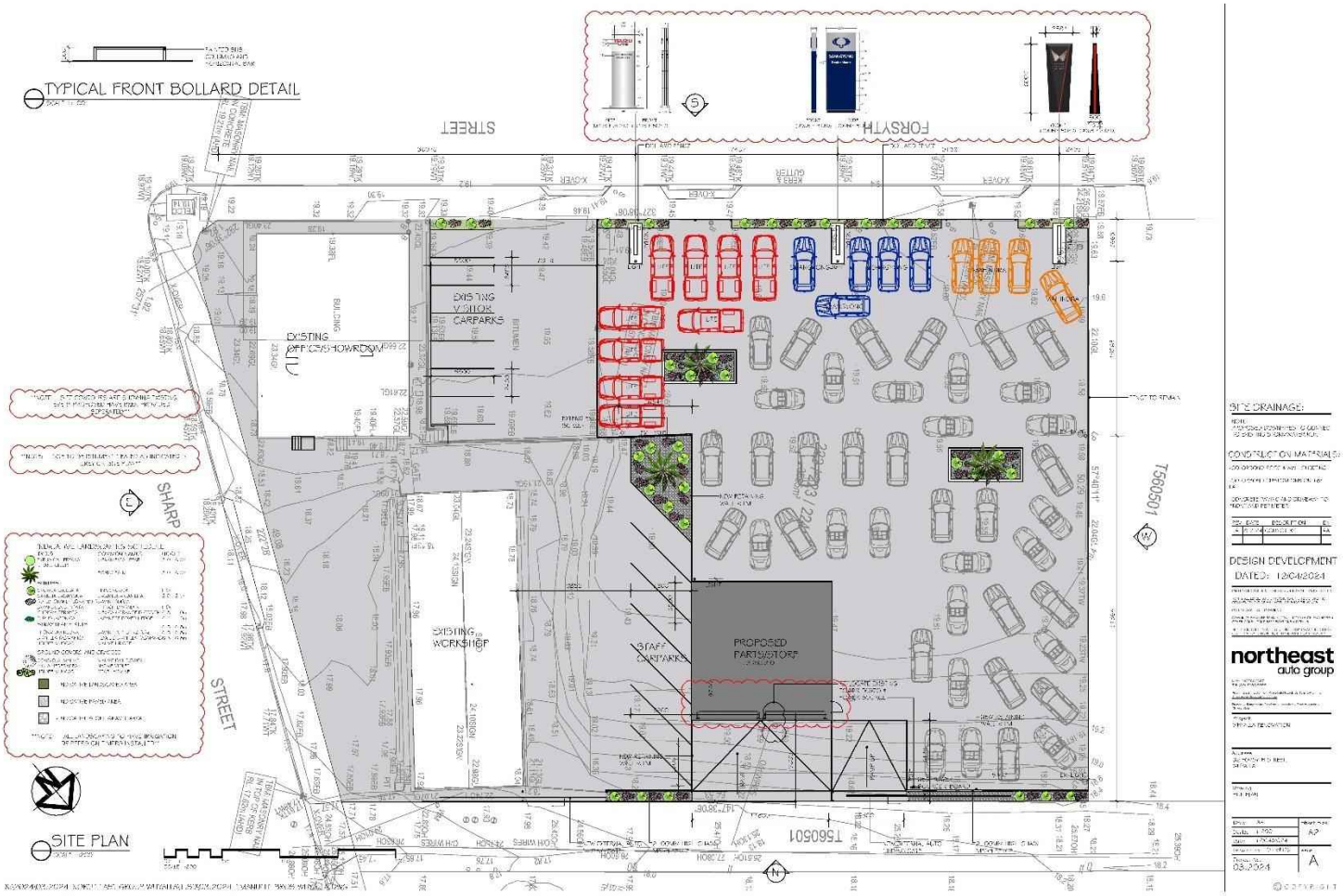
ATTACHMENT 4: Stormwater Management Report

ATTACHMENT 4: Lighting Plan and documentation

1.0 DETAILED DESCRIPTION OF PROPOSAL:

The proposed development comprises of a service trade premises (motor vehicle showroom) with associated freestanding advertisement(s) and vehicle parts storage shed – In more detail it includes:

- Service trade premises, with indoor and outdoor vehicle display areas
- Associated staff offices
- Onsite guest and staff vehicle parking spaces – 13 spaces
- Boundary fencing (greater than 2.1m)
- 3 x freestanding Advertisement structures with additional fixed advertisement on the fascia and walls of the workshop and office buildings.



2.0 BACKGROUND:

2.1 Previous land use

Previous land use is consistent with that of a Service Trade Premises for the purposes of a motor vehicle showroom and associated vehicle workshop, however the previous service trade premises land use has since lapsed and the land has reverted to a workshop use.

Council holds record of the following applications over the land:

32 (224)	
	Building Applic. 761027 Extensions
	Building Applic. 630050 Work shop
	Building Applic. 630080 Showroom
	Building Applic. 650016 Workshop
	850/296/06: NTA SIGN GROUP - Signage
	850/493/05: Eyre Auto Group - New & Used vehicles parts sales and servicing facility.
34-36 (222 & 223)	
	Building Applic. 840252 Window
	Building Applic. 620279 Garage
	Building Applic. 630021 EXT/GA
	Building Applic. 760019 Sign
	Building Applic. 650217 Car Showroom
	Building Applic. 740666 Carport
	Building Applic. 720342 Office
	Building Applic. 650305 Workshop
	850/1281/94: Prosign Advertising - Illuminated Pylon Sign

2.2 Change in land use

For the purposes of determining whether a change in the use of land has occurred, one must have regard to Section 4 of the Planning, development, and Infrastructure Act 2016. Specific to this application, Section 4, 1, (b) and (d) are met, and a change in land use must form an element of the application.

For clarity, Section 4, (b) and (d) state the following respectively –

For the purpose of determining whether a change in the use of land has occurred, the commencement or revival of a particular use of the land will, subject to this section, be regarded as a change in the use of the land if—

(b) the commencement of the use or the revival of the use follows on from a period of non-use;

(d) there is an increase in the intensity of the use of the land which is prescribed by the Planning and Design Code as constituting a material increase in use for the purposes of this paragraph.

Section 4, 2, clarifies the period of 'non-use' by stating *the revival of a use of land after a period of discontinuance will be regarded as the continuation of an existing use unless —*

(a) the period intervening between the discontinuance and revival of the use <u>exceeds 12 months</u>; or

(b) during the whole or a part of the period intervening between its discontinuance and revival, the use was superseded by some other use.

A desktop review using Google Earth, Google Street View, and Metromaps confirms that the previous service trade premises land use has experienced a period of cessation greater than 12 months. The timeline of events is bulleted below:

- 2010 Google Street View shows full operation with two buildings fronting to Forsyth Street

- 2013 Metromap shows full operation with the removal of one building previously seen in 2010 imaging

- 2018 Metromap appears to show the discontinuation of the display of motor vehicles as evidenced by the land having been left unmaintained with shrub growth. The workshop component at the north-eastern corner appears to remain operational.

- 2018 - 2022 Metromap shows a continued parking of vehicles in front of the workshop shed.

- 2024 Google Street View shows vandalised office space with ‘for lease’ sign in front window

With confidence, it is determined that the previous service trade premises land use has experienced a period of cessation of approximately 6 years, whilst the workshop land use forms a continuing use.

The revival of the service trade premises forms a change in land use and requires Planning Consent.

3.0 SUBJECT LAND & LOCALITY:

3.1 Land Description:

The subject land is comprised of three allotments with a combined area of 3619m^2, Certificate of Title 5515/302, 5515/907, and 5206/909.

The land in question, comprising allotments 34-36 Forsyth Street and 32 Forsyth Street, Whyalla, forms an irregularly shaped parcel. It boasts a substantial frontage along Forsyth Street (73m) and extends to the rear where it abuts a laneway. The land additionally has secondary street frontage to Sharp Street (47m).

Currently, the site features two existing buildings:

1. A prominent corner building situated at the intersection of Forsyth Street and Sharp Street.
2. A second building located further back on the property, closer to the rear laneway, currently used as a vehicle workshop.

3.2 Locality

The surrounding locality of the subject land, situated at 32-36 Forsyth Street, Whyalla, is characterised by a mix of commercial and residential uses, typical of a Township Mainstreet Zone. Along Forsyth Street, there's a prevalence of commercial establishments, including retail stores, offices, and service-oriented businesses. These contribute to the active and vibrant character of the main street.

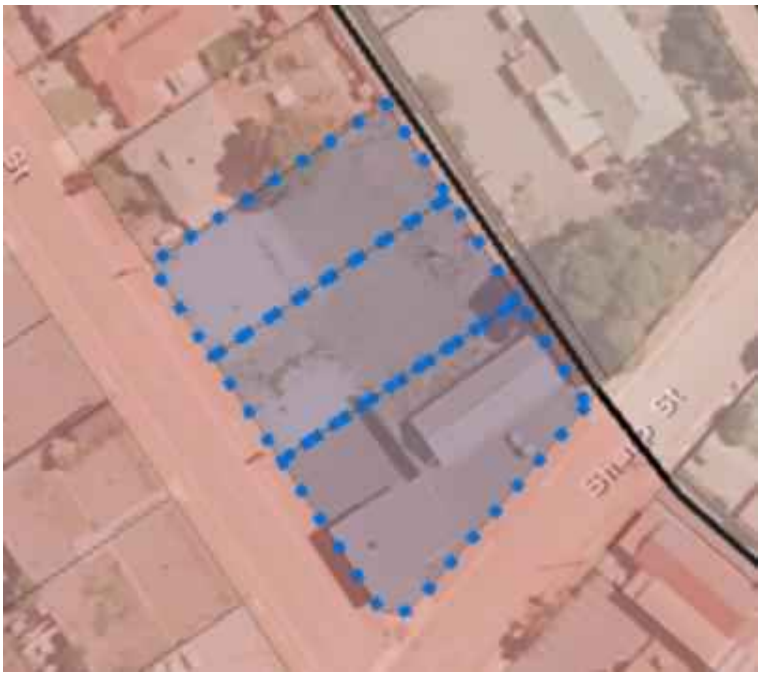
Further back from Forsyth Street, the density of commercial activity decreases, giving way to residential properties. These are primarily single-family homes. The presence of a laneway at the rear of the subject land suggests a network of rear access points for properties in the area.

Overall, the locality presents a blend of commercial vibrancy along the main street and residential tranquillity in the surrounding blocks, creating a dynamic and diverse urban environment.

3.3 Zoning

The subject land is located within the Township Mainstreet Zone, however, is adjoining the boundary of the Established Neighbourhood Zone to the north-east.

The subject land comprising three allotments (highlighted) and applicable zoning can be seen within the screenshot taken from the South Australian Property and Planning Atlas, below.



4.0 PROCEDURAL MATTERS

4.1 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 representation having been received.

4.2 Consent Required

Planning Consent

4.3 Category of development

- **PER ELEMENT:**
  Service trade premises: Code Assessed - Performance Assessed
  Advertisement: Code Assessed - Performance Assessed
  Privacy fencing – Code Assessed – Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
  Code Assessed - Performance Assessed

- **REASON**
  P&D Code; Pursuant to Section 107 of the PDI Act 2016.

5.0 PUBLIC NOTIFICATION

5.1 REASON for notification

The notification criteria found within table 5 of the Township Mainstreet Zone 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, service trade premises, being the primary proposed use, is not a land use listed within Column A and should not be determined to be of minor nature due to the potential impacts posed on neighbouring properties.

5.2 LIST OF REPRESENTATIONS

2 representations were received during the notification period – Both in support of the development, although with some concerns.

Support with concerns

No. of representation	Name	Address	Matters raised	Request to be heard
1.	Jereome Connolly	29 Whitehead Street, Whyalla	• Potential light spill from outside site lighting	No
2.	Sarah Flack	38 Forsyth Street, Whyalla	• Potential light spill from outside site lighting • On-street vehicle parking obstructing line of sight from her site driveway • Noise levels generated from developed site • Dust migration during construction • Proposed fencing joining to 38 Forsyth should be of a 'neat & tidy' aesthetic • Delivery hours of vehicles	No

Complete representations can be found within the attachments.

5.3 Applicant's response

The Applicant's response is summarised below:

The applicant has addressed the concerns raised by both representors. Regarding light spill, the applicant assures that all site lighting will be directed inwards, minimizing impact on neighbouring properties while maintaining necessary security. Regarding parking, designated areas are provided, and any overflow parking on the street will be beyond the applicant's control. Noise levels will adhere to EPA guidelines, and dust will be controlled through sealing the display area. The existing boundary fence will remain unchanged, and deliveries will be scheduled earlier to minimize disruption. Importantly, no cameras or lighting will be directed towards Ms. Flack's yard, ensuring privacy. The applicant aims to satisfy both representors' concerns through these measures.

Complete response can be found within the attachments.

AGENCY REFERRALS

Agency referrals not required.

INTERNAL REFERRALS

- Council Asset's Department
    - Traffic
    - Stormwater

7.0 PLANNING ASSESSMENT

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

7.1 Question of Seriously at Variance

Section 107(2)(c) of the Planning, Development and Infrastructure Act requires the Relevant Authority to determine whether the development is seriously at variance with the Planning and Design Code, disregarding minor variations. A development that is seriously at variance with the Code must not be granted consent. The Supreme Court previously explained: The expression "seriously at variance with the Development Plan" refers to that which is an important or grave departure in either quantity or degree from the Development Plan. It denotes something which is plainly not slight or trifling. ... It is not enough that the proposal might conflict with the Development Plan; it must be seriously at variance with it (Mar Mina SA Pty Ltd v City of Marion [008] SASC 120). A more recent judgment of the Supreme Court confirmed that planning authorities are to approach the 'seriously at variance question' in the same way it was approached under the predecessor act (para 74 of Geber Super Pty Ltd v the Barossa Assessment Panel [2023] SASC 154). The proposed development does not represent a grave departure from the Planning and Design Code zone for the purpose of the Seriously at Variance test under Section 107(2)(c) of the Act, given that the Township Mainstreet Zone contemplates a range of businesses which provide for a range of goods to the local community and surrounding district. As a result, the application has been assessed on its merits against the Planning and Design Code under Section 107(1)(2)(a) of the Act, as follows.

7.2 Overlays

Overlay	Desired Outcomes	Performance Outcomes	Assessment
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.	PO 1.1 PO 2.1	A stormwater Management Report prepared by Gama Consulting has been provided to assist in the assessment. The supplied stormwater drainage plan demonstrates that the run-off from the proposed development will have no detrimental impact on the existing drainage system. The run-off which will leave the site due to the proposed stormwater arrangements will be limited to the pre-development flow rates.
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.	PO 1.1	No native vegetation exists within the site. No wildlife or wildlife habitats will be removed as a result of this development.

The development achieves the Performance Outcomes of the applicable Overlays.

7.3 Technical Numeric Variations

None are present at the subject land.

7.4 Land Use

The Township Mainstreet Zone assigns the proposed development to a Performance Assessed pathway – that is, it is neither identified as Restricted development nor Deemed to Satisfy development.

A typical ‘first step’ to determine whether a proposed land use is appropriate for the subject land is whether the land use is present within the list of Designated Performance Feature 1.1 of the applicable Zone. In this instance, the primary land use of the application being a ‘service trade premises’ is not listed.

It should be noted that the following ancillary land uses are listed and envisaged within Township Mainstreet Zone Designated Performance Feature 1.1:

- Office; and
- Advertisement

As service trade premises is not listed as an envisaged use, the full intent and nature of the Zone and the locality must be assessed. The following zone Performance Outcomes are applicable:

Zone - PO 1.1
Retail, office, entertainment and recreation related uses are supplemented by other businesses that provide a range of goods and services to the local community and the surrounding district.

Zone - PO 1.2
Ground floor uses contribute to an active and vibrant main street.

Zone - PO 1.5
Development is sited and designed to achieve or maintain a vibrant and interesting streetscape within retail areas.

Zone - PO 1.6
Changes in the use of land encourage the efficient reuse of commercial premises to maintain and enhance vibrancy within activity centres.

The proposal seeks to create a service trade premises for the function of a motor vehicle showroom. While not a typical business associated with what would be considered a traditional main street character, the proposed land use will provide goods through the sale and maintenance of vehicles to the local community and the greater Whyalla locality.
The proposed development, featuring the retained corner building with its expansive wall-to-ceiling windows, actively contributes to a vibrant main street by offering a visual connection between the public and the internal office and retail activities. This transparency fosters engagement and pedestrian interest, enhancing the overall streetscape. The building's unique architectural feature acts as a visual landmark, creating a dynamic and interesting facade that adds character and vitality to the retail area. Furthermore, the adaptive reuse of the existing structure demonstrates a commitment to sustainable development and efficient resource utilisation, contributing to the ongoing vibrancy of the activity centre.

7.5 Design and Siting
Note: Freestanding signage structures and fixed advertisements will not be addressed within this subheading and will be assessed at subheading 7.8.

The proposal seeks the reuse of two buildings on the land. Both buildings exist over CT 5206/909. No external additions are proposed to either existing building.

The following are proposed built form additions on the land:

- Vehicle parts shed
- Sealed outside vehicle display area
- Laneway security fencing (greater than 2.1m)

The following Performance Outcomes are applicable:

PO 2.7
Outbuildings, carports and garages are located behind the primary building facing the main street to ensure vibrancy and activity along the main street.

Zone - PO 3.1
Building height is consistent with the form expressed in any relevant Maximum Building Height (Levels) Technical and Numeric Variation layer and the Maximum Building Height (Metres) Technical and Numeric Variation layer or is low-rise, with height commensurate with the development site's frontage and depth as well as the main street width, so that the impacts of building mass on adjoining properties and the streetscape are minimised.

Design in Urban Areas – PO 7.2
Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.

Design in Urban Areas - PO 9.1
Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.

Vehicle parts shed
The proposed vehicle parts shed comprises a floor area of 148.84m^2 with a 4.8m wall height. The total height of the structure will be 7m above finished ground level.
The structure will be located at the north-eastern boundary, opposite Forsyth Street frontage, and within the centre allotment. This positions the structure behind the primary buildings of the land and away from property boundaries shared with residential sites.

To address Performance Outcome 3.1, Designated Performance Feature 3.1 takes precedence. As no Technical Numeric Variations are present, the building height is determined by the dimensions of the land. The land, comprising three allotments, features a primary street frontage of 73m with a depth of 51m. Designated Performance Features 3.1 allows a maximum building height of 12m. However, if a more conservative approach were taken and the allotment where the shed is to be constructed was solely considered, DPF 3.1 specifies a maximum height of 9m. Whether a conservative approach is taken or not, the proposed vehicle parts shed falls below the maximum height specified by the Planning and Design Code.

Sealed outside vehicle display area
The proposed sealing of the entire land for vehicle display purposes, incorporating minor landscaping within the display areas, aligns with the policy objectives. By sealing the land, dust generation will be significantly controlled, ensuring a cleaner environment for both the service trade premises and adjacent properties. The inclusion of landscaping elements within the display areas further enhances the visual appeal and mitigates any potential negative impacts on neighbouring sensitive receivers. This approach results in an organised and aesthetically pleasing site, contributing positively to the overall functionality and presentation of the service trade premises.

Laneway security fencing (greater than 2.1m)
The proposed security fence, though exceeding 2.1m in height, is deemed reasonable due to its location along the north-eastern boundary abutting a laneway. This positioning minimises any potential impact on visual amenity or sunlight access for neighbouring properties. The fence's primary function is to enhance security, which is a legitimate concern in such contexts. While the final height awaits confirmation, the anticipated 3.6m height is considered justifiable to achieve the desired level of security without causing unreasonable detriment to the surrounding environment or public spaces. Therefore, the proposed fence aligns with the objective of Performance Outcome 9.1 of balancing privacy and security needs with visual amenity and access to sunlight.

Please note that the security fencing has already been constructed and now requires retrospective approval - Images of the fence as constructed can be seen below –

7.6 Traffic Impact, Access and Parking
A combined 13 vehicle parking spaces are supplied on site for the use of guests and staff. The 13 spaces are comprised of 7 spaces for guests and 6 spaces for staff.

The following Performance Outcomes are applicable in the assessment of traffic and parking:

PO 1.3
Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.

PO 1.4
Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.

PO 2.2
Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.

PO 3.1

Safe and convenient access minimises impact or interruption on the operation of public roads.

PO 3.4
Access points are sited and designed to minimise any adverse impacts on neighbouring properties.

PO 5.1
Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:

a) *availability of on-street car parking*
b) *shared use of other parking areas*
c) *in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared*
d) *the adaptive reuse of a State or Local Heritage Place.*

PO 6.2
Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.

Design in Urban Areas - PO 7.2
Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.

The proposed on-site parking arrangement, with separate access and egress points for guest and staff parking, effectively segregates vehicle movements and minimises potential conflicts, aligning with PO 1.3. Locating guest parking access and egress on Forsyth Street and staff parking entry on Sharp Street, with egress via the rear laneway, further reduces traffic congestion and queuing on public roads, satisfying PO 1.4. The design will ensure adequate sightlines at corners and driveways through appropriate landscaping and fencing, complying with PO 2.2.

The Planning and Design Code seeks 1 vehicle parking space per 100m^2 of outdoor area used for display purposes. The outdoor display area has an approximate area of 1543m^2. This would indicate that 15 vehicle parking spaces are required.
The development is deficient 2 spaces, however the formula derived by the Planning and Design Code does not specify staff vs guest parking and it must be assumed that both are considered in the determined supply of vehicle parking spaces. It is noted that this development provides 7 dedicated spaces for guests and 6 dedicated spaces for staff.

The 2 space deficit is not detrimental to the outcome of this application and the abundance of on-street parking in the vicinity justifies this reduction, in line with PO 5.1. Should on-site parking be fully occupied, visitors and staff can utilise the available on-street parking, ensuring convenient access without impacting public road operations (PO 3.1). Additionally, the separate access points for guest and staff parking minimise any adverse effects on neighbouring properties, adhering to PO 3.4.
Furthermore, the parking areas will be thoughtfully designed and landscaped to minimise any visual impact on adjacent sensitive receivers, meeting both PO 6.2 and Design in Urban Areas - PO 7.2. This approach ensures that the parking provision is both functional and aesthetically pleasing, contributing positively to the overall development.

7.7 Interface between Land Uses
<u>Light Spill</u>

The concern of light spill into adjoining residential properties was raised in both received representations and has been appropriately addressed by the Applicant.
It is proposed that the existing outdoor lighting will be replaced with 200W LED floodlights with a light beam angle of 110 degrees.

The following Performance Outcome are applicable:

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.

PO 6.1
External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).

PO 6.2
External lighting is not hazardous to motorists and cyclists.

The proposed 200W LED floodlights, with their 110-degree beam angle and adjustable track system, are designed to minimise light spill onto neighbouring properties, particularly the dwelling at 38 Forsyth Street, thereby addressing PO 1.2 and PO 6.1. The applicant's willingness to further mitigate any potential light diffusion by adding flood light shields demonstrates a commitment to preventing unreasonable light spill impact on adjacent sensitive receivers. Moreover, the downward angling and controlled direction of the lights will ensure they do not pose a hazard to motorists or cyclists, satisfying PO 6.2. The provided lighting plan and the applicant's statement, supported by the reference to existing installations with similar lighting systems, provide reasonable assurance that the proposed floodlighting will comply with the relevant Performance Outcomes.

<u>Noise Emissions</u>
In response to a request for further information it was confirmed that no music will be played in the outdoor areas. It was further confirmed that any noise will be within the relevant Environment Protection Policy criteria. It is anticipated that relocation of display vehicles will occur three times a week and would only occur during typical business hours.

The below Performance Outcomes are met.

PO 4.1
Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).

PO 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.

<u>Waste Management</u>
Waste storage will occur to the rear of the workshop in the corner of the staff car park. Waste collection vehicles will enter the site from Sharp Street, manoeuvring between the workshop and office buildings to the staff car park. Waste collection vehicles will exit the staff car park via the rear laneway to Sharp Street. This arrangement will minimise disruption to traffic on Sharp Street and enable waste collection vehicles to manoeuvre in a forward direction.

The below Performance Outcomes are met.

Design in Urban Areas - PO 1.5
The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.

Design in Urban Areas - PO 11.1
Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.

Stormwater Management
As the entirety of the land is to be sealed for the display of vehicles the supply of a Stormwater Management Report was sought.

The following Performance Outcomes are applicable:

Design in Urban Areas - PO 7.7
Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.

Design in Urban Areas - PO 42.1
Development likely to result in risk of export of sediment, suspended solids, organic matter, nutrients, oil and grease include stormwater management systems designed to minimise pollutants entering stormwater.

Design in Urban Areas - PO 42.2
Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.

Design in Urban Areas - PO 42.3
Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.

Stormwater generated from the developed land has been addressed within the supplied Stormwater Management Report, prepared by Gama Consulting.
It is proposed that:

- the runoff from the additional roof will be collected by a series of adequate gutters and downpipes and directed to above ground detention rainwater tank/s of 7,000 litres min. capacity with 50mm diameter restricted orifice to the overflow pipe which will discharge to the underground stormwater system.
- the part of surface run-off (approximatively 0.14ha) will be captured by grated inlet pits equipped with filter baskets and redirected via pipes to the rainwater tanks.
- the rainwater tank/s overflow will discharge to the underground stormwater system
- adequate water quality treatment will be provided prior to discharge to council infrastructure.

The proposed surface water treatment includes Eco-sol litter baskets to grated inlet pits, rainwater tank/s, and Spel Hydro Channel to grated drains.

The proposed stormwater management system, encompassing roof runoff collection, surface runoff capture, and water quality treatment prior to discharge, effectively addresses the above stated Performance Outcomes. The utilisation of detention tanks, and filtration mechanisms like Eco-sol litter baskets and Spel Hydro Channels ensures that stormwater runoff is treated to minimise pollutants entering the system, thus

aligning with Design in Urban Areas - PO 42.1 and PO 42.2. Furthermore, the implementation of detention tanks and restricted orifice overflow pipes helps regulate peak flows and manage the rate of stormwater discharge, mitigating any potential increase in downstream flows, thereby complying with Design in Urban Areas - PO 42.3. By integrating these stormwater management techniques with the vehicle parking areas and access ways, the development fulfils the requirements of Design in Urban Areas - PO 7.7, ensuring an environmentally conscious and sustainable approach to stormwater management.

<u>Operating hours</u>
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.

- Staffed hours are from 7:30am to 5:30pm Monday to Saturday.
- Opening hours are 8am to 5pm Monday to Friday and 8am to 12:30pm Saturday.

This is typical operating hours of a business and is appropriate within the Township Mainstreet Zone.

7.8 Signage
Three freestanding advertising structures are proposed abutting the boundary of Forsyth Street. The freestanding structures will each advertise one vehicle manufacturing company available for purchase from the proposed service trade premises. Additional advertising will be fixed to the buildings.

The following Performance Outcomes are applicable:

Zone – PO 5.1
Advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontages.

Zone – 5.2
Freestanding advertisements:

a) identify the associated business(es)
b) are of a size that is commensurate with the scale of the centre and the street frontage
c) avoid visual clutter
d) positively respond to the context without dominating the locality
e) are sited and designed to not detract from the main street character.

Advertisements – PO 1.1
Advertisements are compatible and integrated with the design of the building and/or land they are located on.

Advertisements – PO 1.3
Advertising does not encroach on public land or the land of an adjoining allotment.

Advertisements – PO 2.3
Proliferation of advertisements attached to buildings is minimised to avoid visual clutter untidiness.

Advertisements – PO 3.1

Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.

The proposed freestanding advertisement structures, ranging in height from 6m to 7m and without internal illumination, are designed to be commensurate with the scale of the centre and street frontage, thereby avoiding visual clutter and ensuring they do not dominate the locality (Zone - PO 5.2). Their design will identify the associated businesses and positively respond to the context, maintaining the main street character (Zone - PO 5.1 and 5.2).
Advertisements fixed to the fascia of the workshop and office building walls will be integrated with the building design and limited to information directly related to the lawful use of the land, preventing visual clutter and ensuring clarity of purpose (Advertisements - PO 1.1, PO 2.3, and PO 3.1). Crucially, all advertisements will be contained within the development boundaries, avoiding encroachment onto public or neighbouring land (Advertisements - PO 1.3). This comprehensive approach ensures that the proposed advertisements enhance the site's visual appeal while providing clear and relevant information to the public.

8.0 CONCLUSION

The proposed development, while introducing a service trade premises not typically associated with a traditional main street, aligns with the zone's intent by providing goods and services to the local community. The reuse of the existing buildings, along with the thoughtful design and siting of new structures, contributes to a vibrant and interesting streetscape. The proposed stormwater management system, parking arrangements, and signage solutions demonstrate a commitment to environmental sustainability, traffic safety, and visual harmony. Overall, the development strikes a balance between fulfilling its intended purpose and respecting the character and amenity of the surrounding area, justifying Planning Consent.

9.0 RECOMMENDATION

It is recommended that the Upper Spencer Gulf 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 24010506, by Adam Albanese is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

<u>Planning Consent</u>

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).

2. Noise emitted from the building herein approved shall not exceed 60dB(A) measured at adjoining property boundaries during conditioned operating hours.

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

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

4. The advertisement(s) and advertising structure(s) herein approved shall be maintained in good repair at all times.

5. Landscaping plantings as detailed in approved plans prepared by Northeast Auto Group, dated 12/04/2024, shall be planted prior to use of the development. Plantings shall be maintained, with diseased and dying plants replaced as necessary to the satisfaction of Council.

6. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices, and shall be installed as per the Stormwater Management Report (PROJECT: 240327, dated 18 July 2024) prepared by Gama Consulting, to ensure that stormwater does not adversely affect any adjoining property.

7. The driveway and parking areas (inclusive of vehicle display areas) shall be maintained in a good and trafficable condition to the reasonable satisfaction of the Council at all times.

8. The hours of operation for the development herein approved shall be between 8:00am - 5:30pm Monday to Friday and 8:00am – 1:00pm Saturday. 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.

9. The external lighting shall be installed and maintained to ensure there is no light spill onto adjacent properties. Any future adjustments or modifications to the lighting system shall ensure continued compliance.

RESERVED MATTERS

Planning Consent

Reserved Matter 1

Prior to the granting of Development Approval, detailed plans are to be submitted to and approved by the Council indicating the sealing of the rear laneway, Rogers Lane, extending to a point 2 meters past the furthest access/egress point from Sharp Street. These plans shall also include comprehensive stormwater management documentation, clearly demonstrating how stormwater runoff will be effectively managed within the sealed portion of the laneway, in compliance with all relevant Australian Standards and Council requirements.

Reserved Matter 2

Prior to the granting of Development Approval, detailed design plans and specifications shall be submitted to and approved by the Council. The plans shall include the following:

1. Updated scaled site plan illustrating the location of the security fencing spanning the boundary shared with the rear laneway, Rogers Lane.
2. Elevation drawings of the security fencing depicting the height of the fence above the lowest point of natural and/or finished ground.
3. Cross-section of the fence to depict the height of retained soil.

ADVISORY NOTES

Planning Consent

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

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

The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

OFFICER MAKING RECOMMENDATION

Name: Lucas Trevisan
Title: City Planning Coordinator
Date: 20/08/2024

MINUTES

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

Minutes of the Upper Spencer Gulf Regional Assessment Panel meeting held in the Civic Chamber, Civic Building, 21 Grundel Street, Whyalla Norrie, on Tuesday 27 August 2024, commencing at 5.30pm

1. Welcome – Stewart Payne, Presiding Member

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

2. Present

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

Staff/advisors: J Perone, Assessment Manager, L Trevisan, Planning Coordinator (WCC)
C Schubert, Minute Taker (WCC).
Attendance via Microsoft Teams – H Mueller (PACC)
Applicant:
Attendance via Microsoft Teams – A Albanese, B Victory

Representors:

3. Apologies

Nil

4. Confirmation of Minutes

Moved, A Stokes seconded F Barr

RAP51/24 **That the minutes of meeting held on 12 June 2024 be received and adopted.**

CARRIED

5. Business Arising from the Previous Minutes

Nil

R Donaldson entered the meeting at 5:32pm

6. Conflict of Interest Declarations

Nil

7. Officer Reports

7.1 Development Application 24010506

Change of land use to Service Trade Premises (Motor Vehicle Showroom) with associated freestanding advertisement(s) and vehicle parts storage shed, 32 & 34-36 Forsyth Street, Whyalla.

7.1.1 Representor S Flack did not wish to be heard.

7.1.2 Representor J Connolly wished to be heard.

C Schubert advised the Chair that representor J Connolly wished to address the Panel and had brought in supporting plans and pictures. S Payne accepted the late change and allowed the pictures (attached) to be tabled at the meeting.

The pictures were emailed to the Panel members and applicant attending via Teams.

S Payne advise the representors the role of the Panel and introduced the Members. He then invited J Connolly to address the panel in relation to his representation.

J Connolly addressed the Panel in relation to his representation regarding the lighting and its impact on his property.

Stewart invited the Panel members to ask questions of J Connolly.

Stewart invited B Victory to address the Panel on behalf of the applicant in response to J Connolly's representation in relation to the measures proposed to reduce the impact of the lighting on the neighbouring properties.

The Panel discussed the impact of the lighting and the measures proposed to reduce/eliminate light spill into adjacent residential properties.

It was agreed that the lighting issue should be addressed as a reserved matter, as the concerns discussed do not materially influence whether the use of the site is appropriate as per the Code.

Moved F Barr seconded N Stassinopoulos

RAP52/24 **The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.**

Carried

The Panel discussed the conditions and resolved to;

- omit Condition 2 and Reserve Matter 1.
- Reword Condition 3 to replace the provision of a Construction Environmental Management Plan with a requirement to implement measures to mitigate dust, noise and stormwater impacts.
- Leave Condition 8 as recommended
  It was agreed that the condition as proposed did not include staff arrival and departure and the second sentence allowed for the occasional slight deviation to hours as required.
- Reword Condition 9 and it becomes Reserve Matter 1 relating to lighting.
- Replace the word 'Council' in Reserve Matter 2 with the words 'delegate of the Panel'.

Moved F Barr seconded A Stokes

RAP53/24 **Development Application Number 24010506, by Adam Albanese 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 works shall be conducted in such a manner that will mitigate or minimise impacts (particularly noise and dust) on the locality during and after construction. Stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices.

Condition 3
The advertisement(s) and advertising structure(s) herein approved shall be maintained in good repair at all times.

Condition 4
Landscaping plantings as detailed in approved plans prepared by Northeast Auto Group, dated 12/04/2024, shall be planted prior to use of the development. Plantings shall be maintained, with diseased and dying plants replaced as necessary to the satisfaction of Council.

Condition 5
That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices, and shall be installed as per the Stormwater Management Report (PROJECT: 240327, dated 18 July 2024) prepared by Gama Consulting, to ensure that stormwater does not adversely affect any adjoining property.

Condition 6
The driveway and parking areas (inclusive of vehicle display areas) shall be maintained in a good and trafficable condition to the reasonable satisfaction of the Council at all times.

Condition 7
The hours of operation for the development herein approved shall be between 8:00am - 5:30pm Monday to Friday and 8:00am – 1:00pm Saturday. 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.

RESERVED MATTERS

Planning Consent

Reserve Matter 1
The applicant shall provide a lighting plan that ensures that the constructed lighting will meet the Australian Standard AS/NZS 4282 and confirmation from a suitably qualified lighting expert that the lighting will not unreasonably impact on residential premises outside of the site to the satisfaction of the Upper Spencer Gulf Regional Assessment Panel.

Reserved Matter 2
Prior to the granting of Development Approval, detailed design plans and specifications shall be submitted to and approved by the delegate of the Panel. The plans shall include the following:

1. **Updated scaled site plan illustrating the location of the security fencing spanning the boundary shared with the rear laneway, Rogers Lane.**
2. **Elevation drawings of the security fencing depicting the height of the fence above the lowest point of natural and/or finished ground.**
3. **Cross-section of the fence to depict the height of retained soil.**

ADVISORY NOTES

Planning Consent

Advisory Note 1
The applicant has a right of appeal against this decision, or the conditions which have been imposed. Such an appeal must be to either;

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

- **the Environment, Resources and Development Court within two (2) months from the day of receiving this notice or such longer time as the Court may allow.**

The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

9. Other business

Nil

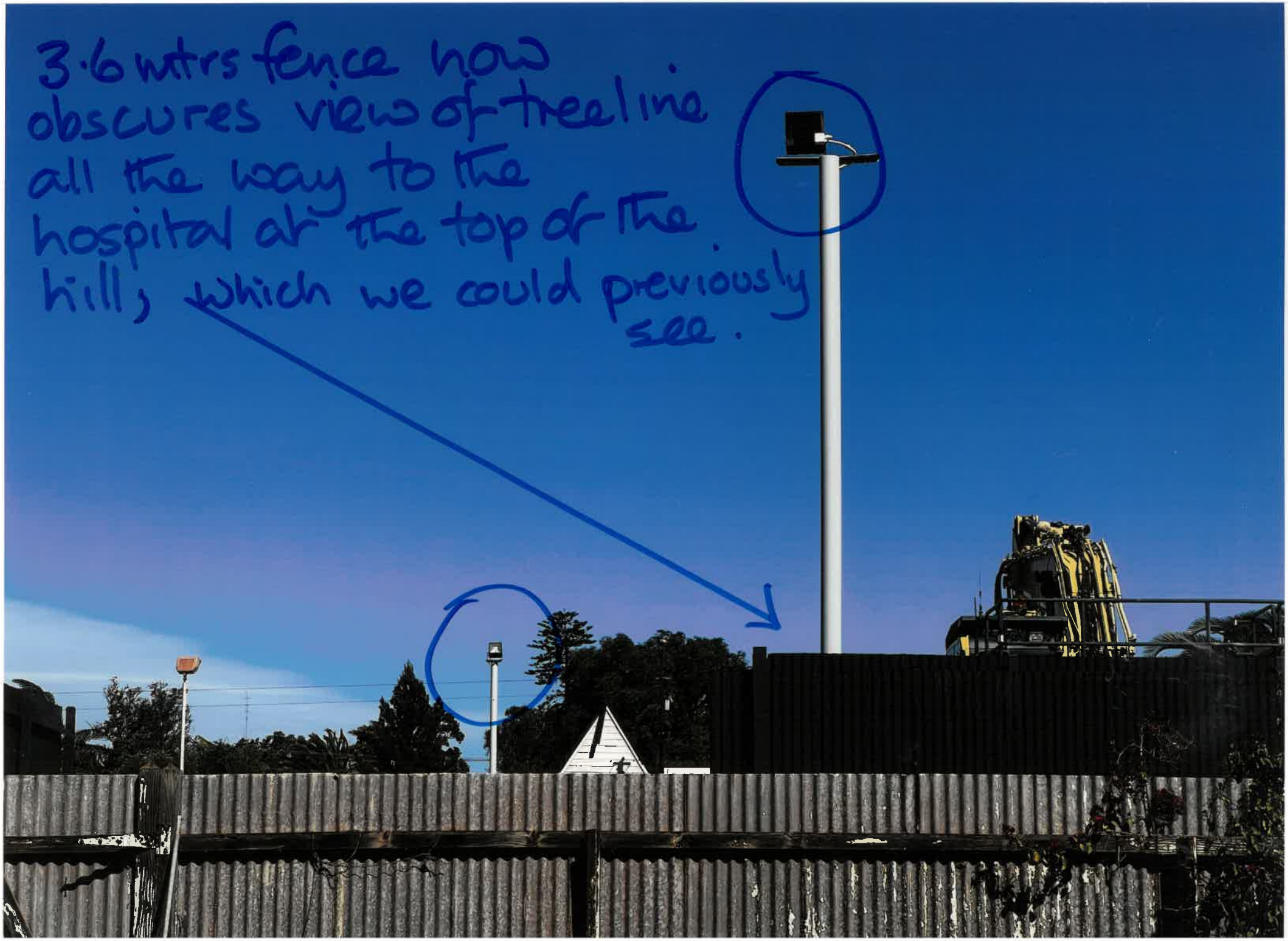
10. Close

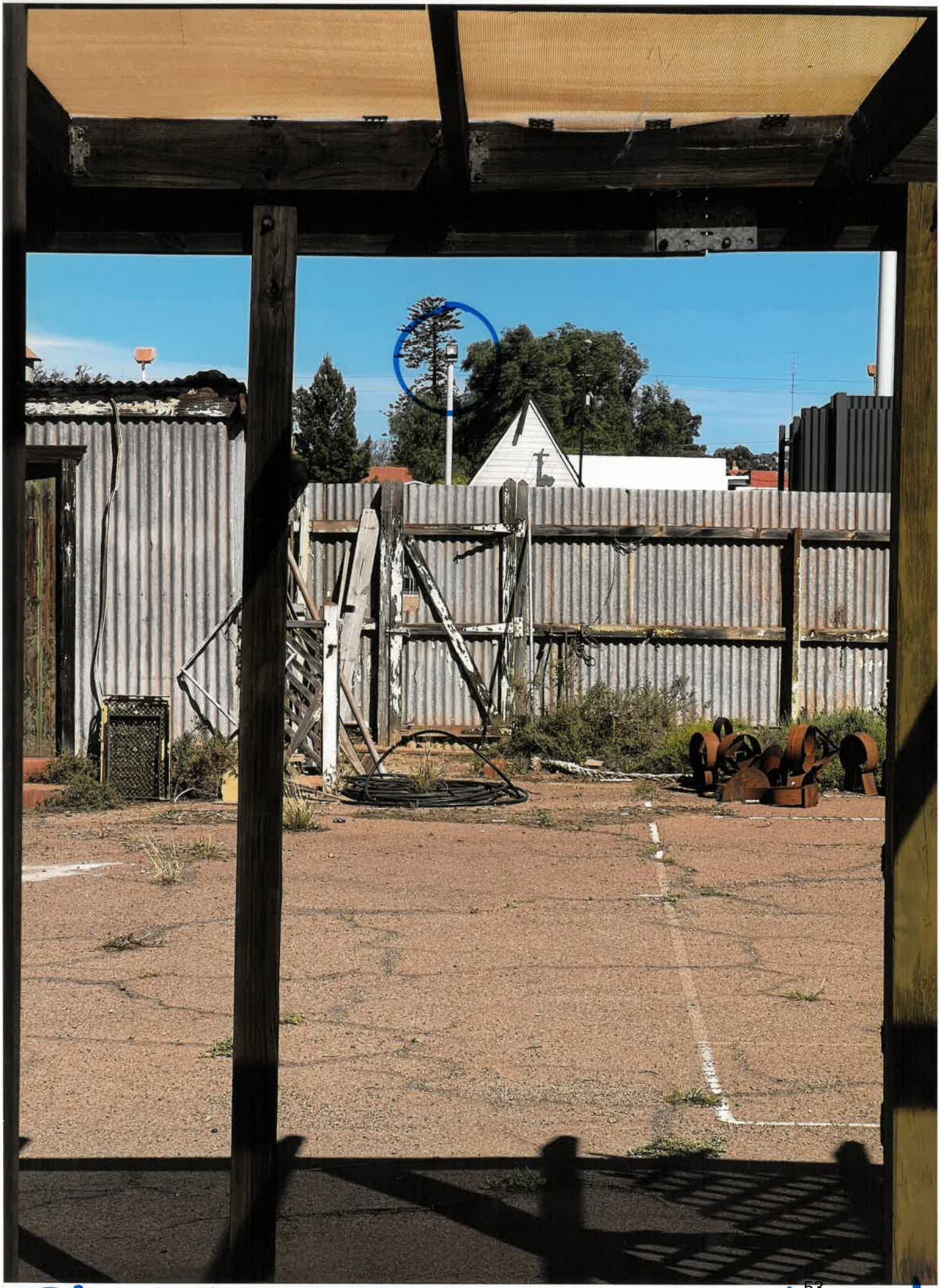
S Payne declared the meeting closed at 7:03 pm

Stewart Payne
PRESIDING MEMBER

EDGE OF VERANDA
(view from kitchen)

Faces Connolly residence.
Plan shows it faces
in opp. direction.

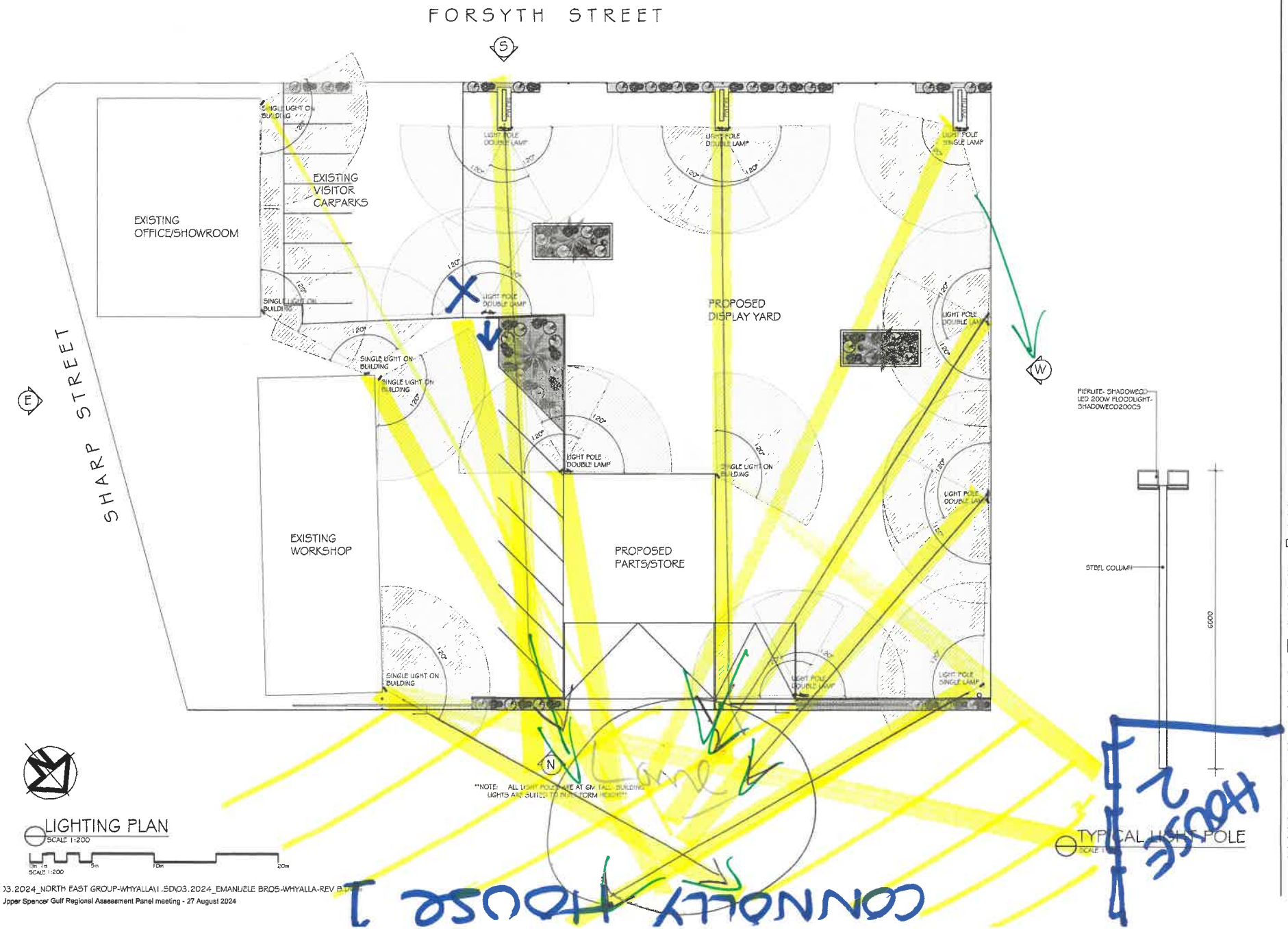

3.6 mtrs fence now
obscures view of treeline
all the way to the
hospital at the top of the
hill, which we could previously
see.

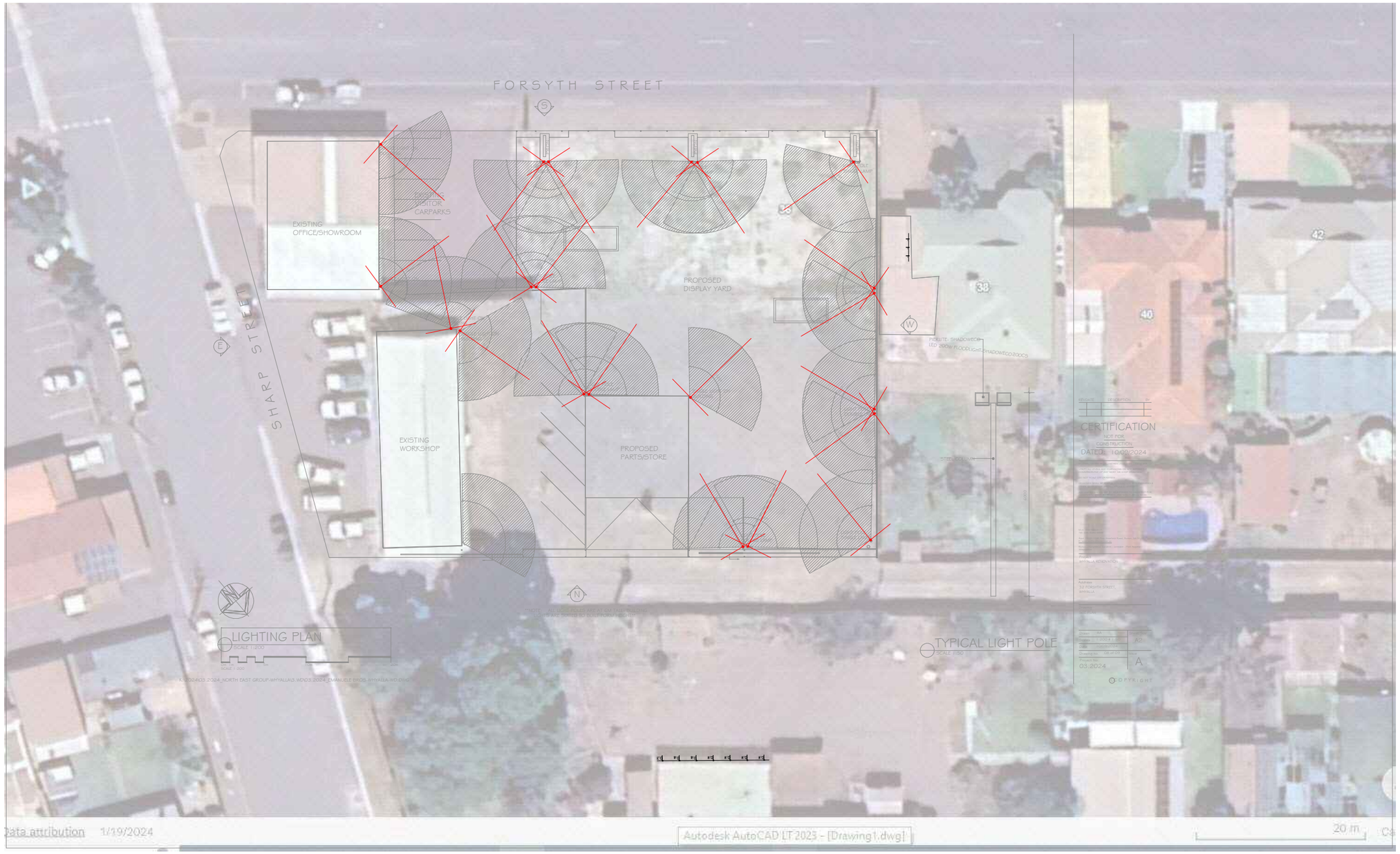


Directed into our kitchen + backyard

Faces directly into kitchen
from far side of car yard.
Along with other lights, will have
a huge impact of light spill on our yard

These are the first lights to be put up but there are many more to come.


FORSYTH STREET
SHARP STREET
EXISTING OFFICE/SHOWROOM
EXISTING VISITOR CARPARKS
EXISTING WORKSHOP
PROPOSED DISPLAY YARD
PROPOSED PARTS/STORE
SINGLE LIGHT ON BUILDING
LIGHT POLE DOUBLE LAMP
LIGHT POLE SINGLE LAMP
120°
PIERLITE- SHADOWECO LED 200W FLOODLIGHT- SHADOWECO200C5
STEEL COLUMN
6000
**NOTE: ALL LIGHT POLES ARE AT 6M TALL BUILDING LIGHTS ARE SUITED TO INDUSTRIAL FORM HEIGHT
LIGHTING PLAN
SCALE 1:200
TYPICAL LIGHT POLE
SCALE 1:50
1m 1m 5m 10m 20m
SCALE 1:200
CONNOLLY HOUSE 1
HOUSE 2
03.2024_NORTH EAST GROUP-WHYALLA\1.SD\03.2024_EMANUELE BROS-WHYALLA-REV B.DWG
Upper Spencer Gulf Regional Assessment Panel meeting - 27 August 2024
REV DATE DESCRIPTION
A 6.7.24 COUNCIL RFI
B 8.8.24 COUNCIL RFI
DESIGN DEVELOPM
DATED: 12/04/202
DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE
VERIFY ALL LEVELS AND DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR ANY SHOP DRAWINGS
DO NOT SCALE OFF DRAWINGS
DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE OTHER CONTRACT SPECIFICATIONS & DETAILS
ALL DISCREPANCIES ARE TO BE REPORTED TO ARCHITECT IMMEDIATELY BEFORE PROCEEDING WITH CONTRACT
northeas
auto gro
Mob: 0437665517
Tel: (08) 8680 8999
Add: 1228-1230 Port Wakefield Road Thorsby, SA 5
E: emanuelebros@bigpond.com
Bunton - Hampstead Gt Home - Jetstar - Port Augusta
Project
WHYALLA RENOVATION
Address
32 FORSYTH STREET,
WHYALLA
Drawing
SITE PLAN
Drawn AA
Scales 1:200 & 1:50
Date 12/04/2024
Drawing no. 06 of 06
Sheet A2
Issue B
Project No.
03.2024



PLAN

1:500 @ A3

signify
PHILIPS PIERLITE

96-112 Gow Street
Padstow NSW 2211, Australia

www.signify.com
www.pierlite.com.au

This design calculation is based upon specified parameters supplied by the client, and other design inputs assumed by us, as detailed in this document. In practice, the accuracy of the values will differ due to environmental variations such as actual luminaire positioning, room surface reflectance, supply voltage, local luminaire ambient temperature, obstacles/furniture, etc. These results are also subject to normally accepted photometric tolerances, and calculation/program uncertainties. Pierlite provides this calculation without any representationor warranty of any kind. The Company shall be under no liability to the Customer for failure to attain such performance figures unless the performance of the Goods supplied is specifically guaranteed in writing, and any such written guarantee shall be subject to recognised manufacturing variations and tolerances applicable to the Goods.

REV	DATE	COMMENTS	DESIGNED
R0	11/02/2025	PRELIMINARY NOT FOR CONSTRUCTION	SS
R1			
R2			
R3			
R4			
R5			

PROJECT
NORTH EAST AUTO GROUP
CAR DEALERSHIP WHYALLA

TITLE
LIGHTING CALCULATION

REVISION
R0

SHEET
A3

CLIENT
ADAM ALBANASE

DOCUMENT NO.
0360550

PAGE NO.
Page 1 of 2

LIGHTING SCHEDULE

Please Note any Mounting Height (MH) Labels on drawing

Luminaire Schedule				
Symbol	**Tag**	**Description**	**Qty**	**LLF**
		SHAD200CSG3 Shadow Eco 200W 4000K	21	0.800

CALCULATION RESULTS

Calculation Summary					
Label	**GridZ**	**Units**	**Min**	**Avg**	**Max/Avg**
Spill - North_Cd_Seg1	N.A.	N.A.	74	N.A.	N.A.
Spill - North_Ill_Seg1	N.A.	Lux	0.3	N.A.	N.A.
Spill - West_Cd_Seg1	N.A.	N.A.	110	N.A.	N.A.
Spill - West_Ill_Seg1	N.A.	Lux	0.0	N.A.	N.A.

Obtrusive Light - Compliance Report
AS/NZS 4282:2023, A3 - Medium District Brightness, Non-Curfew L1
Filename: 0360550 - North East Auto Group Car Dealership Whyalla

Illuminance
Maximum Allowable Value: 10 Lux

Calculations Tested (2):

Calculation Label	Test	Max. Results	Illum.
Spill - North_Ill_Seg1	PASS	0.9	
Spill - West_Ill_Seg1	PASS	5.0	

Luminous Intensity (Cd) At Vertical Planes
Maximum Allowable Value: 12500 Cd

Calculations Tested (2):

Calculation Label	Test Results
Spill - North_Cd_Seg1	PASS
Spill - West_Cd_Seg1	PASS

DESIGN NOTES

- This scheme is subject to the normal accuracies and tolerances of lighting schemes as described within AS 3827. For the purpose of this design these have been assessed to be +- 15%.

- This scheme was based upon supplied drawings and may have been scaled manually. Any dimensional information must be verified independently of this drawing.

- A maintenance factor (LLF - Light Loss Factor) is listed in the luminaires schedule and applied to the calculated results to estimate lux levels at the end of 50,000 hrs of use. This includes lumen depreciation (approx. 10%) and an assumed % of dirt build up on the face of the luminaire over this time. The appropriateness of this LLF should be reviewed by the client and updated if deemed unreasonable by client. A maintenance policy should be adopted to support this value.

DESIGN CRITERIA AND COMPLIANCE

- The design criteria of this design and the results shown must be reviewed by the client to ensure they align with any specification requirements for their project. It is the responsibility of the client to ensure Pierlite has interpreted the design criteria correctly and to check the results shown meet the design criteria. Please contact Pierlite for further refinement of the design.

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Padstow NSW 2211, Australia
www.signify.com
www.pierlite.com.au

This design calculation is based upon specified parameters supplied by the client, and other design inputs assumed by us, as detailed in this document. In practice, the accuracy of the values will differ due to environmental variations such as actual luminaire positioning, room surface reflectance, supply voltage, local luminaire ambient temperature, obstacles/furniture, etc. These results are also subject to normally accepted photometric tolerances, and calculation/program uncertainties. Pierlite provides this calculation without any representationor warranty of any kind. The Company shall be under no liability to the Customer for failure to attain such performance figures unless the performance of the Goods supplied is specifically guaranteed in writing, and any such written guarantee shall be subject to recognised manufacturing variations and tolerances applicable to the Goods.

REV	DATE	COMMENTS	DESIGNED
R0	11/02/2025	PRELIMINARY NOT FOR CONSTRUCTION	SS
R1			
R2			
R3			
R4			
R5			

PROJECT
NORTH EAST AUTO GROUP
CAR DEALERSHIP WHYALLA

TITLE
LIGHTING CALCULATION

REVISION
R0

SHEET
A3

CLIENT
ADAM ALBANASE

DOCUMENT NO.
0360550

PAGE NO.
Page 2 of 2

Lucas Trevisan

From: Adam Albanese <Adam.Albanese@northeastauto.com.au>
Sent: Monday, 28 April 2025 8:13 AM
To: Lucas Trevisan
Cc: Cristina Schubert
Subject: Re: Service Trade Premises (Motor Vehicle Showroom) and associated advertisements and fencing; 32 & 34-36 Forsyth Street, Whyalla

Follow Up Flag: Follow up
Flag Status: Completed

HI Lucas,

Sorry been away. See response below:

Hi Adam,

Apology for late reply.

As discussed, design was done according to provided information's, brief and using google earth as a tool to see actual setup on site. We tried to re-create what is on the site as close as possible.

Design is covering all the standards when it comes to Obtrusive light and spill to adjoining residential properties according to AS/NZS 4282-2023 for Medium District Non curfew L1 standard

Please note that 3D model is created in order to show realistic outcome on site. Canopy and fence are taken into consideration as well as window bellow the canopy. Heights and measurements are estimated according to information's provided.

Compliance and standards are there as a guidance only and every project is unique in its own way.

Igor Nikolic
Application Engineer

+ 61 438282858
+ 1300 799 300
191 Fullarton Rd,
Dulwich, SA 5065
Adelaide, Australia

City of Whyalla

Friday, September 13, 2024

Project:	**03.2024**
Re:	**Reserved Matter 1**
Applicant:	**Adam Albanese**
At:	**32-36 Forsyth Street, Whyalla**

Dear Lucas/Panel Members,

After careful consideration and discussions with Jerome Connelly of 29 Whitehead Street, Whyalla, we have formed an agreement that all site lighting will be turned off from 10pm nightly and we will install motion sensors on lights that will only turn on when movement is detected. Jerome and his wife are happy with this outcome and we both believe that this will satisfy council/panels concerns.

13/9/24

we will Be able to resolve issues if there are any in the future

J. Connolly

Kind Regards

Adam Albanese
Architect

J Connolly
Jerone Connelly
29 Whiteside Street

northeast
auto group