



Port Augusta
CITY COUNCIL



Port Pirie
Regional Council



UNEARTH
WHYALLA

AGENDA

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

**Friday 13 October 2023, via Teams,
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 Friday 13 October 2023, Whyalla Council Chamber, Whyalla City Council, Darling Terrace, Whyalla, commencing at 5pm.

Jodie Perone
ASSESSMENT MANAGER
13 October 2023

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

2. **Present**

3. **Apologies**

4. **Confirmation of Minutes**

That the minutes of meeting held on 10 October 2023 be received and adopted.

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

5.1 Deferred item - Development Application 23012328 Page 7

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

5.2 EPA response Page 22

6. **Other business**

7. **Close**



MINUTES

UPPER SPENCER GULF REGIONAL ASSESSMENT PANEL

Minutes of the Upper Spencer Gulf Regional Assessment Panel meeting held in the Whyalla City Council Conference Room, Darling Terrace, Whyalla, on Tuesday 10 October 2023, commencing at 5.02pm.

1. Welcome – Stewart Payne, Presiding Member

Stewart P suggested Item 8.2 Development Application 22041021 - Variation to Development Application 850/101/20 for changes to originally approved structure, be heard first. It was agreed unanimously that the agenda be altered accordingly.

2. Present

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

Staff/advisors: J Perone, (Assessment Manager), C Schubert, Minute Taker (WCC).
Attendance via Microsoft Teams - L Trevisan, Planning Officer (WCC), J Skinner (URPS for PACC)

Applicants: P Leech (22041021)
Attendance via Microsoft Teams – S Xott-Dickson, Stellard Meek-Flightpath (23012328)

3. Apologies,

Nil

4. Confirmation of Minutes

Moved R Donaldson, seconded N Stassinopoulos

RAP28/23 That the minutes of meeting held on 5 September 2023 be received and adopted

CARRIED

5. Business Arising from the Previous Minutes

Nil.

6. Conflict of Interest Declarations

N Stassinopoulos declared a conflict of interest with Application 22041021.

5:05pm N Stassinopoulos vacated the meeting.

7. Hearing of Representations

Refer 8.1.

8. Officer Reports

S Payne gave a brief summary of the application and invited Jodie P if she would like to speak to the application.

Jodie P gave an overview of the application

5:08pm L Trevisan entered the meeting.

8.1 Development Application 22041021

Variation to Development Application 850/101/20 for changes to originally approved structure.

Richard W, Representor, addressed the Panel in relation to his representation.

5:13pm F Barr entered the meeting.

Discussion ensued regarding the details of the roller door and Winterlite.

R Winkless advised the use of Winterlite along the boundary portion of the carport resolved his concerns.

Moved F Barr, seconded A Stokes

RAP29/23 1 Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

Carried

Moved F Barr, seconded R Donaldson

RAP30/23 Development Application Number 22041021, by Phillip Leech is granted Planning Consent subject to the following conditions:

CONDITIONS

Conditions imposed by the planning authority:

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property.

Condition 3

The external colours of the structure herein approved are to match or blend in with the existing dwelling to the reasonable satisfaction of the Council.

ADVISORY NOTES

Planning Consent

Advisory Note1

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Carried

**5:18pm P Leech and R Winkless vacated the meeting,
N Stassinopoulos re-entered the meeting.**

8.2 Development Application 23012328

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

Discussion ensued in relation to the conditions included with the recommendation of Planning Consent.

It was agreed Conditions and 6 and 7 were not required. The footpath from the site, pedestrian ramp and footpath alterations and places for vehicle crossing are adequately captured in the plans and Condition 1.

Lengthy discussion was had regarding Condition 19. It was agreed that the requirement to provide a Statement of Suitability of the subject land for the proposed use prior to the

issuing of the Certificate of Occupancy, rather than earlier in the development, would result in unreasonable cost and/or risk to the applicant and the Council.

It was agreed by the Panel to defer resolving to grant development consent until the appropriate advice in relation to the condition be sought.

The Panel requested J Skinner to contact the EPA and seek the condition be amended to require the Statement of Suitability at an earlier stage of the development.

Should the EPA not wish to amend the condition, then J Perone would seek Legal advice in relation to the matter.

The Panel members unanimously agreed to defer the decision on the item and to reconvene when either the EPA agreed to amend the condition or legal advice was obtained in the effectiveness of the condition and its possible impact on the applicant and/or Port Augusta City Council.

S Payne addressed J Skinner and asked him to advise the Applicant that the Panel did not believe the proposal was at serious variance to the Planning & Design Code, however, it should not grant consent until this matter is resolved.

9. Other business

9.1 USGRAP Annual Report – 2002-2003


Moved F Barr, seconded R Donaldson

RAP31/23 That the Upper Spencer Gulf Regional Assessment Report – 2002-2003 be accepted.

Carried

10. Close

S Payne declared the meeting closed at 6.00pm



.....
Stewart Payne
PRESIDING MEMBER

| | |
|--|--|
| DEVELOPMENT NO.: | 23012328 |
| APPLICANT: | John Cerchi |
| ADDRESS: | 56 Quorn Rd, Stirling North SA 5710 |
| NATURE OF DEVELOPMENT: | Child care centre (89 places), landscaping, car park, fencing, outbuilding and new wastewater disposal system |
| ZONING INFORMATION: | <p>Zones:</p> <ul style="list-style-type: none"> • Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Affordable Housing • Hazards (Flooding - Evidence Required) • Key Railway Crossings • Native Vegetation • Urban Transport Routes <p>Relevant Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum building height is 8m and 2 levels |
| LODGEMENT DATE: | 28 Jun 2023 |
| RELEVANT AUTHORITY: | Regional Assessment Panel at Upper Spencer Gulf Regional Assessment Panel |
| PLANNING & DESIGN CODE VERSION: | Version 2023.8 – 15/06/2023 |
| CATEGORY OF DEVELOPMENT: | Code Assessed - Performance Assessed |
| NOTIFICATION: | Yes – 1 in support with some concerns |
| RECOMMENDING OFFICER: | Joshua Skinner Planning Consultant (Port Augusta City Council) |
| REFERRALS STATUTORY: | <ul style="list-style-type: none"> • Commissioner of Highways (COH) • Environment Protection Authority (EPA) |
| REFERRALS NON-STATUTORY: | <ul style="list-style-type: none"> • Wastewater (Mr Isireli Koyamaibole) • Engineering (Ms Janine Hugo) |

CONTENTS:

ATTACHMENT 1: Applicant's Documentation

ATTACHMENT 2: Representation

ATTACHMENT 3: COH & EPA Response

1.0 DETAILED DESCRIPTION OF PROPOSAL:

This application is for a child care facility (“facility”), landscaping, car park, fencing, outbuilding and an on-site wastewater disposal system.

The facility will be single storey (max 5m high) with a floor area of about 649m², comprising 6 main rooms for child care, separate bathrooms for staff and children, plus other ‘ancillary’ staff areas such as a reception, laundry, lunch room, kitchen, meeting room and an office.

It will be supported by a 563m² on-site wastewater disposal area which will be fenced off from the remainder of the site, 640m² of outdoor play areas and a 26-space car park positioned at the front of the site. The outdoor play areas will feature shade sails, play equipment (slides, swings, towers etc), sand pits, lawn, gardens and ‘nature play’ items such as logs and steps.

A small garden shed will be accessed via the play area, being 7m², 2m high, with a “Monument” finish. Timber paling boundary fencing at 2.4m high is proposed to side and rear property boundaries. Open aluminium blade fencing at 1.2m high is proposed for the front boundary.

The following operational characteristics are proposed for the facility:

- A maximum daily capacity of 89-places.
- It will provide care for children aged 0 to 5 years.
- The applicant confirmed there will be no outdoor music (I understand this refers to playing of pre-recorded music through speakers, as the outdoor play area will have “music pipe” play equipment).
- Rubbish will either be collected by Council from the kerbside, or by a private contractor entering the property. In relation to private collection, the applicant provided turning paths demonstrating 10m waste collection vehicles will be able to enter and exit the land in a continuous forward motion, and the acoustic consultant recommended that private waste collection is restricted to 9am-7pm on Sundays and public holidays, and 7am-7pm on any other day.
- Vehicles must not use car parking spaces 1 to 7 (inclusive) prior to 7:00am, to manage noise spill.

The application does not include advertisements or retaining walls exceeding 1m high.

Image 1 - Streetscape Appearance



2.0 SUBJECT LAND & LOCALITY:

2.1 Land Description:

The address of this site is 56 Quorn Road, Stirling North. It comprises 1 allotment in CT 5706/123. There are no easements or encumbrances registered to the title.

The site has an irregular shape, with a frontage of 39.2m to Quorn Road and an area of 2862m².

The land is vacant, although it may have been used as part of broad acre farming or grazing prior to the surrounding area being developed.

The land now primarily contains what appears to be low-lying weedy vegetation. The applicant has supplied a declaration confirming native vegetation clearance is not proposed. The land surface is generally pervious and falls slightly toward the rear boundary.

2.2 Locality

The locality primarily contains detached dwellings on large allotments, with the exception of a cabin park about 65m west, the Stirling North Supermart and fuel outlet diagonally opposite the site on Quorn Road.

Quorn Road is state maintained, with a daily two-way traffic volume of 3600 vehicles. In addition a rail corridor (including a stormwater swale) abuts the rear boundary of the site.

2.3 Zoning

The site is located in the Neighbourhood Zone of the Planning and Design Code (the Code). The Suburban Activity Centre Zone is on the other side of Quorn Road and the railway corridor. These Zones are labelled "N" and "SAC" respectively in Images 3 and 4. For reference, the SAC Zone anticipates "neighbourhood-scale shopping, business, entertainment and recreation facilities to provide a focus for business and community life".

Image 2 – View from Quorn Road

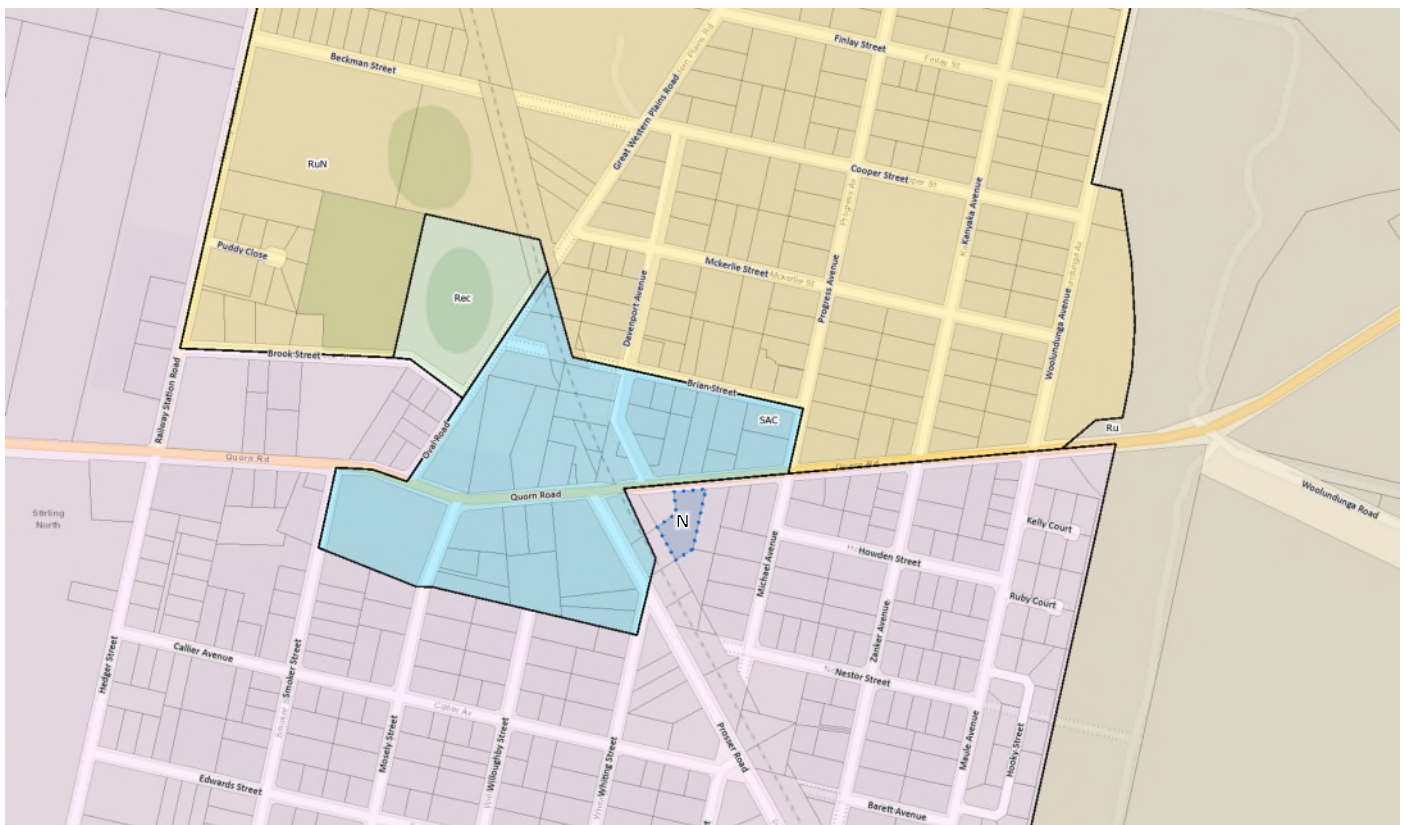


Image 3 – Aerial Imagery (with Zone Boundaries)



Zone boundaries & abbreviations /
 Allotment Boundaries /
 Subject Land /
 R1 Representor

Image 4 – Zoning Map



3.0 PROCEDURAL MATTERS:

3.1 Relevant Authority

The Upper Spencer Gulf Regional Assessment Panel is the relevant authority as this involves a Performance Assessed Development which was notified and received a representation.

3.2 Consent Required

Planning Consent.

3.3 Category of Development

| Element | Category / Pathway | Reason |
|---------------------|--------------------------------------|---|
| Outbuilding | Code Assessed - Performance Assessed | The application is "Performance Assessed" by default. The proposed elements are not classified as "Restricted Development", nor do they satisfy the "Accepted" or "Deemed to Satisfy" Criteria. Only shops exceeding 1000m ² are classified as Restricted Development in this Zone |
| Fences | Code Assessed - Performance Assessed | |
| Child care facility | Code Assessed - Performance Assessed | |

4.0 PUBLIC NOTIFICATION

4.1 Reason for Notification

Development identified within Column A of Zone Table 5 is exempt from public notification, subject to the conditions/exceptions listed in Column B.

This application required public notification because child care facilities / centres and preschools are not listed as an exemption under Column A.

4.2 Representation

One representation was received during the notification period which supported the development with some concerns, as summarised in the table below. The representor's property is nearly directly opposite the site, as shown earlier in Figure 3.

| No. | Name & Address | Comments | To be heard |
|-----|---|--|-------------|
| 1 | Josie Polard 43 Quorn Road, Stirling North | <ul style="list-style-type: none"> We do not have any objections to the centre but our concerns are with the parking. Quorn Road is a busy road and at times it can be difficult getting out of our driveway especially if there is a car parked out the front as we cannot see cars coming from the railway line side. our concerns are that if cars are parked out the front for long periods (perhaps Hours) not only do we have trouble exiting our driveway but also when our rubbish is collected and the street sweeper comes. | No |

4.3 Applicant’s Response

The architect’s letter dated 14/8/23 responded to the concerns regarding on-street parking by stating the development “exceeds the minimum car parking requirements” and “the car park has also been designed using separate entry and exit with a continuous aisle to assist with any potential traffic congestion to the surrounding area”.

I am satisfied that the development provides sufficient on-site parking and traffic conditions, which minimise any impact upon the representor’s access and egress.

5.0 AGENCY REFERRALS

5.1 Agency Referrals

The attached agency referrals are summarised below. Both agencies have the power of “Direction”.

| Agency | Reason for Referral | Comments (abbreviated) |
|--|--|--|
| Commissioner of Highways (COH) | The proposal involves the creation of new access points onto a State Maintained Road (per Urban Transport Routes Overlay) | <ul style="list-style-type: none"> • No objection, with comments • Quorn Road is a Freight and Tourist Route, carrying 3600 vehicles per day with 13.5% being commercial. • The Department is supportive of the proposal, with access points sufficiently separated from the rail crossing and retail fuel outlet to minimise potential conflict. • It is noted that low lying power lines across the frontage of this development may create issues for waste collection trucks accessing the site. • Heavy vehicles parking on the eastern side of the Quorn Road opposite the service station may create sightline issues for motorists exiting the site. Council should consider installing parking restrictions to address this issue. |
| Environment Protection Authority (EPA) | The proposal involves a change to a more sensitive land use on a site which may be contaminated as a result of a Class 1 Activity - in particular, as a result of the adjacent service station (per Part 9.1 of the Code and Schedule 9 of the PDI Regulations). | <ul style="list-style-type: none"> • No objection, with comments (and conditions) • The EPA considered the PSI submitted with the application (prepared by Greencap, dated June 2023). • The EPA notes the site has been vacant or open space since the 1950s. No potentially contaminating activities were identified on the site. A service station and railway line are adjacent. The PSI indicated there was no need for intrusive investigations at this point in time. • The EPA is satisfied that the site could be made suitable for the proposed use subject to the following condition. • Condition 1 provides “A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use.” |

In relation to the COH’s comments:

- The applicant has agreed to provide a pedestrian connection (including a pedestrian ramp) between the site and the footpath on the other side of Quorn Road. Advice prepared by the applicant’s traffic consultant (CIRQA) suggests that a “higher order” treatment such as a pedestrian refuge or wombat crossing is not warranted given the low volume of pedestrians and vehicles in this location.

- I recommend attaching an advisory note to any Planning Consent. This note suggest the applicant contacts SAPN or the Technical Regulator to discuss the potential issue with waste collection vehicles passing under the power lines. I suspect this is a non-issue however as waste collection trucks typically have a travel clearance height of about 4m or less whereas the powerlines appear to be 5m-6m above the ground (for reference, the lines are well above the adjacent, recently constructed dwelling as shown below).

Image 5 – Note the height of the powerlines relative to the dwelling on adjoining land



5.2 Internal Referrals

The application was referred to Council’s Engineer and Environmental Health Officer. Council’s Engineer (Janine Hugo) generally supports the development in respect to traffic and stormwater matters, including the provision of a pedestrian crossing place in front of the site, and controlled drainage of stormwater to the swale over the rear boundary.

The Engineer has recommended that the car park be fitted with a lighting in accordance with the Pedestrian Area Lighting Standard AS 1158.3.1-2020 (as conditioned).

The Engineer also suggested an additional accessible car parking space (2 total), to satisfy AS 2890.6. This has been referenced within the suggested conditions, although this is typically dealt with as part of the Building Consent assessment. If necessary, Space 22 can accommodate an additional accessible space without affecting the total supply of car parking.

Council’s Environmental Health Officer requested lodgement of a wastewater disposal application. The application was subsequently lodged to, and approved by, SA Health – as it is responsible for assessing systems with an organic capacity exceeding 40EP (effective persons).

6.0 PLANNING ASSESSMENT

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

6.1 Overlays

| Overlay | Key Policies | Assessment |
|--|---|--|
| Affordable Housing | <p>DO 1: Affordable housing is integrated with residential and mixed use development.</p> <p>PO 1.1: Development comprising 20 or more dwellings / allotments incorporates affordable housing.</p> | Not applicable – the application does not involve any new dwellings |
| Hazards (Flooding – Evidence Required) | DPF 1.1: Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above (a) the highest point of top of kerb of the primary street or (b) the highest point of natural ground level at the primary street boundary where there is no kerb. | This Overlay is satisfied. The road verge in front of the site has a high point of 32.57 where the FFL of the facility is 300mm higher, at 32.870. |
| Key Railway Crossings | DPF 1.1 Development does not involve a new or modified access or cause an increase in traffic through an existing access that is located within the following distance from a railway crossing:... (f) 60 km/h road – 70m. | This Overlay is satisfied. The nearest proposed crossover (exit point) is 74.7m to the railway crossing (per CIRQA Sheet #01_SH03), which satisfies DPF 1.1(f) based on the posted speed limit of 60km/h. |
| Native Vegetation | DO 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. | This Overlay is satisfied as the applicant declared that the development does not involve native vegetation clearance (consistent with my observations of the site). |
| Urban Transport Route | <p>DO 1: Safe and efficient operation of Urban Transport Routes for all road users.</p> <p>PO 1.1: Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State maintained roads.</p> | <p>This Overlay is satisfied based on the supporting comments provided by COH.</p> <p>While the development will have 2 crossovers, they are well separated from each other and other potential conflict sources. Their separation also allow traffic to flow through the site, minimising congestion. All vehicles will enter and exit the land in a forward direction. The impact upon Quorn Road is considered to be low/acceptable in my view.</p> |

6.2 Land Use

While the Zone seeks “predominantly” residential development, childcare facilities are expressly envisaged by Zone DPF 1.1(b).

The other relevant Zone provisions seek:

PO 1.1 Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.

PO 1.2 Commercial activities improve community access to services are of a scale and type to maintain residential amenity.

PO 1.1 is inherently satisfied as the corresponding DPF is met. In any event, the proposed land use is “complementary” in that it has low external impacts and its hours of operation suit a residential locality (as the facility will not operate in evenings or on weekends). The proposal also “support an active, convenient, and walkable neighbourhood” in that it provides increased activity within the locality during the daytime, and improves the access and availability of child care services in the local area.

The scale and impact of the land use preserves the amenity of surrounding residents in my view. An 89-place facility is relatively typical, and in fact my experience is that larger facilities can successfully co-exist near dwellings. Interface impacts are discussed in more detail below.

Finally, the site is considered to be well suited to the proposed land use given its frontage to an arterial road, its irregular shape which does not lend itself to conventional residential development, and its close proximity to the ‘centre’ of Stirling North.

6.3 Interface Between Land Uses

Interface Between Land Uses (IBLU) DO 1 seeks for development to be located and designed to mitigate adverse impacts to and from surrounding land uses in terms of overshadowing, noise, vibrations, air quality, operating hours and light spill.

My assessment of these matters follows:

- The development will result in negligible overshadowing of other land, as the proposed building will be single storey and set back 5m or more from property boundaries. IBLU PO/DPF 3.1-3.3 are satisfied.
- The applicant has supplied an Environmental Noise Assessment prepared by Sonus which confirms that noise emissions will comply with the Environment Protection (Noise) Policy, per DPF 4.1. Sonus recommends that private contractor waste collection avoids sensitive time periods; airtight 2.4m high timber/pine paling fences is established along the boundaries where shown within the architectural drawings; and car parking spaces 1 to 7 are not used prior to 7:00am. The methodology and findings of the Sonus report appear reasonable in my view.
- I anticipate only a small number of children will generally arrive and be kept inside the building between 6:30am and 7:00am. Noise impacts during this time will be mitigated by restricting the use of car parking spaces 1 to 7. The proposed operating hours are reasonable overall in my view.
- A child care facility is unlikely to cause vibration or air quality impacts in my view. Only a small kitchen of domestic size/function is proposed. The largest vehicle to enter the site will be a 10m waste collection truck.
- PO 4.2 seeks for the functional requirements of development to be designed and sited to not “unreasonably impact the amenity of adjacent sensitive receivers”. I consider this policy to be satisfied. Noise spill from the plant, equipment and the sump pump is mitigated as these items are sited at ground level, set back from boundaries, and behind 2.4m high airtight timber paling fencing. These items are also screened from public view. The driveway has also been designed to allow delivery and waste collection vehicles to travel continuously forward through the site, minimising the noises and alarms associated with reversing vehicles.

- The facility will not overlook other land as it is single storey, on flat ground and generally fenced along side and rear boundaries.
- My view is that child care facilities are compatible with residential environments in principle, which is supported by the fact that such facilities are expressly anticipated in this Zone. Further to this, the proposal has been “designed to minimise adverse impacts” as it has a moderate capacity at 89-places, a single storey building scale, generous boundary setbacks, and a driveway that enables waste collection vehicles to travel in a continuous motion through the site (per PO 1.2).

6.4 Setbacks, Design, Appearance & Landscaping

The main building will have an eastern side setbacks of 5m, a western side setback of 8.7m, a rear setback of 12.5m and a front setback of about 30m. The proposed setbacks comfortably comply with:

- Zone DPF 5.1, which suggests front setback should be inline with adjoining properties at a minimum.
- Zone DPF 8.1, which suggests a minimum side setback of 1.9m.
- Zone DPF 9.1, which suggests a minimum rear setback of 4m.
- Zone DPF 7.1 which allows buildings to be built on one side boundary, whereas the proposed main building is comfortably set back from all boundaries.

The proposed site coverage of about 23% complies with DPF 3.1, which provides a maximum of 60%. The proposed building height of 1 storey / 5m maximum complies with Zone DPF 4.1, which provides maximums of 2 levels / 8m.

The facility will have a simple but contemporary external appearance featuring a 5-degree skillion roof to a peak height of 4.97m, vertical “James Hardie Axon” wall cladding in white, with a rendered band of walling situated below that cladding. The form, scale and materials of the proposed building are sympathetic to residential/domestic buildings in the locality. This satisfies Zone PO 1.4 which seeks

PO 1.4: Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.

Notwithstanding the above, its architecture conveys its civic/community purpose so the development is unlikely to be confused as a dwelling. The entrance directly faces the street and is highlighted by the front verandah and an access path that connects to the front boundary. This aspect of the proposal satisfies Design PO 1.3 which states:

PO 1.3 Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.

Any retaining required as part of this development will not exceed 1m in height and therefore does not constitute “development” in its own right.

The proposed 2.4m high timber paling boundary fencing maintains visual and acoustic privacy without unreasonably affecting the visual outlook and sunlight access of neighbouring properties. This satisfies Design PO 9.1 which states:

PO 9.1 Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land’s access to sunlight or the amenity of public places.

The bin storage and plant/equipment areas will be screened from public view. Additional landscaping and tree planting was provided at the front of the site to soften the appearance of the development (particularly the car park). A significant amount of landscaping is proposed behind the building line.

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.

PO 3.1 Soft landscaping and tree planting are incorporated to:
(a) minimise heat absorption and reflection
(b) maximise shade and shelter
(c) maximise stormwater infiltration
(d) enhance the appearance of land and streetscapes

6.5 Traffic, Access and Parking

Council's Engineer and the COH have endorsed the proposed access and car parking arrangements as detailed earlier in this report.

In addition, I confirm that:

- The development is provided with sufficient car parking. Transport Access and Parking Table 1 suggests a car parking rate of 1 space per 4 children which equates to a theoretical parking demand of 23 spaces for this development, while 26 spaces are proposed.
- The proposed car parking spaces are a minimum 2.6m wide and 5.4m long (including a small number of 4.8m long space with access to 600mm of overhang).
- The development is well integrated with the existing transport system per Transport Access Parking (TAP) PO 1.1, being on an arterial road and within a residential catchment area.
- The development does not promote industrial or commercial vehicle movements through "residential streets" per TAP PO 1.2.
- The layout of the car park facilitates forward facing access and egress. The loading, unloading and turning of all traffic therefore avoids interrupting the of traffic and pedestrians per TAP 1.4.
- Although the path of the waste collection vehicle is not separated from the passenger vehicle parking area per TAP PO 1.3, the turning paths demonstrate that the waste collection vehicle can still move through the site even if the car park is full. In reality, I suspect that it is in the operator's own interest to arrange for collection to occur outside of peak business hours (eg middle of the day or between 6pm-7pm).
- Traffic movements associated with this activity will peak from approximately 7am-9am for morning drop off, and 4pm-6pm for afternoon pick up. Such movements will coincide with peak traffic flows in the surrounding road network and will not dramatically alter the character or amenity of the locality.

6.6 Other Matters

The proposed outbuilding and fencing are considered to be relatively minor and acceptable forms of development, with low visual and external impacts.

The applicant has provided a PSI and site contamination declaration which has satisfied the EPA subject to a site suitability statement being provided before occupancy. This will ensure the land "is suitable for use when land use changes to a more sensitive use" (Site Contamination PO 1.1).

7.0 CONCLUSION

The proposal represents an envisaged land use, in an appropriate location, which is architecturally designed, contextually responsive, well landscaped, with sufficient car parking and of low impact to surrounding land which is primarily residential.

The EPA, COH and Councils Engineer have endorsed the proposal in relation to site contamination, traffic, access, car parking and stormwater matters.

One representation was received, however their concern was limited to the potential for parked vehicles to block their driveway. The proposed should not exacerbate this problem however as it provides more car parking than suggested by the Code.

8.0 RECOMMENDATION

It is recommended that the Upper Spencer Gulf Assessment Panel resolves that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23012328, by John Cerchi is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

Conditions imposed by Regional Assessment Panel

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

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

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

Condition 3

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

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

Condition 4

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

Condition 5

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

Condition 6

In accordance with the applicant's undertaking (as confirmed in the letter prepared on their behalf by CIRQA dated 14/09/2023), the applicant must provide a footpath from the site into the southern verge of

Quorn Road, and a corresponding pedestrian ramp and footpath connection on the northern side of Quorn Road.

Condition 7

The pedestrian ramp, footpath alterations and vehicle crossing places must be suitably documented by the applicant or developer, and submitted to Council for separate approval under the Local Government Act. This work must be completed at no cost to Council, prior to the commencement of the land use.

Condition 8

All car parking, driveways and vehicle manoeuvring areas shall be set out and delineated in accordance with Australian Standards (including any requirement for additional accessible car parking under AS 2890.6).

Condition 9

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

Condition 10

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

Condition 11

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

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

Condition 12

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

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

Condition 13

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

Condition 14

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

Condition 15

Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

Condition 16

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

Condition 17

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

Condition 18

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

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

Condition 19

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

ADVISORY NOTES

Planning Consent

Advisory Notes imposed by Regional Assessment Panel

Advisory Note 1

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

Advisory Note 2

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

Advisory Note 3

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

The applicant has a right of appeal against in relation to any decision or conditions imposed in relation to this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide 5000 (telephone number 8204 0289).

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

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

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

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

The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm.

OFFICER MAKING RECOMMENDATION

Name: Joshua Skinner

Title: Planning Consultant / Assistant Community Planner

Date: 3 October 2023

Cristina Schubert

From: Winston, Alex (EPA) <Alexandra.Winston@sa.gov.au>
Sent: Thursday, 12 October 2023 12:46 PM
To: Joshua Skinner
Cc: stewartp1955@bigpond.com; Cristina Schubert; Jodie Perone
Subject: Re: DA 23012328 – Proposed child care facility at 56 Quorn Road, Stirling North (Port Augusta Council Area)

CAUTION :

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OFFICIAL

Hi Joshua,

Thank you for your email.

Noting that the EPA's letter of response concluded that the EPA was satisfied the site could be made suitable for the proposed use subject to certain conditions and that a site contamination consultant was the most appropriate site contamination professional to determine site suitability, the EPA's directed condition requiring '*A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued by a site contamination consultant certifying the land is suitable for the proposed use*' is designed to simply ensure that such a statement of site suitability is provide prior to the building being occupied. In practice, the statement of site suitability could be provided prior to building construction commencement or completion if the relevant site contamination consultant is willing and able to provide such a statement based on the relevant information that they consider to be a prerequisite.

The EPA has directed such a condition in relation to many previous development applications without questions being raised by any other relevant authority.

The EPA considers that its directed condition relating to the need for, and timing of, a statement of site suitability is justified and should not be amended in relation to this development application.

Additionally, whilst the EPA did not request further information, the justification for this has been provided in the site contamination summary section of the EPA's final response letter.

Kind regards,

Alexandra

Alexandra Winston

Environmental Planner
Planning & Impact Assessment | Policy, Assessment & Finance
Environment Protection Authority
T: 8204 2129
211 Victoria Square, Adelaide 5000



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From: Joshua Skinner <jskinner@urps.com.au>
Sent: Wednesday, October 11, 2023 11:48 AM
To: Winston, Alex (EPA) <alexandra.winston@sa.gov.au>
Cc: Stewart Payne <stewartp1955@bigpond.com>; Cristina Schubert <crisrina.schubert@whyalla.sa.gov.au>; Jodie Perone <jodie.perone@whyalla.sa.gov.au>
Subject: DA 23012328 – Proposed child care facility at 56 Quorn Road, Stirling North (Port Augusta Council Area)

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

Good morning Alexandra

DA 23012328 – Proposed child care facility at 56 Quorn Road, Stirling North (Port Augusta Council Area)

I have just left a voice message regarding this DA.

I act on behalf of Port Augusta Council, where I referred this application to the EPA, as the site may be contaminated as a result of a Class 1 activity (nearby service station). You provided the attached comments and directed this condition to be attached:

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

The application was considered by the Upper Spencer Gulf Regional Assessment Panel last night, who deferred the application as the Panel was uncomfortable with the above condition as worded. As summarised by the Assessment Manager below:

Can you please contact the EPA and ask them to review the requirement for the statement to be provided at Certificate of Occupancy stage? Our concerns our that waiting until that stage of the development to provide such a statement is exposing the applicant and the Council to unreasonable cost and outcome at such a late stage of the project (completion).

I am aware that the condition you directed is generally consistent with 'Condition A' in Practice Direction 14 (Site Contamination):

Part 6 – Conditions

12 – Change of use where remediation is required after the issue of planning consent – section 127(1)(b) of Act

If a relevant authority is satisfied that a site is suitable for its intended use subject to remediation being undertaken and the relevant authority issues a planning consent without the remediation work having been carried out, the consent must be subject to Condition A, B or C as relevant:

Condition A: Where a certificate of occupancy is required

A certificate of occupancy must not be granted in relation to a building on the relevant site until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition B: Where a certificate of occupancy is not required

A person must not occupy the building for the purpose authorised under the development approval [insert development application number] until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

Condition C: Where the application does not involve building work

is instrument is certified pursuant to section 52(1) of the *Planning, Development and Infrastructure Act 2016*

A person must not use the relevant site for the purpose authorised under the development approval [insert development application number] until a statement of site suitability is issued certifying that the required remediation has been undertaken and the land is suitable for the proposed use.

I also understand that Section 127(1)(b) of the PDI Act provides that conditions may be specified by Practice Directions:

Planning, Development and Infrastructure Act 2016—1.7.2019
Part 7—Development assessment—general scheme
Division 5—Conditions

Division 5—Conditions

127—Conditions

- (1) A decision under this Part is subject to such conditions (if any)—
- (a) as a relevant authority thinks fit to impose in relation to the development; or
 - (b) as may be specified by any practice direction or otherwise imposed under another provision of this Act.

Notwithstanding this:

- Can you confirm whether the EPA is able or willing to amend the condition, so that the statement of site suitability is provided at an earlier point in time. Eg prior to Development Approval (as a reserved matter) or prior to substantial commencement of the development?
- Alternatively, do you think the EPA should request further information from the site contamination consultant, such as an updated PSI which considers the outcome of intrusive investigations? My reading of Practice Direction 14, Section 14(2) is that a further information request was *permissible*, as the proposal does not satisfy clauses (a)-(c). However, such further information was not necessarily mandatory either according to S.14(2).

Part 7 – Related matters

14 – Guidance associated with level of investigation

- (1) A site contamination declaration form and a preliminary site investigation report should be sufficient to provide an assessment of whether site contamination exists, may exist or is unlikely to exist.
- (2) No further assessment of site contamination is required for the purposes of planning consent if:
 - (a) the site contamination declaration form indicates that site contamination is unlikely to exist and the land is not located in a groundwater prohibition area and the land is not subject to a notation under section 103P of the *Environment Protection Act 1993*; or
 - (b) a site contamination audit report has been prepared in relation to the land within the previous 5 years which states that:
 - (i) site contamination does not exist (or no longer exists) at the land; or
 - (ii) the land is suitable for the proposed use or uses (without the need for any further remediation); or
 - (iii) where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been undertaken or will be undertaken, and the applicant has provided a written undertaking that the remediation works will be undertaken in association with the development; and
 - (c) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as declared in the site contamination declaration form); and
 - (d) the application is accompanied by a copy of the site contamination audit report.

Your urgent response/clarification would be appreciated, as the assessment clock is not paused. Happy to discuss on the numbers below.

Kind Regards



Josh Skinner
Principal Consultant
0407 722 908

27 Halifax Street
Enter via Symonds Pl
Adelaide SA 5000
08 8333 7999

Kaurna Country

My working hours are
Monday to Friday 8:30am – 5:00pm

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From: Jodie Perone <jodie.perone@whyalla.sa.gov.au>
Sent: Wednesday, 11 October 2023 8:32 AM
To: Joshua Skinner <jskinner@urps.com.au>
Cc: stewartp1955@bigpond.com; Cristina Schubert <cristina.schubert@whyalla.sa.gov.au>
Subject: FW: Applications referred to the EPA

Morning Joshua,

Please see below email trail sent to me by Fiona Barr last night.

It appears in their case that a statement of site suitability has already been issued therefore no requirement for condition is obvious.

Can you please contact the EPA and ask them to review the requirement for the statement to be provided at *Certificate of Occupancy stage*? Our concerns our that waiting until that stage of the development to provide such a statement is exposing the applicant and the Council to unreasonable cost and outcome at such a late stage of the project (completion).

Please advise the EPA that we have adjourned the matter to seek advice from them, therefore a quick response would be appreciated.

Kind regards
Jodie

Jodie Perone
Manager City Development



Whyalla City Council
PO Box 126
Whyalla SA 5600

t. 08 8640 3444
m. 0447 597 344

e. jodie.perone@whyalla.sa.gov.au
w. whyalla.sa.gov.au



An advertisement for the "MY LOCAL SERVICES" app. On the left is a red circular logo with a white house icon. Next to it, the text reads "MY LOCAL SERVICES" in large red letters, with "LOCAL INFORMATION AT YOUR FINGERTIPS" in smaller black letters below. Below this is the "UNEARTH WHYALLA" logo. In the center, it says "DOWNLOAD THE APP TODAY" above two buttons: "GET IT ON Google Play" and "Download on the App Store". To the right is a smartphone displaying a map interface. Further right is a vertical stack of five colored buttons: "REPORT IT" (dark blue), "WASTE" (green), "COUNCIL NEWS" (teal), "EVENTS" (orange), and "NEAR ME" (pink).

Whyalla Council acknowledge and respect the Barngarla people as the Traditional Custodians of the ancestral lands. We acknowledge the deep feelings of attachment and relationships of Barngarla people to the country and the sea. Find out about Council's Reconciliation Action Plan at <https://www.whyalla.sa.gov.au/RAP>



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